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Executive Orders

EXECUTIVE ORDER JBE 17-29

Emergency Procedures for Response
to Camp Minden Emergency

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

WHEREAS, as a result of an explosion at the state installation located at Camp Minden, Louisiana, and the continued threat of detonation of potentially unstable explosives, a state of emergency was declared to exist through Proclamation No. 4 JBE 2016, issued on January 24, 2016, and has continued in effect through monthly executive department proclamations, the most recent being Proclamation No. 111 JBE 2017; and

WHEREAS, during the period of rebuilding and contracting for the disposal of the M6 propellant and other explosives, strict compliance with state procurement and contracting laws may inhibit the ability of the Louisiana Military Department to act as quickly as necessary to address the threat of detonation of other explosives that threaten the lives and property of the people of the state and public property located on Camp Minden.

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

SECTION 1: For procurement and contracting, strict compliance with R.S. 39:1481, et seq., and R.S. 39:1551, et seq., shall not be required. However, all State agencies should comply with the following conditions:

A. An appointed official within the agency, or the equivalent for elected officials in higher education, shall determine that the failure to strictly comply with the statutory restriction is necessary due to the emergency;

B. A centralized point of contact for each agency shall monitor all transactions conducted without strict statutory compliance, maintaining copies of all documentation. Documentation shall specify whether the purchase falls into the “emergency” or “permanent” category and whether the purchase relates to the emergency conditions detailed in Proclamation 4 JBE 2016, and all documentation must be maintained and available for audit purposes;

C. Written competitive quotes and/or offers shall be obtained whenever possible, and agencies shall take the necessary steps to assess that fair and equitable pricing is being offered;

D. Performance-based contracting should be used where practical;

E. Statewide contracts should be used where practical;

F. To the maximum extent possible, such emergency contracts shall be only for the duration of the emergency or to allow the agency time to comply with normal competitive bidding requirements if the goods or services will be required for an extended period of time;

G. Copies of contracts that would otherwise require approval by the Office of Contractual Review or the Office of State Purchasing and the supporting documentation outlined above shall be provided to these agencies within 30 days or sooner, if practical. Additionally, ISIS agencies shall enter small purchases into the AGPS/CFMS database as soon as practical. The Office of Contractual Review or the Office of State Purchasing shall review the contracts and documentation to determine compliance with this Executive Order; and

H. Payments to contractors shall be made only after verification that all goods and services meet contract requirements.

SECTION 2: The Inspector General is directed and authorized to monitor those transactions conducted outside the scope of regulatory statutes, orders, rules and regulations to insure that those transactions are directly related to the emergency situation and are prudently handled and, if any inappropriate transactions are noted, those situations shall be reported directly to the Governor.

SECTION 3: All cabinet members, statewide elected officials and department heads are authorized to transfer the directions, job assignments, personnel, and functions of their departments for the purpose of performing or facilitating emergency services as necessary.

SECTION 4: All available resources of state government should be utilized as reasonably necessary to cope with this emergency.

SECTION 5: This Order is effective upon signature, shall apply retroactively from Friday, August 12, 2016 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 4th day of December, 2017.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1801#072

EXECUTIVE ORDER JBE 17-30

Governor's Task Force on Sexual Harassment
and Discrimination Policy

WHEREAS, all persons, whether employees of the government or private industry, deserve a work place free from any form of harassment and discrimination; and

WHEREAS, harassment and discrimination have no place in the workplace and will not be tolerated by the Governor and the State of Louisiana; and

WHEREAS, the gravity of allegations of sexual harassment dictate the necessity of a well-defined policy for the executive branch that establishes the behavior that will not be tolerated in the workplace, provides necessary employee training, sets forth the appropriate methods of reporting to ensure the proper investigations are performed, and addresses appropriate actions to be taken upon conclusion of an investigation; and

WHEREAS, ensuring the sexual harassment and discrimination training, reporting, investigation, and responsive action policies for the executive branch are up-to-date and applied uniformly throughout state government is in the best interests of the State of Louisiana.

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: Before January 1, 2018, all agencies within the executive branch shall review their own policies relative to sexual harassment and shall submit to the Commissioner of Administration a report regarding such policies.

SECTION 2: The Governor's Task Force on Sexual Harassment and Discrimination Policy (hereafter "Task Force") is established within the executive department, Office of the Governor.

SECTION 3: The duties of the Task Force shall include, but are not limited to, the following:

A. Review the sexual harassment and discrimination policies of each agency within the executive branch;

B. Research and identify the most effective mode of training to prevent workplace sexual harassment and discrimination and evaluate the effectiveness of the existing video on sexual harassment required to be viewed annually by state employees;

C. Develop a protocol for sexual harassment and discrimination policy orientation for new employees, including participants in any state-sponsored training academy, the completion of which is required for state employment, and for employees promoted to supervisory positions;

D. Research and identify the specific conduct that should be prohibited by the sexual harassment and discrimination policies;

E. Research and identify a clear reporting process to be followed when alleging workplace sexual harassment or discrimination;

F. Research and identify the best method of investigation when there has been an allegation of sexual harassment or discrimination, taking into account the privacy necessary for the parties involved;

G. Research and identify the most appropriate action that should be taken once a sexual harassment or discrimination investigation is complete; and

H. Make specific actionable recommendations for changes to each agency's sexual harassment and discrimination policies to ensure that there is uniform process among all agencies within the executive branch.

SECTION 4: On or before March 1, 2018, the Task Force shall submit to the Governor a report regarding the issues set forth in Section 3 of this Order.

SECTION 5: The Task Force shall be comprised of a maximum of seven (7) members who, unless otherwise specified, shall be designated by and serve at the pleasure of the Governor. Ex officio members shall not be counted for purposes of a quorum.

SECTION 6: There shall be a chair of the Task Force who shall be appointed by the Governor. All other officers, if any, shall be elected by the members of the Task Force.

SECTION 7: The Task Force shall meet at regularly scheduled intervals and at the call of the chair. The Task Force is encouraged to conduct outreach regionally and by industry as necessary.

SECTION 8: Task Force members shall not receive additional compensation or a *per diem* from the Office of the Governor for serving on the Task Force.

Task Force members who are an employee or an elected public official of the State of Louisiana or a political subdivision of the State of Louisiana may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.

SECTION 9: Support staff, facilities and resources for the Task Force shall be provided by the Office of the Governor and the Division of Administration.

SECTION 10: This Order is effective upon signature and shall continue in effect until the Task Force has completed the tasks identified in Sections 3 and 4 of this Order, unless amended, modified, terminated or rescinded by the Governor.

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 6th day of December, 2017.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1801#001

EXECUTIVE ORDER JBE 17-31

Louisiana Cybersecurity Commission

WHEREAS, Louisiana is positioned as an international leader in regards to cybersecurity capabilities, working through partnerships that align the unique resources of state and local government, institutions of higher education, Louisiana-based federal government installations, and private sector organizations.

WHEREAS, the State of Louisiana must continue its commitment to establishing cybersecurity capabilities and resources in order to adequately maintain the stability of public services while ensuring proper privacy and protection for the data that is entrusted to the State of Louisiana by our citizens;

WHEREAS, information systems, networks, and critical infrastructure around the world are threatened by increasingly sophisticated cyber-attacks; and

WHEREAS, cyber-attacks aimed at breaching and damaging computers, networks, and infrastructure in Louisiana represent a major security risk and increase the state's vulnerability to economic disruption, critical infrastructure damage, privacy violations, and identify theft; and

WHEREAS, state government agencies are responsible for protecting the state's computer networks and to investigate criminal attacks on state computer networks and critical infrastructure systems under current state law; and

WHEREAS, the increasing number and complexity of cyber-attacks demand heightened levels of coordination, information sharing, and emergency response between state government and federal agencies, local governments, tribal governments, private companies, academic institutions, and other entities in order to protect computer networks and critical infrastructure systems from damage or unauthorized access.

NOW, THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, in accordance with the authority vested in me by the Constitution and statutes of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana Cybersecurity Commission is hereby established. The Commission shall coordinate cybersecurity efforts among state governmental agencies, local governments, tribal governments, private companies, academic institutions, and other entities in both the public and private sectors. Active participation by federal agencies is encouraged and would further enhance the objectives of the Commission.

SECTION 2: The members of the Commission shall be appointed by and serve at the pleasure of the Governor and shall be comprised of up to fifteen (15) members. The Governor shall designate a Chairman and Co- Chairman from among the appointed members.

Section 3: The Louisiana National Guard (LANG) will provide staffing for the Commission and will be responsible for providing strategic direction to the delegates, subcommittees and working group leads in order to meet the underpinning goals of the Commission as directed by the Governor and Chairs.

SECTION 4: In order to be successful in its mission, this Commission must be able to synchronize its efforts with other state, local, and federal agencies who are stakeholders in the cybersecurity for our state. Therefore, the following agencies are hereby invited and encouraged to have a representative participate as ex-officio members on this Commission:

A. Stephenson Disaster Management Institute (SDMI)

B. Louisiana Business Emergency Operations (LA BEOC)

C. Federal Bureau of Investigation (FBI) Cyber Task Force

D. The Cyber Innovation Center (CIC)

E. Department of Homeland Security (DHS)

F. Louisiana Department of Justice (LADOJ)

G. Stephenson Technology Corporation

H. Louisiana Technology Research Institute

SECTION 5: The goals of the Commission include, but are not limited to, the following:

1. Identify, prioritize, and mitigate Louisiana's cyber risk;

2. Promote cybersecurity awareness and recommend best practices for the security of all of Louisiana's cyber ecosystem;

3. Promote actions, including legislative, administrative, and regulatory, where appropriate, to enhance cybersecurity in Louisiana;

4. Grow Louisiana's cybersecurity workforce and educate the public/private sectors about cybersecurity;

5. Enhance Louisiana cyber emergency preparedness and response capabilities;

6. Monitor, understand, and share cyber threat information;

7. Build comprehensive digital forensics and cyber investigative capability;

8. Identify, prioritize, acquire, and establish funding mechanisms to enhance Louisiana's cybersecurity efforts; and

9. Facilitate economic development by promoting a cyber-safe Louisiana for businesses and consumers.

SECTION 6: The Commission shall provide a quarterly report containing an overview of goals, objectives, priorities, estimated completion dates of activities, and recommendations to the Office of the Governor. The Commission shall establish the mechanisms required to produce quarterly cyber incident recap reports to the Office of the Governor.

SECTION 7: The Commission shall provide an annual report to House and Senate Committees on Homeland Security in support of the bipartisan work being done on homeland security legislation to protect against cyber-attacks.

SECTION 8: Commission members shall not receive additional compensation or per diem. Further, all voting members shall be subject to the ethical restrictions contained in La. R.S. 42:1113

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 6th day of December, 2017.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1801#002

EXECUTIVE ORDER JBE 17-32

Rescind Executive Order No. JBE 17-14
Suspension of Rule and Regulation Promulgation
by the Louisiana State Uniform Construction Code Council

WHEREAS, on March 10, 2016, pursuant to La. R.S. 29:724(B)(1), 31 JBE 2016 was issued, declaring a state of emergency as a result of severe weather, and which was renewed most recently by 63 JBE 2017;

WHEREAS, pursuant to La. R.S. 29:724(B)(1), on August 12, 2016, 111 JBE 2016 was issued, declaring a state of emergency due to the heavy rain and flooding, and on August 22, 2016, pursuant to La. R.S. 29:766(B), 116 JBE 2016 was issued, declaring a state of public health emergency in the following parishes affected by the historic flooding: Acadia, Ascension, Assumption, Avoyelles, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Tammany, Tangipahoa, Vermilion, Washington, West Baton Rouge and West Feliciana, which was renewed most recently by 64 JBE 2017;

WHEREAS, as provided for by La. R.S. 40:1730.21, the public policy of Louisiana is to maintain reasonable standards of construction in buildings and other structures consistent with the public health, safety, and welfare of its citizens, with an aim to provide "reasonable safeguards for the health, safety, welfare, comfort, and security, balanced with affordability for the residents of this state who are occupants and users of buildings…";

WHEREAS, Louisiana Revised Statute 40:1730.28 provides for the mandatory adoption of certain codes and standards by the Louisiana State Uniform Construction Council, including and as qualified within this statute, the International Building Code; International Existing Building Code; International Residential Code; International Mechanical Code; International Plumbing Code; International Fuel Gas Code; and the National Electric Code;

WHEREAS, the Louisiana State Uniform Construction Code Council has filed a notice of intent, pursuant to La. R.S. 40:1730.26 and La. R.S. 40:1730.28, to replace currently adopted construction codes with the 2015 editions of the *International Building Code, International Residential Code, International Plumbing Code, International Existing Building Code, International Fuel Gas Code* and *International Mechanical Code,* and the 2014 edition of the *National Electric Code*;

WHEREAS, Louisiana Revised Statute 29:724 and La. R.S. 29:766 confer upon the Governor emergency powers to deal with emergencies and disasters in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of the State of Louisiana, including the authority to suspend the provisions of any regulatory statute prescribing the procedures for the conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, multiple residents experienced extensive damage to property as a result of the severe weather referenced in the above-cited proclamations, and currently, citizens across the State of Louisiana are in various stages of rebuilding and repairing their homes and businesses;

WHEREAS, changes to the Uniform Construction Code would hinder or delay effective response and recovery to the emergency conditions, and there is a need to assist the citizens of Louisiana by providing for stability in certain construction standards and requirements as they rebuild and repair property; and

WHEREAS, Executive Order No. JBE 17-14, signed June 14th, 2017 and effective through June 1, 2018, suspended the authority of the Louisiana Construction Code Council to adopt and replace the currently adopted construction code with the 2015 editions of the *International Building Code, International Residential Code, International Plumbing Code, International Existing Building Code, International Fuel Gas Code* and *International Mechanical Code,* and the 2014 edition of the *National Electric Code*.

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: Executive Order No. JBE 17-14 is rescinded.

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 11th day of December, 2017.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1801#003

EXECUTIVE ORDER JBE 17-33

Governor's Justice Reinvestment
Implementation Oversight Council

WHEREAS, according to the United States Bureau of Justice Statistics, Louisiana has the highest imprisonment rate in the United States;

WHEREAS, the Louisiana State Legislature in 2015 adopted House Concurrent Resolution 82, creating the Louisiana Justice Reinvestment Task Force to study the state's criminal justice system and recommend strategic changes to improve Louisiana's public safety by safely reducing the prison population;

WHEREAS, the Louisiana Justice Reinvestment Task Force released a report of its findings and recommendations for legislative reform;

WHEREAS, the Louisiana State Legislature advanced comprehensive sentencing and corrections reforms that protect public safety, hold offenders accountable, control corrections costs, and require substantial reinvestment; and

WHEREAS, the interest of the people of the State of Louisiana would be best served through the utilization of a single oversight council to review the implementation of those cost-effective, evidence-based sentencing and corrections reforms.

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 Governor's Justice Reinvestment Implementation Oversight Council (hereafter Council), is hereby established and created within the executive department, Office of the Governor.

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

A. Track and advise the Department of Corrections and other relevant state and local agencies on the implementation of policy changes required by the Justice Reinvestment legislation.

B. Engage criminal justice stakeholders to promote cross-agency, cross-sector communication and problem-solving.

C. Receive and Review performance metric data as provided for in R.S. §§15:872.2 and 827.3 and make data-informed recommendations to further safely reduce the prison population.

D. Make recommendations on the best uses for reinvestment dollars and monitor the use of those dollars.

E. Publish an annual report on implementation progress, performance metrics, recommendations and other relevant task force activities.

SECTION 3: The Council shall submit to the Governor an annual report on or before December 31, 2018, and each subsequent year, outlining the review of the Justice Reinvestment Implementation plan created by the Louisiana Department of Corrections and Public Safety (LDOC).

SECTION 4: The Council shall be inter-branch and bipartisan, composed of eleven (11) at-large members, including representatives of criminal justice agencies and legislators, designated by the Governor and who shall serve at the pleasure of the Governor.

SECTION 5: The chair of the Council shall be the Secretary of the Department of Public Safety and Corrections. All other officers, if any, shall be elected by and from the membership of the Council.

SECTION 6: The Council shall meet at quarterly scheduled intervals and at the call of the chair.

SECTION 7: 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 an employee or an elected public official of the State of Louisiana or a political subdivision of the State of Louisiana may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.

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

SECTION 8: Support staff, facilities and resources for the Council shall be provided by the Office of the Governor.

SECTION 9: 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 10: This Order is effective upon signature and shall continue in effect until amended, modified, terminated or rescinded by the Governor.

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 11th day of December, 2017.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1801#004

EXECUTIVE ORDER JBE 17-34

Flags at Half-Staff—Honorable James J. "Jim" Brady

WHEREAS, the Honorable James J. "Jim" Brady died on December 9, 2017, at the age of 73;

WHEREAS, Judge Brady was a native of Missouri, and after moving with his family to Louisiana, graduated from Southeastern Louisiana College and Louisiana State University Law School;

WHEREAS, prior to his confirmation as a United States District Court Judge for the Middle District of Louisiana in 2000, Judge Brady was a practioner for over thirty years, a member of the Louisiana Board of Tax Appeals, an adjunct professor at Louisiana State University, and chairman of the Louisiana Democratic Party;

WHEREAS, of his many achievements in seventeen years as a federal judge, Judge Brady's resolution of a fifty-year-old school desegregation case in 2003 stands as one for which he received widespread acclaim and recognition;

WHEREAS, Judge Brady was known to be an honorable man and a widely respected jurist who dedicated his career to public service for his state and country;

WHEREAS, Judge Brady devoted his life, before and during his career on the bench, to ensuring justice and equitable treatment for every person;

WHEREAS, Judge Brady counted among his friends Presidents of the United States, many Governors and U.S. Senators, he was, nonetheless, known for his modesty and many small acts of kindness and compassion; and

WHEREAS, Judge Brady is survived by his loving family; his wife of over fifty years, Karen, his son, Sean, his daughter, Missy, and two grandchildren, Sawyer and Noah.

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 and to honor the Honorable James J. "Jim" Brady, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings on Friday, December 15, 2017.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, Friday,December 15, 2017.

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 December, 2017.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1801#017

EXECUTIVE ORDER JBE 18-01

Governor's Justice Reinvestment Implementation Oversight Council—Amending Executive Order JBE 17-33

WHEREAS, the Governor's Justice Reinvestment Implementation Oversight Council (hereafter Council), was established and created within the executive department, Office of the Governor through Executive Order Number JBE 17-33 on December 11, 2017;

WHEREAS, the Council is required to submit to the Governor an annual report on or before December 31, 2018, and each subsequent year, outlining the review of the Justice Reinvestment Implementation plan created by the Louisiana Department of Corrections & Public Safety (LDOC); and

WHEREAS, it is necessary to amend Executive Order Number JBE 17-33.

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: Section 4 of Executive Order JBE 17-33, issued on December 11, 2017, is hereby amended as follows:

The Council shall be inter-branch and bipartisan, composed of thirteen (13) at-large members, including representatives of criminal justice agencies and legislators, designated by the Governor and who shall serve at the pleasure of the Governor.

SECTION 2: This Order is effective upon signature and shall continue in effect until amended, modified, terminated or rescinded by the Governor.

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 4th day of January, 2018.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1801#042

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Advisory Commission on Pesticides

Certification of Commercial Applicators
(LAC 7:XXIII.711)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), the commissioner of agriculture and forestry declares an emergency to exist and adopts by emergency process the attached regulation requiring proficiency testing for all commercial applicators in 2017. R.S. 3:3203(A) provides that the "commissioner shall adopt such rules and regulations as are necessary to implement the provisions of this Chapter, including but not limited to rules and regulations governing the registration, distribution, sale, offering for sale, and application of pesticides…" Additionally, R.S. 3:3242 provides that the "commissioner by rule shall provide for the issuance of annual certification cards." In order to be in compliance with state and federal laws regarding testing and licensure, the commissioner believes proficiency testing in 2017 is necessary to protect the health and safety of the public. This Emergency Rule was initially published at LR 43:9.

This Emergency Rule shall become effective January 1, 2018, and shall remain in effect for 120 days, unless renewed or until the permanent rules and regulations become effective.

Title 7
AGRICULTURE AND ANIMALS
Part XXIII. Pesticides
Chapter 7. Examinations, Certification and Licensing
Subchapter B. Certification
§711. Certification of Commercial Applicators

A. - E. …

F. The commissioner shall issue a certification card to each commercial applicator showing the categories or subcategories in which the applicator is certified. This certification card shall expire on December 31 of each year. Each person wishing to renew a certification card shall do so by submitting an application form prescribed by the commissioner and by submitting the proper fee.

1. In order to renew a certification card, a commercial applicator shall take and pass a commercial applicator proficiency test. All commercial applicators who have not passed the commercial applicator proficiency test on or by December 31, 2017, shall take and pass the commercial applicator proficiency test before their renewal application and/or recertification will be processed.

G. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:324.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:179 (April 1983), amended LR 10:193 (March 1984), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 18:953 (September 1992), LR 19:735 (June 1993), LR 20:641 (June 1994), LR 21:928 (September 1995), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, Advisory Commission on Pesticides, LR 23:193 (February 1997), LR 24:280 (February 1998), LR 28:39 (January 2002), LR 32:794 (May 2006), repromulgated LR 32:1011 (June 2006), amended LR 35:627 (April 2009), amended by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3471 (December 2011), LR 44:

Brent Robbins, DVM
Deputy Commissioner

1801#023

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Structural Pest Control Commission

Testing and Licensure (LAC 7:XXV.113 and 117)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), the commissioner of agriculture and forestry and Louisiana Structural Pest Control Commission declare an emergency to exist and hereby adopt by emergency process the attached regulation requiring proficiency testing for all structural licensees and registered technicians. R.S. 3:3366 grants the Structural Pest Control Commission the authority to adopt rules and regulations "to protect the interests, health, safety, and welfare of the public." In order to be in compliance with state and federal laws regarding testing and licensure, the commissioner believes proficiency testing is necessary to protect the health and safety of the public. This Emergency Rule was initially published at LR 43:1709.

This Emergency Rule shall become effective January 1, 2018, and shall remain in effect for 120 days, unless renewed or until the permanent rules and regulations become effective.

Title 7
AGRICULTURE AND ANIMALS
Part XXV. Structural Pest Control
Chapter 1. Structural Pest Control Commission
§113. Registration of Employees; Duties of Licensee and Registered Employee with Respect to Registration

A. - O. …

P. Each registered technician shall participate in an entire continuing education program as a condition of maintaining his or her status as a registered technician at least once annually (July 1 to June 30).

1. Each continuing education program, minimum of four hours of technical training, shall be approved in advance by the department.

2. Each continuing education program shall be a minimum of one hour in length per phase.

3. Documentation of the technician attendance and participation shall be forwarded to the department and a copy retained at the technician's place of employment.

4. All registered technicians must take and pass the registered technician examination and/or the structural pesticide proficiency test in order to maintain his or her status as a registered technician. Any registered technician who has taken and passed the registered technician examination prior to January 1, 2017, but has not taken and passed the structural pesticide proficiency test on or by December 31, 2017, must take the structural pesticide proficiency test in order to maintain his or her status as a registered technician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366, 3368 and 3369.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:327 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:956 (November 1989), LR 32:797 (May 2006), repromulgated LR 32:1016 (June 2006), amended LR 35:207 (February 2009), LR 37:279 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:301 (February 2013), LR 42:213 (February 2016), LR 44:

§117. Obligations of the Licensee\Permittee

A. - D. …

E. Maintenance of a commercial applicator certification by a licensee

1. A licensee shall maintain his commercial applicator certification in current status by:

a. attending a continuing educational program for recertification approved by the department;

b. recertification at least once every three years; such recertification shall be completed by December 31 of the year preceding the third anniversary of either the original certification or the most recent recertification;

c. a minimum of six hours of technical training which shall include but not limited to the phases of general pest control, termite control and commercial vertebrate control;

d. a minimum of six hours of technical training for the phase of fumigation;

e. all structural licensees must take and pass the structural licensee examination and/or the structural pesticide proficiency test in order to maintain his or her commercial application certification. Any structural licensee who has taken and passed the structural licensee examination prior to January 1, 2017, but has not taken and passed the structural pesticide proficiency test on or by December 31, 2017, must take the structural pesticide proficiency test in order to maintain his or her commercial application certification.

2. A licensee attending an approved recertification seminar shall attend the entire approved program; otherwise the licensee shall not be recertified at this approved seminar.

3. Time and location for each licensee recertification can be obtained by calling or writing to the department;

F. - Q. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3368.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:327 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:956 (November 1989), LR 21:930 (September 1995), LR 23:855 (July 1997), LR 26:2437 (November 2000), LR 29:1062 (July 2003), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 30:196 (February 2004), LR 31:2761 (November 2005), LR 35:1468 (August 2009), LR 37:280 (January 2011), LR 39:301 (February 2013), LR 42:214 (February 2016), LR 44:

Brent Robbins, DVM
Deputy Commissioner

1801#022

DECLARATION OF EMERGENCY

Department of Children and Family Services
Division of Child Welfare

Physician Notification (LAC 67:V.1135)

The Department of Children and Family Services (DCFS), Child Welfare, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt LAC 67:V, Subpart 3, Child Protective Services, Chapter 11, Administration and Authority, §1135, Physician Notification. This Emergency Rule is adopted on January 3, 2018 and shall be effective on January 28, 2018. It shall remain in effect until the final Rule becomes effective.

Pursuant to R.S. 40:1086.11 this Rule will implement the physician notification to the Department of Children and Family Services of a newborn exhibiting symptoms of withdrawal or other observable and harmful effects in his physical appearance or functioning, that the physician believes is due to the use of a controlled dangerous substance in a lawfully prescribed manner by the mother during pregnancy.

The department considers emergency action necessary to avoid sanctions from the United States Department of Health and Human Services, Administration for Children and Families by complying with the requirements of the Comprehensive Addiction and Recovery Act; and to implement R.S. 40:1086.11, Physician Notification.

Title 67
SOCIAL SERVICE
Part V. Child Welfare
Subpart 3. Child Protective Services
Chapter 11. Administration and Authority
§1135. Physician Notification

A. The Department of Children and Family Services establishes procedures for implementation of the physician notification, as required by R.S. 40:1086.11.

1. A physician identifying a newborn exhibiting symptoms of withdrawal or other observable and harmful effects in his physical appearance or functioning due to the use of a controlled dangerous substance, as defined by R.S. 40:961 et seq., in a lawfully prescribed manner by the mother during pregnancy shall use the DCFS form, Physician Notification Of Substance Exposed Newborns; No Prenatal Neglect Suspected, to comply with the requirements of the Comprehensive Addiction and Recovery Act. The following form, which may be obtained from the DCFS website at www.dcfs.la.gov/, shall be used to notify DCFS.

Physician Notification of Substance Exposed Newborns
No Prenatal Neglect Suspected

LA DCFS: This notification does not constitute a report of child abuse and or neglect and shall be faxed to Centralized Intake at (225) 342-7768. This notification is used to notify DCFS newborns who exhibit symptoms of withdrawal or other observable and harmful effects in his physical appearance or functioning that a physician believes is due to the use of a controlled dangerous substance, as defined by R.S. 40:961 et. seq., in a lawfully prescribed manner, by the mother during pregnancy. If a newborn is exhibiting withdrawal symptoms that are believed to be the result of unlawful use of a controlled dangerous substance; or, if you suspect abuse and or neglect including suspicion of prenatal neglect, you must contact the CPS Hotline at 1-855-4LA-KIDS to make a report of suspected child abuse/neglect.

Newborn's Information
Last Name: _____ First Name:_____ Date of Birth: __ __ / __ __ / __ __ __ __ Gender: ☐ Male ☐ Female Race: ☐ White ☐ African American ☐ Asian/Pacific Islander ☐ Hispanic/Latino ☐ Other
Substances newborn was exposed to, if known: ☐ Amphetamines ☐ Barbiturates ☐ Opioids ☐ Opioid Agonist ☐ Benzodiazepines ☐ Other (List) _____ Was there a Neonatal Abstinence Syndrome screening completed? ☐ Yes ☐ No
Mother's Information
Last Name: _____ First Name:_____ Date of Birth: __ __ / __ __ / __ __ __ __ Race: ☐ White ☐ African American ☐ Asian/Pacific Islander ☐ Hispanic/Latino ☐Other Marital Status: ☐ Single ☐ Married ☐ Separated ☐ Divorced ☐ Other ☐ Unknown Address upon discharge: _____City: _____ State: _____ Zip Code: _____
Provider Information
Name of Hospital: _____ Notification Date: __ __/ __ __/ __ __ __ __ Physician's Name: _____ Address: _____City: _____ State: _____ Zip Code: _____ Other individuals who provided input for this notification (Name and Title):_____
Pertinent Discharge Referral(s) and Education
Referral(s), as applicable: ☐ Pediatrician ☐ Pediatric Specialist ☐ OB/GYN ☐ PCP ☐ Early Steps ☐ Medicaid ☐ Substance Use Disorder Assessment/Treatment ☐ Behavioral/Mental Health Services ☐ Housing ☐ Office of Public Health ☐ Other Referrals: _____ _____
Educational materials provided: ☐ Car Safety Seats ☐ Shaken Baby Syndrome ☐ Safe Sleep ☐ Early Steps ☐ Other Educational materials provided: (Specify) _____ _____
Additional comments regarding the needs of the newborn and family: _____ _____ _____

2. The physician will complete the form with the following required information:

a. identifying information about the newborn;

b. substance to which the newborn was exposed;

c. identifying information about the mother;

d. identification of the physician who is providing the notification; and

e. plan of care for newborn and mother including a listing of educational materials provided, referrals made, additional discharge instructions, and information gained from the mother regarding care of the newborn.

3. The notifying physician shall transmit the form via fax to DCFS at (225) 342-7768.

B. DCFS shall monitor plans of care via the regional child welfare teams with multidisciplinary professionals to address the availability and delivery of the appropriate services for the newborn, affected caregiver and family.

C. DCFS shall maintain information on plans of care for the sole purpose of non-identifying data reporting as required by 42 USC 5106a(d). Information will be maintained for 24 months from the date of the notification to DCFS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1086.11, Physician Notification.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Child Welfare, LR 44:

Marketa Garner Walters
Secretary

1801#030

DECLARATION OF EMERGENCY

Department of Children and Family Services
Economic Stability Section

Public Assistance Programs
(LAC 67:III.Chapters 3, 12, 19, 21 and 53)

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 amend the *Louisiana Administrative Code* (LAC), Title 67, Part III, Economic Stability. Amendment is pursuant to the authority granted to the department by the Food and Nutrition Act of 2008, in accordance with federal regulations for the Supplemental Nutrition Assistance Program (SNAP) in 7 CFR and Louisiana's Temporary Assistance for Needy Families (TANF) block grant. 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 January 28, 2018 and will remain in effect until the final Rule becomes effective.

Sections 301, 307, 309, and 313 are being amended to remove references to the Child Care Assistance Program (CCAP).

Section 1209, 1999, and 5307 are being amended to update circumstances in which a concurrent notice is allowable.

Section 1229 is being amended to allow a dependent care deduction for any child who is not receiving CCAP.

Sections 1255 and 5345 are being repealed and Sections 1987, 1988, and 2103 are being amended to maintain compliance with Act 265 of the 2017 Regular Session of the Louisiana Legislature, which eliminated restrictions on eligibility for certain persons with prior drug convictions.

Section 2107 is being amended to update that there are three standard benefit amounts.

The department considers emergency action necessary to clarify the programs' administrative rules and facilitate the expenditure of TANF funds, which is authorized by Act 3 of the 2017 Second Extraordinary Session of the Louisiana Legislature.

Title 67
SOCIAL SERVICES
Part III. Economic Stability
Subpart 1. General Administrative Procedures
Chapter 3. Hearings

§301. Definitions

A. For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

Benefits—any kind of assistance, payments or benefits made by the department for Family Independence Temporary Assistance Program (FITAP), Strategies to Empower People (STEP) Program, Kinship Care Subsidy Program (KCSP), or Supplemental Nutrition Assistance Program (SNAP).

* * *

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, and R.S. 46:237.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 11:689 (July 1985), amended by Department of Social Services, Office of Family Support, LR 25:2259 (November 1999), LR 26:350 (February 2000), amended by the Department of Children and Family Services, Division of Programs, Economic Stability, LR 38:965 (April 2012), amended by the Department of Children and Family Services, Economic Stability Section, LR 44:

§307. Time Limits for Requesting a Fair Hearing

A.1. When a decision is made on a case, the client is notified and is allowed the following number of days from the date of the notice to request a fair hearing.

FITAP	30 days
STEP Program	30 days
KCSP	30 days
SNAP	90 days

2. The client may appeal at any time during a certification period for a dispute of the current level of benefits.

B. - B.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2260 (November 1999), amended LR 26:350 (February 2000), amended by the Department of Children and Family Services, Division of Programs, Economic Stability, LR 38:965 (April 2012), amended by Department of Children and Family Services, Economic Stability Section, LR 44:

§309. Time Limits for Decisions to be Rendered

A. A prompt, definitive, and final decision must be provided within the number of days from the date of the fair hearing request as listed below.

FITAP	90 days
STEP Program	90 days
KCSP	90 days
SNAP	60 days

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, and R.S. 46:237.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2261 (November 1999), amended LR 26:351 (February 2000), amended by the Department of Children and Family Services, Division of Programs, Economic Stability, LR 38:965 (April 2012), amended by Department of Children and Family Services, Economic Stability Section, LR 44:

§313. Continuation of Benefits

A. Recipients in all categories, except STEP Program, who request a fair hearing prior to the expiration of the advance notice of adverse action or within 13 days of the date of concurrent notice must have benefits continued at, or reinstated to, the benefit level of the previous month, unless:

1. the recipient indicates he does not want benefits continued;

2. a determination is made at the hearing that the sole issue is one of existing or changing state or federal law; or

3. a change unrelated to the appeal issue affecting the client's eligibility occurs while the hearing decision is pending and the client fails to request a hearing after receiving the notice of change.

B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2261 (November 1999), amended by the Department of Children and Family Services, Division of Programs, Economic Stability, LR 38:966 (April 2012), amended by Department of Children and Family Services, Economic Stability Section, LR 44:

Subpart 2. Family Independence Temporary Assistance Program

Chapter 12. Application, Eligibility, and Furnishing Assistance

Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance

§1209. Notices of Adverse Actions

A. A notice of adverse action shall be sent at least 13 days prior to taking action to reduce or terminate benefits. In some circumstances advance notice is not required. A concurrent notice shall be sent to the client at the time of action in the following situations:

1. the agency has factual information confirming the death of the FITAP payee;

2. the client signs a statement requesting reduction or closure and waiving the right to advance notice;

3. the client's whereabouts are unknown and agency mail directed to the client has been returned by the Post Office indicating no known forwarding address;

4. a client has been certified in another state and that fact has been established;

5. a child is removed from the home as a result of a judicial determination, or is voluntarily placed in foster care by his legal guardian;

6. the client has been admitted or committed to an institution;

7. the client has been placed in a skilled or intermediate nursing care facility or long-term hospitalization;

8. the agency disqualifies a household member because of an intentional program violation and the benefits of the remaining household members are reduced or terminated because of the disqualification;

9. the worker reduces or ends benefits at the end of a normal period of certification when the client timely reapplies;

10. the case is closed due to the amount of child support collected through child support enforcement services;

11. the client has been certified for supplemental security income or foster care payments and that fact has been established;

12. the child is certified for kinship care subsidy payments;

13. the agency receives a written report signed by the head of household or other responsible household member which provides sufficient information for the agency to determine the household's benefit amount or ineligibility;

14. benefits are reduced or terminated effective the month following the simplified report month;

15. mass changes.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B. and R.S. 46:237; Act 58, 2003 Reg. Session, and Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2447 (December 1999), amended LR 26:349 (February 2000), LR 28:2565 (December 2002), LR 30:493 (March 2004), LR 32:1911 (October 2006), amended by the Department of Children and Family Services, Economic Stability Section, LR 44:

Subchapter B. Conditions of Eligibility

§1229. Income

A. - B.2. ...

C. Earned Income Deductions. Each individual in the income unit who has earned income is entitled to the following deductions only:

1. standard deduction of $120;

2. $900 time-limited deduction. This deduction is applied for six months when a recipient's earnings exceed the $120 standard deduction. The months need not be consecutive nor within the same certification periods. The deduction is applicable for a six-month lifetime limit for the individual;

3. dependent care deduction. Recipients may be entitled to a deduction for dependent care for:

a. an incapacitated adult;

b. a child who is not receiving CCAP; or

c. effective May 1, 2006, the amount charged by a child care provider that exceeds the CCAP maximum for a child in care.

D. - G. ...

AUTHORITY NOTE: Promulgated in accordance with 42 USC 601 et seq., and 10602(c), R.S. 36:474, R.S. 46:231.1(B), R.S. 46:231.2, P.L. 108-447, Act 16, 2005 Reg. Session, and 7 CFR 273.2(j).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2449 (December 1999), amended LR 26:1342 (June 2000), LR 26:2831 (December 2000), LR 31:2956 (November 2005), LR 32:1616 (September 2006), LR 32:1912 (October 2006), LR 34:2678 (December 2008), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2524 (November 2010), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:1675 (September 2014), LR 42:1651 (October 2016), amended by the Department of Children and Family Services, Economic Stability Section, LR 44:

§1255. Individuals Convicted of a Felony Involving a Controlled Substance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, and R.S. 46:231.2.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2454 (December 1999), repealed by the Department of Children and Family Services, Economic Stability Section, LR 44:

Subpart 3. Supplemental Nutritional Assistance Program (SNAP)

Chapter 19. Certification of Eligible Households

Subchapter J. Determining Household Eligibility and Benefit Levels

§1987. Categorical Eligibility for Certain Recipients

A. Households Considered Categorically Eligible

1. Households in which a member is a recipient of benefits from the FITAP, STEP, and/or Kinship Care Subsidy Program, and households in which all members are recipients of SSI, shall be considered categorically eligible for SNAP.

2. "Recipient" includes an individual determined eligible for TANF or SSI benefits, but the benefits have not yet been paid.

3. "Recipient" shall also include a person determined eligible to receive zero benefits, i.e., a person whose benefits are being recouped or a TANF recipient whose benefits are less than $10 and therefore does not receive any cash benefits.

4. A household shall not be considered categorically eligible if:

a. any member of that household is disqualified for an intentional program violation;

b. the household is disqualified for failure to comply with the work registration requirements.

5. The following persons shall not be considered a member of a household when determining categorical eligibility:

a. an ineligible alien;

b. an ineligible student;

c. an institutionalized person;

d. an individual who is disqualified for failure to comply with the work registration requirements;

e. an individual who is disqualified for failure to provide or apply for a Social Security number;

f. an individual who is on strike.

6. Households which are categorically eligible are considered to have met the following SNAP eligibility factors without additional verification:

a. resources;

b. Social Security numbers;

c. sponsored alien information;

d. residency.

7. These households also do not have to meet the gross and net income limits. If questionable, the factors used to determine categorical eligibility shall be verified.

8. Categorically eligible households must meet all SNAP eligibility factors except as outlined above.

9. Changes reported by categorically-eligible SNAP households shall be handled according to established procedures except in the areas of resources or other categorical eligibility factors.

10. Benefits for categorically-eligible households shall be based on net income as for any other household. One and two person households will receive a minimum benefit of $15. Households of three or more shall be denied if net income exceeds the level at which benefits are issued.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with F.R. 51:28196 et seq., 7 CFR 271, 272, 273.10, and 274, F.R. 56:63612-63613, P.L. 104-193, 7 CFR 273.2(j)(2)(xi), Act 58, 2003 Reg. Session, 7 CFR 273.2, (j), and P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:90 (February 1987), amended by the Department of Social Services, Office of Family Support, LR 18:1267 (November 1992), LR 24:1783 (September 1998), LR 26:349 (February 2000), LR 27:867 (June 2001), LR 27:1934 (November 2001), LR 30:495 (March 2004), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2531 (November 2010), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:1312 (July 2014), amended by the Department of Children and Family Services, Economic Stability Section, LR 44:

§1988. Eligibility Disqualification of Certain Recipients

A. Fleeing felons and probation/parole violators are ineligible for benefits.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:233.1, P.L.105-33, and P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 23:83 (January 1997), amended LR 23:590 (May 1997), LR 23:1710 (December 1997), LR 24:1783 (September 1998), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2532 (November 2010), amended by Department of Children and Family Services, Economic Stability Section, LR 44:

Subchapter M. Notice of Adverse Action

§1999. Reduction or Termination of Benefits

A. A notice of adverse action shall be sent at least 13 days prior to taking action to reduce or terminate benefits. In some circumstances advance notice is not required. A concurrent notice shall be sent to the household at the time of action in the following situations:

1. the agency disqualifies a household member because of an intentional program violation and the benefits of the remaining household members are reduced or ended because of the disqualification;

2. benefits are reduced or terminated at the end of the certification period when the client timely reapplies;

3. the client has been certified in another state and that fact has been established;

4. the client signs a statement requesting closure or reduction in benefits and waives the right to advance notice;

5. benefits are reduced or terminated effective the month following the simplified report month;

6. the agency receives a written report signed by the head of the household or other responsible household member which provides sufficient information for the agency to determine the household's benefit amount or ineligibility;

7. mass changes;

8. based on reliable information, the agency determines that the household has moved or will be moving out of the state prior to the next monthly issuance;

9. the household applied for cash assistance and SNAP at the same time and has been getting SNAP benefits while waiting for approval of the cash assistance grant;

10. the client was a certified resident in a drug or alcohol treatment center or a group living arrangement which loses its state certification or FNS disqualifies it as a retailer;

11. a household certified under expedited processing rules provides postponed verification which reduces or terminates benefits.

B. - B.4. ...

AUTHORITY NOTE: Promulgated in accordance with F.R. 7 CFR 273.12(a)(1)(vii) and P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:324 (May 1983), amended by the Department of Social Services, Office of Family Support, LR 24:108 (January 1998), LR 32:2270 (December 2006), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2533 (November 2010), amended by Department of Children and Family Services, Economic Stability Section, LR 44:

Chapter 21. Louisiana Combined Application Project (LaCAP)

Subchapter A. Household Concept

§2103. Household Definition

A. The definition of a household is an individual who is receiving supplemental security income (SSI) and:

1. is at least 60 years old;

2. has a federal living arrangement of code "A" as determined by the Social Security Administration (SSA);

3. is not institutionalized, or otherwise ineligible for SNAP due to immigration status or an intentional program violation; and

4. lives alone or declares to purchase and prepare food separately from others in a shared living situation.

B. ...

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 271.3(c), 7 CFR Part 282, and Section 17 of the Food Stamp Act of 1977, and P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 32:2271 (December 2006), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2534 (November 2010), amended by Department of Children and Family Services, Economic Stability Section, LR 44:

§2107. Benefits

A. Participants will receive one of three standard amounts of SNAP benefits based on the household's total combined shelter (housing and utilities) costs.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 271.3(c), 7CFR Part 282, and Section 17 of the Food Stamp Act of 1977, and P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 32:2271 (December 2006), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2534 (November 2010), amended by Department of Children and Family Services, Economic Stability Section, LR 44:

Subpart 13. Kinship Care Subsidy Program (KCSP)

Chapter 53. Application, Eligibility, and Furnishing Assistance

Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance

§5307. Notices of Adverse Actions

A. A notice of adverse action shall be sent at least 13 days prior to taking action to terminate benefits. In some circumstances advance notice is not required. A concurrent notice shall be sent to the client at the time of action in the following situations:

1. the agency has factual information confirming the death of the KCSP payee;

2. the client signs a statement requesting reduction or closure and waiving the right to advance notice;

3. the client's whereabouts are unknown and agency mail directed to the client has been returned by the post office indicating no known forwarding address;

4. a client has been certified in another state and that fact has been established;

5. a child is removed from the home as a result of a judicial determination, or is voluntarily placed in foster care by his legal guardian;

6. the client has been admitted or committed to an institution;

7. the client has been placed in a skilled or intermediate nursing care facility or long-term hospitalization;

8. the agency disqualifies a household member because of an intentional program violation and benefits are terminated because of the disqualification;

9. the worker reduces or ends benefits at the end of a normal period of certification when the client timely reapplies;

10. the case is closed due to the amount of child support collected through child support enforcement services;

11. the agency receives a written report signed by the head of household or other responsible household member which provides sufficient information for the agency to determine the client's ineligibility;

12. benefits are reduced or terminated effective the month following the simplified report month;

13. mass changes;

14. effective May 1, 2006, the child has been certified for Supplemental Security Income and that fact has been established;

15. the child has been certified for foster care payments and that fact has been established.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237, and Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:351 (February 2000), amended LR 28:2565 (December 2002), LR 32:1913 (October 2006), amended by the Department of Children and Family Services, Economic Stability Section, LR 44:

Subchapter B. Conditions of Eligibility

§5345. Individuals Convicted of a Felony Involving a Controlled Substance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, and R.S. 46:237.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:356 (February 2000), repealed by the Department of Children and Family Services, Economic Stability Section, LR 44:

Marketa Garner Walters
Secretary

1801#031

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System
One Year Waiver for "Severe Impact" Schools and Districts
(LAC 28:XI.4503)

The Board of Elementary and Secondary Education (BESE) has exercised the emergency provision in accordance with R.S. 49:953(B), the Administrative Procedure Act, and R.S. 17.6. to amend LAC 28:XI, *Bulletin 111—The Louisiana School, District, and State Accountability System*: §4503, One Year Waiver for "Severe Impact" Schools and Districts. The initial Declaration of

Emergency, effective for 120 days (from October 18, 2017, through February 14, 2018) is being extended beyond the initial period for an additional 120 days (February 15, 2018, through June 14, 2018) and will remain in effect until the Rule is finally adopted. The proposed revisions pertain to the 2016-2017 school year school performance scores and letter grades for schools that sustained significant damage as a result of federally-declared disaster DR-4277, Louisiana Severe Storms and Flooding.

Title 28
EDUCATION
Part XI. Accountability/Testing
Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System
Chapter 45. Disaster Considerations for School and District Accountability
§4503. One Year Waiver for "Severe Impact" Schools and Districts
[Formerly LAC 28:LXXXIII.4503]

A. - A.2.a. …

3. for the 2016-2017 school year school performance scores and letter grades, any school which sustained significant damage as a result of federally declared disaster DR-4277 Louisiana Severe Storms and Flooding, such that schools temporarily relocated to another school campus or facility, or received a displaced school or entire grade levels from another school at its campus as a result of such disaster, the LDE shall use for school accountability purposes the higher of the 2016-2017 or 2015-2016 school performance score. This policy shall also apply to all schools within the East Baton Rouge Parish System. The state superintendent, with consent of the president of the board, may provide for the same in cases of extraordinary and abnormal displacement of teachers and students and hardship due to such disaster, if such displacement directly and indisputably contributed to abnormal changes in school performance scores and assessment results, based on analysis conducted by the LDE.

B. - G.2. …

a. will not enter or advance in comprehensive or urgent intervention labels or academically unacceptable status as a result of accountability labels based on data collected during the year of the disaster; but

b. schools can exit comprehensive or urgent intervention labels based on data collected during the year of the disaster.

H. - M. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1412 (August 2006), amended LR 33:636 (April 2007), LR 36:1994 (September 2010), LR 37:2120 (July 2011), LR 44:

Gary L. Jones
BESE President

1801#041

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 139—Louisiana Child Care and Development Fund Programs (LAC 28:CLXV.903)

The Board of Elementary and Secondary Education (BESE) has exercised the emergency provision in accordance with R.S. 49:953(B), the Administrative Procedure Act, and R.S. 17.6 to amend LAC 28:CLXV, *Bulletin 139—Louisiana Child Care and Development Fund Programs*: §903, Participation in LA Pathways. The initial Declaration of Emergency, effective for 120 days (from August 16, 2017, until December 13, 2017) is being extended beyond the initial period for an additional 120 days (from December 14, 2017, until April 12, 2018) and will remain in effect until the Rule is finally adopted. The proposed revisions relate to Staff School Readiness Tax Credit for 2018 and 2019. BESE has exercised the emergency provision in the adoption of these policy revisions in order to ensure that the policy will be implemented by January 1, 2018.

Title 28
EDUCATION
Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs
Chapter 9. Louisiana Pathways Early Learning Center Career Development System (LA Pathways)
§903. Participation in LA Pathways

A. - B.8.e.i. …

C. Requirements for the Administrator Track for LA Pathways beginning January 1, 2018.

1. Director I
   a. Training and education requirements:
      i. CDA credential, Early Childhood Ancillary Certificate, or approved early childhood diploma; and
      ii. - 2.b.i. …
2. Director II
   a. Training and education requirements:
      i. CDA credential, Early Childhood Ancillary Certificate, or approved early childhood diploma; and
      ii. - 2.b.i. …
3. Director III
   a. Training and education requirements:
      i. …
      ii. Early Childhood Ancillary Certificate or approved early childhood diploma and administrator certificate;
      iii. - D. 11.c.i. …

E. Requirements for the Classroom Track for LA Pathways beginning January 1, 2018.

1. - 3.a.iv. …
4. Early Learning Center Teacher III
   a. Training and education requirements:
      i. - iii. …

iv. related bachelor's degree with three college courses in early childhood or child development; or

v. classified as Early Learning Center Teacher I or above by LA Pathways as of December 31, 2017 and demonstrated evidence of eligibility for the Staff School Readiness Tax Credit for at least one prior year beginning with 2017.

5. Early Learning Center Teacher IV

a. Training and education requirements:

i. …

ii. related bachelor's degree with six early childhood or child development college courses of which three focus on infants and toddlers; or

iii. classified as Early Learning Center Teacher I or above by LA Pathways as of December 31, 2016; and demonstrated evidence of eligibility for the Staff School Readiness Tax Credit in 2017.

6. - 6.a.ii. …

F. Requirements for the Classroom Track for LA Pathways beginning January 1, 2019

1. - 3.a.iv. …

4. Early Learning Center Teacher III

a. Training and education requirements:

i. - iv. …

v. Early Childhood Ancillary Certificate; and demonstrated evidence of eligibility for the Staff School Readiness Tax Credit for at least one prior year beginning with 2017 ~~8~~.

5. Early Learning Center Teacher IV

a. Training and education requirements:

i. …

ii. related bachelor's degree with six early childhood or child development college courses of which three focus on infants and toddlers; or

iii. Early Childhood Ancillary Certificate; and demonstrated evidence of eligibility for the Staff School Readiness Tax Credit for at least two prior years beginning with 2017.

6. - 6.a.ii. …

G. Qualification for the School Readiness Tax Credit for Early Learning Center Directors and Staff

1. The department shall provide information necessary for the secretary of the Department of Revenue to determine and/or verify the director and staff levels for earning the credit.

2. Early Learning Center Director Levels

a. Directors who are classified as director I by LA pathways are classified as meeting level I qualifications for purposes of this credit.

b. Directors who are classified as director II by LA pathways are classified as meeting level II qualifications for purposes of this credit.

c. Directors who are classified as director III by LA pathways are classified as meeting level III qualifications for purposes of this credit.

d. Directors who are classified as director IV by LA pathways are classified as meeting level IV qualifications for purposes of this credit.

3. Early Learning Center Staff Levels

a. Staff members who are classified as early learning center teacher I by LA pathways are classified as meeting level I requirements for purposes of this credit.

b. Staff members who are classified as early learning center teacher II by LA pathways are classified as meeting level II requirements for purposes of this credit.

c. Staff members who are classified as early learning center teacher III by LA pathways are classified as meeting level III requirements for purposes of this credit.

d. Staff members who are classified as early learning center teacher IV or early learning center master teacher by LA pathways are classified as meeting level IV requirements for purposes of this credit.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2119 (October 2015), amended LR 42:46 (January 2016), LR 44:

Dr. Gary L. Jones
President

1801#005

DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing

Disproportionate Share Hospital Payments
Major Medical Centers
(LAC 50:V.2715)

The Department of Health, Bureau of Health Services Financing amends LAC 50:V.2715 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 disproportionate share hospital (DSH) payments in order to re-establish the provisions governing payments to public, non-rural community hospitals (*Louisiana Register*, Volume 40, Number 10). The Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule which adopted provisions to establish a qualification criteria and DSH payment methodology for major medical centers located in the central and northern areas of Louisiana (*Louisiana Register,* Volume 42, Number 7).

In order to comply with the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services' (CMS) requirements and the associated approved Medicaid State Plan amendment, the department promulgated an Emergency Rule which amended the provisions of the June 30, 2016 Emergency Rule (*Louisiana Register*, Volume 43, Number 2).

This Emergency Rule is being promulgated in order to continue the provisions of the February 20, 2017 Emergency Rule. This action is being taken to promote the public health and welfare of uninsured individuals, and ensure their continued access to health services by assuring that hospitals are adequately reimbursed for furnishing uncompensated care.

Effective February 18, 2018, the Department of Health, Bureau of Health Services Financing amends the provisions governing DSH payments to major medical centers located in the central and northern areas of the state.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 3. Disproportionate Share Hospital Payments

Chapter 27. Qualifying Hospitals

§2715. Major Medical Centers Located in Central and Northern Areas of the State

A. Effective for dates of service on or after June 30, 2016, hospitals qualifying for payments as major medical centers located in the central and northern areas of the state shall meet the following criteria:

1. be a private, non-rural hospital located in Department of Health administrative regions 6, 7, or 8;

2. have at least 200 inpatient beds as reported on the Medicare/Medicaid cost report, Worksheet S-3, column 2, lines 1-18, for the state fiscal year ending June 30, 2015. For qualification purposes, inpatient beds shall exclude nursery and Medicare designated distinct part psychiatric unit beds;

3. does not qualify as a Louisiana low-income academic hospital under the provisions of §3101; and

4. such qualifying hospital (or its affiliate) does have a memorandum of understanding executed on or after June 30, 2016 with Louisiana State University—School of Medicine, the purpose of which is to maintain and improve access to quality care for Medicaid patients in connection with the expansion of Medicaid in the state through the promotion, expansion, and support of graduate medical education and training.

B. Payment Methodology. Effective for dates of service on or after June 30, 2016, each qualifying hospital shall be paid a DSH adjustment payment which is the pro rata amount calculated by dividing their hospital specific allowable uncompensated care costs by the total allowable uncompensated care costs for all hospitals qualifying under this category and multiplying by the funding appropriated by the Louisiana Legislature in the applicable state fiscal year for this category of hospitals.

1. Costs, patient-specific data and documentation that qualifying criteria is met shall be submitted in a format specified by the department.

2. Costs and lengths of stay shall be reviewed by the department for reasonableness before payments are made.

3. 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.

4. A pro rata decrease, necessitated by conditions specified in §2501.B.1 above for hospitals described in this Section, will be calculated based on the ratio determined by dividing the hospital's uncompensated costs by the uncompensated costs for all of the qualifying hospitals described in this Section, then multiplying by the amount of disproportionate share payments calculated in excess of the federal DSH allotment.

a. Additional payments shall only be made after finalization of the Centers for Medicare and Medicaid Services' (CMS) mandated DSH audit for the state fiscal year. Payments shall be limited to the aggregate amount recouped from the qualifying hospitals described in this Section, based on these reported audit results. If the hospitals' aggregate amount of underpayments reported per the audit results exceeds the aggregate amount overpaid, the payment redistribution to underpaid hospitals shall be paid on a pro rata basis calculated using each hospital's amount underpaid, divided by the sum of underpayments for all of the hospitals described in this Section.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 44:

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

1801#057

DECLARATION OF EMERGENCY

Department of Health
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, 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.

Due to an increase in the add-on amount to the per diem rate for the provider fee, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for intermediate care facilities for persons with intellectual disabilities (ICFs/ID) in order to increase the transitional rates paid to public facilities (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 January 23, 2018, the Department of Health, 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), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

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

1801#058

DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing

Medicaid Eligibility
Optional Targeted Low-Income Children
(LAC 50:III.2319 and 10305)

The Department of Health, Bureau of Health Services Financing adopts LAC 50:III.2329 and amends §10305 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.

Pursuant to Section 1902(a)(10)(A)(ii)(XIV) of Title XIX of the Social Security Act, the Department of Health, Bureau of Health Services Financing provides coverage under the Medicaid State Plan to individuals under the age of 19 who meet the definition of an optional targeted low-income child, as defined in 42 CFR 435.4, and who have household income at or below the income standard established by Louisiana Medicaid. The current maximum income standard is 212 percent of the federal poverty level (FPL).

The Department also provides coverage to uninsured children with household income up to 250 percent of the FPL under Title XXI provisions through a combination of a Medicaid expansion and stand-alone Children's Health Insurance Program (CHIP) called the Louisiana Children's Health Insurance Program (LaCHIP).

Federal authority for CHIP ended on September 30, 2017 and has not been reauthorized. Because the federal authority has not been reauthorized, federal financial participation will no longer be available for CHIP expenditures once current funding has been exhausted. As a result of the lack of federal matching funds for LaCHIP, the department will terminate coverage of uninsured children under the Title XXI CHIP authority. Children who currently receive services through LaCHIP will be transitioned to the Optional Targeted Low-Income Children coverage group, and will continue to receive Medicaid with no break in coverage.

Hence, the Department of Health, Bureau of Health Services Financing proposes to adopt provisions governing Medicaid eligibility to increase the maximum income standard for the Optional Targeted Low-Income Children Coverage Group up to 250 percent of the FPL, and to incorporate cost sharing provisions. This Emergency Rule will also ensure compliance with the Administrative Procedure Act (R.S. 49:950 et seq) by codifying these provisions into the *Louisiana Administrative Code* (*LAC)* in a clear and concise manner.

This action is being taken to avoid imminent peril to the public health, safety or welfare of Medicaid recipients, and to ensure continued access to Medicaid coverage for CHIP children. It is estimated that implementation of this Emergency Rule will result in a state general fund expenditure increase of $48,101,748 for state fiscal year 2017-18 as a result of CHIP enhanced federal funding not being reauthorized.

Effective December 28, 2017, the Department of Health, Bureau of Health Services Financing amends the provisions governing Medicaid eligibility in order to adopt provisions in a codified manner in the *LAC* for the Optional Targeted Low-Income Children coverage group, and to incorporate revisions for the transition of LaCHIP children to this coverage group.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part III. Eligibility
Subpart 3. Eligibility Groups and Factors
Chapter 23. Eligibility Groups and Medicaid Programs
§2319. Optional Targeted Low-Income Children

A. Section 1902(a)(10)(A)(ii)(XIV) of Title XIX of the Social Security Act established provisions for the coverage of uninsured individuals under the age of 19 who meet the definition of an optional targeted low-income child, pursuant to 42 CFR 435.4, through a Medicaid expansion program. The department provides coverage to the Optional Targeted Low-Income Children (OTLC) group under the Medicaid State Plan.

B. Eligibility Criteria. The OTLC Medicaid expansion program provides coverage to individuals who meet the following criteria:

1. are under the age of 19;

2. are from families with income at or below 250 percent of the federal poverty level; and

3. do not meet Louisiana Medicaid's eligibility criteria in effect as of March 31, 1997.

C. Individuals qualifying under this eligibility group must not be eligible for Medicaid under any mandatory eligibility group.

D. Eligibility for the OTLC coverage group shall be determined by the modified adjusted gross income (MAGI) methodologies in accordance with Section 1004(a)(2) of the Patient Protection and Affordable Care Act (ACA) of 2010 and Section 36B(d)(2)(B) of the *Internal Revenue Code*.

E. Cost Sharing. Cost-sharing is applicable to certain families who receive coverage under the OTLC coverage group. Premiums are limited to no more than 5 percent of the family's annual income.

1. Premiums. When family income is between 217 percent and 250 percent of the federal poverty level, families shall be responsible for paying a $50 per month premium. Prepayment is not required.

a. Premiums are due by the first of each month. If payment is not received by the tenth of the month, the responsible party shall be notified that coverage may be terminated if payment is not received by the twenty-first of the month.

2. A premium may be waived in any case where the agency determines that requiring the payment will create an undue hardship for the individual or family.

3. Non-payment of premiums may result in disenrollment from the OTLC Medicaid expansion program. Recipients shall be allowed a 60-day grace period prior to disenrollment for non-payment.

4. Premiums are not owed for any retroactive months of coverage.

5. Families whose eligibility has been terminated for non-payment of premiums must pay any outstanding premium balances for Medicaid-covered months before eligibility can be re-established, unless:

a. the liability has been canceled by the Bureau of Appeals or the Medicaid Recovery Unit; or

b. there has been a lapse in Medicaid coverage of at least 12 months.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 44:

Subpart 5. Financial Eligibility

Chapter 103. Income

§10305. Income Disregards

A. - D. …

E. Effective December 28, 2017, for applicants in the Optional Targeted Low-Income Children (OTLC) Medicaid expansion program with income above 250 percent of the federal poverty level (FPL), 5 percent of the FPL shall be disregarded from their income when determining financial eligibility for Medicaid.

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 34:1629 (August 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1898 (September 2009), LR 40:2260, 2261 (November 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

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

1801#010

DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing

State Children's Health Insurance Program
Termination of Coverage
(LAC 50:III.Chapters 201 and 205)

The Department of Health, Bureau of Health Services Financing repeals LAC 50:III.Chapters 201 and 205 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XXI 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.

Section 4901 of the Balanced Budget Act of 1997 [P.L. 105-33], established provisions for the Children's Health Insurance Program (CHIP) under Title XXI of the Social Security Act to provide health insurance coverage to uninsured, low-income children through an expansion of existing Medicaid programs, creation of stand-alone programs or a combination of both. The Department of Health, Bureau of Health Services Financing implemented a combination of both programs, called the Louisiana Children's Health Insurance Program (LaCHIP), which provided coverage to uninsured children up to 250 percent of the federal poverty level.

Federal authority for CHIP ended on September 30, 2017 and has not been reauthorized. Because the federal authority has not been reauthorized, federal financial participation will no longer be available for CHIP expenditures once current funding has been exhausted.

As a result of the lack of federal matching funds for LaCHIP, the department proposes to repeal the provisions of LAC 50:III.Chapters 201 and 205 in order to terminate coverage of uninsured children under the Title XXI CHIP authority. Children who currently receive services through LaCHIP will be transitioned to the Optional Targeted Low-Income Children coverage group upon the termination of

this program, and will continue to receive Medicaid with no break in coverage.

This action is being taken to avoid a budget deficit in the Medical Assistance Program. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program for LaCHIP by approximately $295,925,166 for state fiscal year 2017-18.

Effective December 28, 2017, the Department of Health, Bureau of Health Services Financing amends the provisions governing the Louisiana Children's Health Insurance Program in order to terminate coverage of uninsured children.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part III. Eligibility
Subpart 11. State Children's Health Insurance Program
Chapter 201. Louisiana Children's Health Insurance Program (LaCHIP)—Phases 1-3

§20101. General Provisions

Repealed.

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

HISTORICAL NOTE: Repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:659 (April 2008), repealed by the Department of Health, Bureau of Health Services Financing, LR 44:

§20103. Eligibility Criteria

Repealed.

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

HISTORICAL NOTE: Repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:659 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1292 (July 2015), repealed by the Department of Health, Bureau of Health Services Financing, LR 44:

Chapter 205. Louisiana Children's Health Insurance Program (LaCHIP)—Phase V

§20501. General Provisions

Repealed.

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

HISTORICAL NOTE: Repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:660 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1291 (July 2015), repealed by the Department of Health, Bureau of Health Services Financing, LR 44:

§20503. Eligibility Criteria

Repealed.

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

HISTORICAL NOTE: Repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:660 (April 2008), repealed by the Department of Health, Bureau of Health Services Financing, LR 44:

§20505. Covered Services

Repealed.

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

HISTORICAL NOTE: Repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:660 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1292 (July 2015), repealed by the Department of Health, Bureau of Health Services Financing, LR 44:

§20507. Cost Sharing

Repealed.

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

HISTORICAL NOTE: Repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:661 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1292 (July 2015), repealed by the Department of Health, Bureau of Health Services Financing, LR 44:

§20509. Dental Services Reimbursement Methodology

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:1285 (May 2013), amended LR 40:1008 (May 2014), repealed by the Department of Health, Bureau of Health Services Financing, LR 44:

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

1801#009

DECLARATION OF EMERGENCY

Department of Health
Office of Public Health

Burial or Cremation of Aborted Human Remains
(LAC 51:XXVI.102)

The state health officer, acting through the Louisiana Department of Health, Office of Public Health ("LDHOPH"), pursuant to the rulemaking authority granted by R.S. 40:4(A)(3), R.S. 40:4(A)(13) and R.S. 40:5(A)(14), hereby adopts the following Emergency Rule to require burial or cremation of remains resulting from an abortion as provided for under Act No. 593 of the 2016 Regular Session of the Louisiana Legislature. This Rule is being promulgated in accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and shall remain in effect for the maximum period allowed under the law or until adoption of a final

Rule, whichever occurs first. This Emergency Rule is effective on the 31st day of December 2017.

Title 51
PUBLIC HEALTH—SANITARY CODE
Part XXVI. Burial, Transportation, Disinterment, or Other Disposition of Dead Human Bodies
Chapter 1. General Requirements
§102. Burial or Cremation of Aborted Human Remains

A. Each physician who performs or induces an abortion which does not result in a live birth shall insure that the remains of the child are disposed of by interment or cremation, in accordance with the provisions of R.S. 8:651 et seq.

B. The requirements of Subsection A of this Section shall not apply to abortions induced by the administration of medications when the evacuation of any human remains occurs at a later time and not in the presence of the inducing physician or at the facility in which the physician administered the inducing medications.

C. An abortion patient may by written consent authorize the physician performing the abortion to dispose of the human remains by burial or cremation, in accordance with the provisions of LAC 51:XXVII.1101.A.7.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(3), R.S. 40:4(A)(13), and R.S. 40:5(A)(14).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:

Jimmy Guidry, M.D.
State Health Officer

1801#036

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2018 Gray Triggerfish Recreational Season Closure

In accordance with the emergency provisions of R.S. 49:953, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use seasonal rules to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary of the department by the commission in LAC 76:VII.335.G.5 to modify opening and closing dates of any commercial or recreational reef fish seasons in Louisiana state waters when he is informed by the regional administrator of NOAA Fisheries that the seasons have been closed in adjacent federal waters, the secretary hereby declares:

Effective 12:01 a.m., January 16, 2018, the recreational fishery for gray triggerfish in Louisiana waters will close and remain closed through 11:59 p.m. on February 28, 2018. Effective with this closure, no person shall recreationally harvest or possess gray triggerfish whether within or without Louisiana waters.

The secretary has been notified by National Marine Fisheries Service that the recreational gray triggerfish season in federal waters of the Gulf of Mexico will close on January 16, 2018 and will remain closed through February 28, 2018.

Jack Montoucet
Secretary

1801#014

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Oyster Season Closures

In accordance with the emergency provisions of Louisiana Revised Statute (R.S.) 49:953, under the authority of R.S. 56:433, and under the authority of a Declaration of Emergency passed by the Wildlife and Fisheries Commission on September 7, 2017 which authorized the secretary of the Department of Wildlife and Fisheries to take emergency action if oyster resources and/or reefs are being adversely impacted, notice is hereby given that the secretary of the Department of Wildlife and Fisheries hereby declares that the harvest of oysters from the Sister Lake Bay Public Oyster Seed Reservation shall close at one-half hour after sunset on Friday, December 22, 2017.

Harvest pressure during the season has significantly reduced oyster stocks and continued harvest may threaten the long-term sustainability of remaining oyster resources and reefs in these areas. Protection of these remaining oyster reef resources from injury is in the best interest of this public oyster seed reservation.

Notice of any opening, delaying, or closing of a season will be provided by public notice at least 72 hours prior to such action, unless such closure is ordered by the Louisiana Department of Health for public health concerns.

Jack Montoucet
Secretary

1801#014

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Partial Fall Inshore Shrimp Season Closure

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; R.S. 56:497 which allows the Wildlife and Fisheries Commission to delegate to the secretary of the department the powers, duties and authority to set shrimp seasons; and in accordance with a Declaration of Emergency adopted by the Wildlife and Fisheries Commission on August 3, 2017 which authorizes the

secretary of the Department of Wildlife and Fisheries to close the fall inshore shrimp season when biological and technical data indicate the need to do so or if enforcement problems develop, the secretary of the Department of Wildlife and Fisheries does hereby declare:

The 2017 fall inshore shrimp season shall close on December 18, 2017 at official sunset, except for the following inside waters located east of the Mississippi River: Chef Menteur and Rigolets Passes, Lake Borgne, Mississippi Sound, Mississippi River Gulf Outlet (MRGO), a section of the Gulf Intracoastal Waterway (GIWW) in Orleans Parish from the GIWW East Closure Sector Gate westward to the GIWW intersection with the Inner Harbor Navigation Canal, and the open waters of Breton and Chandeleur Sounds as bounded by the double-rig line described in R.S. 56:495.1(A)2.

R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) per pound except during the time period from October fifteenth through the third Monday in December. Recent biological sampling conducted by the Department of Wildlife and Fisheries has indicated that average white shrimp size within these waters to be closed is smaller than the minimum possession count and this action is being taken to protect these small white shrimp and provide opportunity for growth to larger and more valuable sizes. Existing data do not currently support shrimping closures in additional state inside and outside waters. However, historic data suggest additional closures may be necessary and the Department of Wildlife and Fisheries will continue monitoring shrimp populations in these 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.

Jack Montoucet
Secretary

1801#008

Rules

RULE

Department of Children and Family Services
Division of Child Welfare

Physician Notification (LAC 67:V.1135)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(A), the Department of Children and Family Services (DCFS), Child Welfare, hereby adopts LAC 67:V.1135, Physician Notification.

Pursuant to R.S. 40:1086.11, this Rule implements the physician notification to the Department of Children and Family Services of a newborn exhibiting symptoms of withdrawal or other observable and harmful effects in his physical appearance or functioning, that the physician believes is due to the use of a controlled dangerous substance in a lawfully prescribed manner by the mother during pregnancy.

This action was made effective by an Emergency Rule effective October 1, 2017.

Title 67
SOCIAL SERVICES
Part V. Child Welfare
Subpart 3. Child Protective Services
Chapter 11. Administration and Authority
§1135. Physician Notification

A. The Department of Children and Family Services establishes procedures for implementation of the physician notification, as required by R.S. 40:1086.11.

1. A physician identifying a newborn exhibiting symptoms of withdrawal or other observable and harmful effects in his physical appearance or functioning due to the use of a controlled dangerous substance, as defined by R.S. 40:961 et seq., in a lawfully prescribed manner by the mother during pregnancy shall use the DCFS form, physician notification of substance exposed newborns; no prenatal neglect suspected, to comply with the requirements of the Comprehensive Addiction and Recovery Act. The following form, which may be obtained from the DCFS website at www.dcfs.la.gov/, shall be used to notify DCFS.

Physician Notification of Substance Exposed Newborns
No Prenatal Neglect Suspected

LA DCFS: This notification does not constitute a report of child abuse and or neglect and shall be faxed to Centralized Intake at (225) 342-7768. This notification is used to notify DCFS newborns who exhibit symptoms of withdrawal or other observable and harmful effects in his physical appearance or functioning that a physician believes is due to the use of a controlled dangerous substance, as defined by R.S. 40:961 et seq., in a lawfully prescribed manner, by the mother during pregnancy. If a newborn is exhibiting withdrawal symptoms that are believed to be the result of unlawful use of a controlled dangerous substance; or, if you suspect abuse and or neglect including suspicion of prenatal neglect, you must contact the CPS Hotline at 1-855-4LA-KIDS to make a report of suspected child abuse/neglect.

Newborn's Information
Last Name: _____ First Name:_____
Date of Birth: __ __ / __ __ / __ __ __ __ Gender: ☐ Male ☐ Female
Race: ☐ White ☐ African American ☐ Asian/Pacific Islander ☐ Hispanic/Latino ☐ Other
Substances newborn was exposed to, if known: ☐ Amphetamines ☐ Barbiturates ☐ Opioids ☐ Opioid Agonist
☐ Benzodiazepines ☐ Other (List) _____
Was there a Neonatal Abstinence Syndrome screening completed? ☐ Yes ☐ No
Mother's Information
Last Name: _____ First Name:_____
Date of Birth: __ __ / __ __ / __ __ __ __
Race: ☐ White ☐ African American ☐ Asian/Pacific Islander ☐ Hispanic/Latino ☐Other
Marital Status: ☐ Single ☐ Married ☐ Separated ☐ Divorced ☐ Other ☐ Unknown
Address upon discharge: _____City: _____ State: _____ Zip Code: _____
Provider Information
Name of Hospital: _____ Notification Date: __ __/ __ __/ __ __ __ __
Physician's Name: _____
Address: _____City: _____ State: _____ Zip Code: _____
Other individuals who provided input for this notification (Name and Title):_____

Pertinent Discharge Referral(s) and Education
Referral(s), as applicable: ☐ Pediatrician ☐ Pediatric Specialist ☐ OB/GYN ☐ PCP ☐ Early Steps ☐ Medicaid ☐ Substance Use Disorder Assessment/Treatment ☐ Behavioral/Mental Health Services ☐ Housing ☐ Office of Public Health ☐ Other Referrals: _____ _____
Educational materials provided: ☐ Car Safety Seats ☐ Shaken Baby Syndrome ☐ Safe Sleep ☐ Early Steps ☐ Other Educational materials provided: (Specify) _____ _____
Additional comments regarding the needs of the newborn and family: _____ _____ _____

2. The physician will complete the form with the following required information:

a. identifying information about the newborn;

b. substance to which the newborn was exposed;

c. identifying information about the mother;

d. identification of the physician who is providing the notification; and

e. plan of care for newborn and mother including a listing of educational materials provided, referrals made, additional discharge instructions, and information gained from the mother regarding care of the newborn.

3. The notifying physician shall transmit the form via fax to DCFS at (225) 342-7768.

B. DCFS shall monitor plans of care via the regional child welfare teams with multidisciplinary professionals to address the availability and delivery of the appropriate services for the newborn, affected caregiver and family.

C. DCFS shall maintain information on plans of care for the sole purpose of non-identifying data reporting as required by 42 USC 5106a(d). Information will be maintained for 24 months from the date of the notification to DCFS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1086.11, Physician Notification.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Child Welfare, LR 44:22 (January 2018).

Marketa Garner Walters
Secretary

1801#033

RULE

Department of Children and Family Services
Division of Family Support

Electronic Benefits Issuance System (LAC 67:III.403)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(A), the Department of Children and Family Services (DCFS) has amended LAC 67:III, Subpart 1, General Administrative Procedures, Chapter 4, Electronic Benefits Issuance System, Section 403, Cash Benefits.

Pursuant to the authority granted to the department by the Food and Nutrition Services (FNS), the department has amended Section 403 to eliminate the dormancy period for inactive electronic benefits transfer (EBT) benefits. This change gives cardholders longer access to inactive benefits and eliminate the notices to clients regarding dormant benefits.

Title 67
SOCIAL SERVICES
Part III. Family Support
Subpart 1. General Administrative Procedures
Chapter 4. Electronic Benefits Issuance System
§403. Cash Benefits
[Formerly §402]

A. …

B. Benefits are delivered in this manner for households certified on an on-going basis. Benefits can accumulate but are accounted for according to the month of availability and will be withdrawn on a first-in-first-out basis. Each month's benefits with no activity by the client for a period of 365 days from the date of availability will be expunged and will not be available to the household after expungement. FITAP benefits which have been expunged may be reauthorized for availability if the recipient has good cause for not having accessed them during the original availability period.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 272.3(c)(1)(ii) and P.L. 104-193, P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:1322 (July 1998) amended LR 33:1878 (September 2007), repromulgated LR 33:2203 (October 2007), LR 35:689 (April 2009), amended by the Department of Children and Family Services, Division of Family Support, LR 44:23 (January 2018).

Marketa Garner Walters
Secretary

1801#032

RULE

Department of Children and Family Services
Division of Family Support
Child Support Enforcement Section

Collection and Distribution of Support Payments
(LAC 67:III.2514)

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Children and Family Services (DCFS), Division of Family Support has amended LAC 67:III, Subpart 4, Child Support Enforcement, Chapter 25, Subchapter D, Section 2514, Distribution of Child Support Collections, which provides for distribution of support payments.

In accordance with R.S. 46:236.1.2, this Rule allows DCFS to broaden the remedies available to distribute child support. This Rule provides for the disbursement of child support collections to satisfy another LASES/member debt that the noncustodial parent (NCP) owes, when a refund is due and the funds cannot be distributed to the NCP. In addition, this Rule offers deserving children, including those children who reside outside of the state, the opportunity to receive support payments that they would not otherwise be entitled to receive without DCFS taking action to recover the payments. This Rule also increases child support collections for families and raise the level of self-sufficiency ensuring the children receive more financial support.

Title 67
SOCIAL SERVICES
Part III. Family Support
Subpart 4. Child Support Enforcement
Chapter 25. Support Enforcement
Subchapter D. Collection and Distribution of Support Payments
§2514. Distribution of Child Support Collections

A. - B. …

C. For any refund payment issued to a noncustodial parent, DCFS, CSE will make at least one attempt to issue the money to the NCP. If the attempt is unsuccessful, CSE will take action to ensure the amount of the payment will be distributed to any other child support debt or recovery debt owed by the noncustodial parent in accordance with distribution rules in Subsection A of this Section or forward the payment to the Unclaimed Property Division of the Louisiana Department of the Treasury.

D. A check distributed by DCFS, CSE will be considered stale dated when the check has not been cashed or negotiated after 180 days of issuance. An electronic funds transfer transaction that is rejected within 3-5 days by the receiving financial institution will be considered eligible to be applied to other LASES/member debts owed, once diligent efforts to distribute the payment to the noncustodial parent fails and the payment has been held in suspense for more than 180 days from issuance. Stale dated checks issued to the noncustodial parent will be placed in suspense and distributed to other LASES/member debts owed by the NCP in accordance with the distribution rules in this Section or held in suspense for one year from the date the payment was received by DCFS, CSE. The refund payments issued to the NCP which were not applied to other LASES/member debts will be forwarded to the Unclaimed Property Division of the Louisiana Department of the Treasury after 457 days has expired.

E. Effective April 25, 2005, when child support is collected in the form of a foreign currency, the state shall send the child support payment to the custodial parent within two business days of receipt of the converted U.S. dollar payment.

F. CSE may exercise authority granted by the law to distribute child support payments to other cases as deemed necessary to fulfill other IV-D functions as outlined in R.S. 46:236.1.2.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, P.L. 105-33, OCSE-AT-98-24, 42 USC 664(a)(3)(B), and 42 USC 654b(c).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 23:304 (March 1997, amended LR 24:703 (April 1998), LR 25:320 (February 1999), LR 31:2266 (September 2005), amended by the Department of Children and Family Services, Division of Family Support, Child Support Enforcement Section, LR 44:24 (January 2018), effective February 1, 2018.

Marketa Garner Walters
Secretary

1801#039

RULE

Department of Children and Family Services
Economic Stability Section

Family Violence Prevention and Intervention Program
(LAC 67:III.Chapter 69)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(A), the Department of Children and Family Services (DCFS) has adopted LAC 67:III, Subpart 19, Family Violence Prevention and Intervention Program, Chapter 69, Family Violence Prevention and Intervention Program, Subchapter A, Sections 6901, 6903, 6905, 6907, 6909, 6911, and 6913, and Subchapter B, Sections 6915, 6917, 6919, 6921, 6923, 6925, 6927, 6929, 6931, 6933, 6935, 6937, 6939, 6941, 6943, 6945, 6947, 6949, 6951, and 6953.

Pursuant to Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant, adoption of Chapter 69 is necessary to govern the development of community-based shelters and support services for victims of family violence, domestic violence, and dating violence. Sections 6901, 6903, 6905, 6907, 6909, 6911, and 6913 are adopted to govern the administration of the program and eligibility of program providers. Sections 6915, 6917, 6919, 6921, 6923, 6925, 6927, 6929, 6931, 6933, 6935, 6937, 6939, 6941, 6943, 6945, 6947, 6949, 6951, and 6953 are adopted to provide standards to program providers in developing quality services and implementation of best practices.

Title 67
SOCIAL SERVICES
Part III. Economic Stability
Subpart 19. Family Violence Prevention and Intervention Program
Chapter 69. Family Violence Prevention and Intervention Program
Subchapter A. Program Administration and Eligibility
§6901. Program Creation

A. From federal funds, state funds, and/or funds made available from private or local sources for this purpose, the Department of Children and Family Services (DCFS) is hereby authorized to establish a family violence program, hereafter called the "Family Violence Prevention and Intervention Program." This program is for the development of community based shelters and support services for victims of family violence, domestic violence, and dating violence. The Family Violence Prevention and Intervention Program is partially funded through the Temporary Assistance for Needy Families (TANF) block grant. The program meets TANF goal 4 to encourage the formation and maintenance of two-parent families. DCFS will be responsible for the administration of available funding to selected program providers.

B. DCFS will administer the program to do the following:

1. establish immediate and full-time trauma informed shelters for victims of family violence, domestic violence, and dating violence and their dependents; and

2. increase, improve, and coordinate the delivery of comprehensive support services to victims of family violence, domestic violence, and dating violence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:25 (January 2018).

§6903. Eligible Organizations

A. In order to receive funding, a program provider's core function must be providing assistance to victims of family violence, domestic violence, and dating violence. The program provider must be a public or private nonprofit organization and demonstrate that it can provide services that include but are not limited to the following:

1. a 24-hour a day shelter which provides safe refuge and temporary lodging for victims of family violence, domestic violence, and dating violence and their dependents or other safe refuge accommodations such as time limited hotel and motel placements and other direct placement programs;

2. counseling for victims;

3. support programs that assist victims of family violence, domestic violence, and dating violence in obtaining needed medical, legal, and other services and information; and

4. educational programs tailored to increase community awareness of family violence, domestic violence, and dating violence.

B. The program provider must meet minimum health, safety, and program standards as defined in standards 4.1 and 4.2 (see §6921).

C. The program provider must demonstrate that they have received, or can expect to receive, separate local funding equal to 20 percent of their anticipated cost of operation. In-kind contributions, whether it be materials, commodities, transportation, office space, other types of facilities, personal services, or otherwise, will be evaluated by the department and, if appropriate, will be included as part of the required local 20 percent funding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:25 (January 2018).

§6905. Contracts for Services

A. DCFS will contract for services with eligible providers in accordance with the Louisiana procurement code, R.S. 39:1551-1736.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:25 (January 2018).

§6907. Application Process

A. Application packets will be sent to all existing family violence program providers and all persons and organizations that have made past inquiries regarding funding. Organizations interested in applying may request application packets from the Department of Children and Family Services, P.O. Box 94065, Baton Rouge, LA 70821.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:25 (January 2018).

§6909. Definitions

Counseling—supportive services that are provided to individuals or groups and includes referrals to community-based social services.

Crisis Counseling—in-person crisis intervention, emotional support, guidance, and counseling provided by advocates, counselors, mental health professionals, or peers. Such counseling may occur at the scene of a crime, immediately after a crime, or provided on an ongoing basis.

Dating Violence—violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence—a pattern of assaultive and coercive behaviors, including physical, sexual, and psychological attacks, as well as economic coercion, that adults or adolescents use against their intimate partners where the perpetrator and victim are current or have been previously dating, cohabiting, married, or divorced. This includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a

spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Family Violence—any act or threatened act of violence, including any forceful detention of an individual that results or threatens to result in physical injury and is committed by a person against another individual to or with whom such person is related by blood or is or was related by marriage or is or was otherwise legally related or is or was lawfully residing.

Personally Identifying Information or *Personal Information*—any individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including:

1. a first and last name;
2. a home or other physical address;
3. contact information (including a postal, e-mail or internet protocol address, or telephone or facsimile number);
4. a Social Security number, driver's license number, passport number, or student identification number; and
5. any other information (including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual).

Shelter—the provision of temporary refuge and supportive services in compliance with applicable state law governing the provision, on a regular basis, of shelter, safe homes, meals, clothing, personal care items and supportive services to victims of family violence, domestic violence, or dating violence, and their dependents.

Support Programs—preventive and counseling services such as outreach, parenting, employment training, educational services, promotion of good nutrition, disease prevention, substance abuse counseling, legal advocacy, transportation, and adult and child counseling.

Supportive Services—services that meet the needs of victims of family violence, domestic violence and dating violence and their dependents for short term, transitional, or long term safety and provides counseling, advocacy, and assistance for victims.

Survivor—someone who has experienced any form of intimate partner violence, has overcome the domestic violence, or who has escaped an abusive relationship.

Trauma Informed Care—is an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma. Trauma informed care also emphasizes physical, psychological, and emotional safety for both survivors and providers, and helps survivors rebuild a sense of control and empowerment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:25 (January 2018).

§6911. Program Monitoring

A. Program providers that contract with the Department of Children and Family Services (DCFS) and receive funding for domestic violence programs must allow and agree that:

1. DCFS personnel will make annual on-site programmatic contract reviews. DCFS, at its discretion, may make more than one programmatic visit per year. These site visits will be conducted for compliance with contractual requirements; and
2. the program grants to the Office of the Legislative Auditor, the Office of the Inspector General, the Bureau of Audit and Compliance Services, the federal government, and any other officially designated authorized representatives of DCFS the right to audit, inspect, and review all books and records pertaining to services rendered under their contract with DCFS and the right to conduct on-site monitoring.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:26 (January 2018).

§6913. Guiding Principles for Minimum Program Standards

A. All of the minimum program standards are considered mandatory. Any program provider found noncompliant with a critical standard must submit a corrective action plan to address the noncompliant standard to the department within 15 calendar days after the date of the program inspection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:26 (January 2018).

Subchapter B. Minimum Program Standards

§6915. Governance

A. Guiding Principles. The board of directors is the governing body of a nonprofit organization. The board establishes the program's mission statement and develops policies necessary to carry out the mission. The board secures financial support and is legally responsible and accountable for the organization and the programs that the organization administers. The roles of the board and the executive director are clearly differentiated. The executive director, a program staff member, does not govern and the board does not interfere with, participate in, or administer the day-to-day program activities.

B. Critical Minimum Standards

1. Standard 1.1. The mission and philosophy of the program must be compatible with the philosophy of the department as stated in §6901.B.1-2.
2. Standard 1.2. The program must have documentation of its authority to operate under state law.
3. Standard 1.3. The program must have a designated board of directors.

C. Minimum Standards

1. Standard 1.4. The program must have documents that identify the board of directors' names, addresses, and the dates of their membership on the board.
2. Standard 1.5. The board must consist of individuals who do not have a conflict of interest with program staff members or other board members.
3. Standard 1.6. The board must have a written conflict of interest policy. This policy will prohibit anyone in the provider organization from undertaking any activities that have a conflicting interest or have the appearance of a

conflicting interest in the mission and operations of the organization.

4. Standard 1.7. The board must maintain written minutes of formal meetings. Written policies must dictate the frequency of meetings and the quorum requirements for formal meetings.

5. Standard 1.8. The board must ensure that the program complies with its policies and with relevant federal, state, and local laws and regulations.

6. Standard 1.9. The board must designate a person to act as executive director and is to delegate sufficient authority to the executive director to manage the program, its program staff members, and volunteers.

7. Standard 1.10. The board must conduct an annual performance evaluation of the executive director.

8. Standard 1.11. The executive director will administer day-to-day activities in accordance with these standards and guidelines. The executive director is responsible for directing the program staff members to implement activities to fulfill the program's mission and purpose.

9. Standard 1.12. The board and the executive director must develop a strategic plan for the program.

10. Standard 1.13. The board must inform the department within 48 hours of any changes in their executive director position.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:26 (January 2018).

§6917. DCFS Contract Requirements

A. Guiding Principles. The Department of Children and Family Services (DCFS) requires that all family violence programs meet basic legal and contractual obligations and specify these obligations in the contract. These standards are not inclusive of all the requirements under the contract. The contract will contain a mandatory provision for compliance with DCFS quality assurance standards (see R.S. 46:2122, program creation; R.S. 46:2124, community shelters, funding, services; R.S. 46:2126, programs for victims of family violence, creation; and R.S. 46:2128, eligibility requirements for local family violence programs).

B. Critical Minimum Standards

1. Standard 2.1. The legal structure of the program must permit it to enter into a contract with the state and to abide by federal statutes and regulations. The program must agree to abide by the requirements of the following as applicable to employees, volunteers, and survivors: title VI and VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972; Federal Executive Order 11246; the Federal Rehabilitation Act of 1973, as amended; the Vietnam Era Veteran's Readjustment Assistance Act of 1974; title VIII of the Civil Rights Act of 1968; title IX of the Education Amendments of 1972; the Age Act of 1972; and the Americans with Disabilities Act of 1990. These regulations require that the program act as an equal opportunity employer. The program must not discriminate against anyone seeking employment on the basis of age, sex, race, color, disability, national origin, religion, veteran status, marital status, sexual orientation, abuse status (i.e. battered or formerly battered), or parenthood. Program employees must not discriminate in the provision of services or use of volunteers on the basis of any status described above. No program can discriminate or retaliate against any employee who exercises their rights under any federal or state anti-discrimination law.

2. Standard 2.2. The program must maintain current commercial liability insurance coverage on all program owned vehicles. Staff members and volunteers who transport survivors and their families in their personal vehicles must also maintain appropriate liability insurance coverage.

C. Minimum Standards

1. Standard 2.3. The program must acknowledge DCFS as a funding agent on its program stationary and written material and when providing information about the program.

2. Standard 2.4. The program must inform designated representatives of DCFS prior to initiating any substantial changes to the services that the program provides or to any of the program's physical structures.

3. Standard 2.5. The program must be registered with the Secretary of State and show compliance with that agency's annual reporting requirements.

4. Standard 2.6. The program must not use DCFS funds as direct payment to survivors or dependents.

5. Standard 2.7. The program must not impose income eligibility standards on individuals seeking assistance.

6. Standard 2.8. The program must not accept reimbursement from survivors of domestic violence. All advertising must state that services to survivors and their children are free and confidential.

7. Standard 2.9. Services provided to survivors must include, but are not limited to, emergency shelter or referrals, 24-hour hotline, supportive services, and crisis, peer, educational, and domestic violence counseling.

8. Standard 2.10. The program must secure and maintain insurance that covers both general and professional liability.

9. Standard 2.11. The program must submit accurate and timely reports and budget revisions as required by its contract with DCFS.

10. Standard 2.12. The program must retain all books, records, and other documents relevant to its contract with DCFS and funds expended thereunder for at least four years after its receipt of final payment or for three calendar years after audit issues or litigation have been resolved.

11. Standard 2.13. The service provider must obtain an annual audit of its program within 6 months of ending its fiscal year and submit a copy of the audit to DCFS within 30 calendar days of the audit issuance.

12. Standard 2.14. The program must have a written policy that prohibits it from entering into any agreement involving the payment of public funds to:

a. any member of the governing body or staff member and any members of their immediate family, anyone living in the household as a family member, or to any entity in which the foregoing have any direct or indirect financial interest; or

b. in which any of the foregoing serve as an officer or employee unless the services or goods are provided at a competitive cost or under terms favorable to the program. The program must maintain written records of any and all financial transactions in which a member of the board, staff members, or their immediate family is involved.

13. Standard 2.15. The program must identify the area and population it serves in its brochures.

14. Standard 2.16. The program must maintain accurate statistical data relevant to its services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:27 (January 2018).

§6919. Confidentiality

A. Guiding Principles. The board of directors, staff members, and volunteers of the family violence program must maintain the highest ethical standards in all areas of the organization's performance and in program implementation. Confidentiality must be guaranteed. The program must implement methods for determining the extent of danger to survivors and develop proper ways to prepare for the future safety of domestic violence survivors (see R.S. 46:2124.1, privileged communications and records; a provision in the federal Family Violence Prevention and Services Act 42 U.S.C. 1042(a)(2)E; Section 40002, of the Violence Against Women and Department of Justice Reauthorization Act of 2005, PL 1009-162, subparagraph (b)(2), non-disclosure of confidential or private information and section 40002(a)(18), personally identifying information or personal information).

B. Critical Minimum Standards

1. Standard 3.1. The program must have policies and procedures that maintain compliance with the confidentiality requirements of the Family Violence Prevention and Services Act (FVPSA) and the Violence Against Women Act of 2005 (VAWA). These include the following specific provisions that require those programs receiving grant funds to:

a. protect the confidentiality and privacy of adults, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking and their families. No individual client information can be revealed without the informed, written, and reasonably time-limited consent of the person about whom information is sought; and

b. have policies and procedures specific to maintaining the confidentiality of information that can be released to the parent or guardian of a non-emancipated minor, to the guardian of a person with disabilities, or pursuant to statutory or court mandate. Federal law provides that consent for release may not be given by the abuser of the minor, the abuser of the other parent of the minor, or the abuser of a person with disabilities.

C. Minimum Standards

1. Standard 3.2. The program must inform individuals served by the program about the nature and scope of confidentiality prior to providing any services.

2. Standard 3.3. The program must have additional policies and procedures that maintain compliance with confidentiality provisions that prohibit the disclosure of personal identifying victim information to any third-party shared data system including the homeless management information system (HMIS).

3. Standard 3.4. The program must ensure that members of the board, staff members, and volunteers sign a written statement agreeing to maintain the confidentiality of all information and records pertaining to those receiving or seeking services through the program.

4. Standard 3.5. When the program finds it necessary to keep the location of its shelter or other facilities confidential, program employees and volunteers are prohibited from disclosing information regarding the location of those facilities except in the following specific cases:

a. to medical, fire, and police personnel when their presence is necessary to preserve the health and safety of survivors, employees, and volunteers at the facility;

b. to vendors and others that programs have business relationships. The executive director or their designee must ensure that written agreements are executed by representatives of such businesses pledging to keep the location of the facility confidential;

c. to any other person, when necessary, to maintain the safety and health standards in the facility. The executive director or their designee may disclose the location of the confidential facility for the purpose of official inspections. These inspections include personnel from the Department of Children and Family Services (DCFS), the Louisiana Coalition Against Domestic Violence (LCADV), state and local fire marshals, and the Louisiana Department of Health (LDH). The executive director may also allow other inspections and maintenance activities necessary to ensure safe operation of the facility;

d. to supportive individuals of a shelter resident who have been approved, at the request of the resident, as a part of case management, who have been prescreened by shelter staff members, and who have signed an agreement to keep the location of the facility confidential. Program staff members must ensure that the individual's presence at the facility does not violate the confidentiality of other shelter residents; and

e. the program must ensure that an individual that is receiving services sign a written statement agreeing to maintain the confidentiality of facility locations and the identities of others who are also provided services by the program.

5. Standard 3.6. When the program finds it unnecessary to keep the location of its shelter or other facilities confidential, the program must notify survivors, in writing, that the program's facilities are not confidential locations.

6. Standard 3.7. The program must have policies and procedures to ensure that records of services sought or provided to individuals will be held confidential.

7. Standard 3.8. The program must maintain all records which contain personally identifying information in a secure, locked storage area. The program must have policies and safeguards in place to prevent unauthorized access to information identifying individuals seeking or receiving services. This includes all information systems and computer accessible records and documents.

8. Standard 3.9. The program must have policies that allow review and access to records only by program staff members and volunteers as necessary to provide or supervise services, perform grant or audit reporting duties, or to respond to court orders. Programs may identify in their confidentiality policies which specific staff members, as identified by job responsibility and title, will have access to confidential information, records, and information systems.

9. Standard 3.10. The program must ensure that policies and procedures require that staff members' and volunteers' discussions and communications regarding services provided to individuals will occur in appropriate and private locations.

10. Standard 3.11. The program must have policies that ensure that all consent for release of information forms are signed by the person about whom information is to be released. These forms must specifically state:

a. the purpose of the release of information;

b. the specific information that a person receiving services agrees can be released;

c. the person or entity to whom the information is to be released;

d. the date on which the form was signed;

e. clear time limits for the duration of the release of information; and

f. language that clearly indicates that the consent for release of information may be revoked at any time.

11. Standard 3.12. Staff members and volunteers must report suspected abuse of a child or dependent adult. A program must develop policies that address the specific procedures by which program staff members and volunteers will report information about any suspected abuse or neglect of a child or dependent adult according to the Louisiana child and adult protection statutes. (Refer to Louisiana's *Children Code* article, 603 definitions, subparagraph 13, "mandatory reporter" language; article 609 regarding mandatory and permitted reporting; and article 610 regarding the reporting procedure to be utilized; article 611 regarding immunity from civil and criminal liability; article 612 which describes the assignment of reports regarding child abuse and neglect for investigation and assessment; and article 615 regarding the disposition of reports in response to allegations of child abuse or neglect. (See also R.S. 14:403.2 regarding the abuse and neglect of dependent or disabled adults.)

12. Standard 3.13. After the filing of a program initiated abuse report, program staff members must cooperate with child welfare and adult protective services regarding the investigation of the abuse report. This includes assisting child welfare and adult protective service investigators in gaining access to survivors and their children in a manner that maintains the confidentiality of survivors that are receiving services who are not involved in the abuse report. This does not necessitate that staff members release any information that is not relevant to the reported abuse.

13. Standard 3.14. The program must have policies for reporting personally identifying information that may be required in instances of medical emergencies.

14. Standard 3.15. The program must have policies for reporting personally identifying information that is required in instances of threats of suicide or homicide that is communicated to domestic violence staff members and volunteers. Under these circumstances, confidential information may be disclosed to:

a. licensed medical or mental health personnel and facilities;

b. law enforcement personnel;

c. an intended victim; and

d. the parent of a minor child making a threat.

15. Standard 3.16. The program must have policies that include how domestic violence program staff members, volunteers, and the board will respond to summonses, subpoenas, and warrants, and should, whenever possible, provide specific detail allowing for a service of these court orders at a location other than that of the domestic violence program site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:28 (January 2018).

§6921. Facility Management

A. Guiding Principles. These standards encompass the overall practices and procedures that the program employs to ensure that the facility and grounds that the program leases or owns are appropriately accessible, functional, attractive, safe, and secure for the persons served, visitors, employees, and volunteers. They ensure that the program meets legal requirements and codes for public safety and health.

B. Critical Minimum Standards

1. Standard 4.1. The program must adhere to all applicable zoning, building, fire, health, and safety codes and the laws of the state and of the community in which the organization is located. Programs are annually inspected by the Office of Public Health and the State Fire Marshal.

2. Standard 4.2. Traditional, multifamily, and single family shelters must have monitored security, which may be an electronic security system, security cameras, security guards, or on-site police or sheriff protection.

C. Minimum Standards

1. Standard 4.3. The program must conduct regular evaluations to ensure proper maintenance of the facility's buildings and grounds.

2. Standard 4.4. The program must have a written policy to ensure that serious incidents, such as those that require the services of a licensed medical professional or law enforcement agency, are properly documented and reconciled. Serious incidents must be reported to appropriate authorities.

3. Standard 4.5. The program must have a policy that it will only house the number of people in its residential facilities that can be adequately served and that the number served cannot surpass the building capacity that is set by the state fire marshal.

4. Standard 4.6. The program must have space to provide private and confidential services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:29 (January 2018).

§6923. Financial Management and Fund Development

A. Guiding Principles. The board, the executive director, and other specified staff members share the responsibility for fiscal management. The board has the final legal responsibility for financial matters and should set policies, oversee the raising of revenue, approve annual budgets, and monitor finances throughout the year. The board should authorize the executive director to plan and implement procedures that carry out the fiscal policies while ensuring internal control so that no single individual directs all of the organization's day-to-day financial activities. Staff members

that are assigned financial responsibilities are to make regular reports to the board.

B. Critical Minimum Standards

1. Standard 5.1. The program must comply with all financial regulations, such as earnings withholding and payment of federal, state, and Social Security taxes and the management and use of restricted funds.

2. Standard 5.2. The program must complete and submit the annual IRS Form 990 in a timely, accurate manner and include specific information about the relevant year's activities and outcomes.

3. Standard 5.3. The program's board of directors must ensure that its financial statements are audited, certified, and prepared in accordance with sound accounting practices. The audit must be completed within six months of the close of the organization's fiscal year.

C. Minimum Standards

1. Standard 5.4. Consistent, timely, and accurate financial reports must be prepared on a quarterly basis by the individuals responsible for the organization's financial reporting. These reports should consist of a balance sheet and profit/loss statement and be approved by the board during official board meetings.

2. Standard 5.5. The program must ensure separation of financial duties to serve as a checks and balances system to prevent theft, fraud, and inaccurate reporting. This system should be appropriate to the size of the organization's financial and human resources.

3. Standard 5.6. The board must adopt written financial procedures to monitor major expenses including payroll, travel, investments, expense accounts, contracts, consultants, and leases.

4. Standard 5.7. The program must periodically assess their risks and purchase appropriate levels of insurance to prudently manage their liabilities.

5. Standard 5.8. The board must set the compensation level for the organization's executive director. Minimum wage standards and labor laws related to overtime pay must be followed.

6. Standard 5.9. The executive director and appropriate board members must jointly create a budget that is then presented to the full board for approval. The board should be provided with quarterly budget updates.

7. Standard 5.10. The board must have members that clearly understand how to read and interpret financial statements.

8. Standard 5.11. The board must strictly prohibit financial loans to board members, the executive director, and all organization personnel.

9. Standard 5.12. The program must provide bonding of staff or adequate insurance for employees responsible for financial resources.

10. Standard 5.13. Generally accepted accounting procedures and practices must be implemented as required by the terms of the Department of Children and Family Services (DCFS) contract.

11. Standard 5.14. The program must follow the directives for nonprofit organizations found in the Federal Office of Management and Budget (OMB) Super Circular 2 CFR 200.

12. Standard 5.15. The program must comply with all federal, state, and local laws concerning fundraising practices.

13. Standard 5.16. The program must conduct their fundraising activities in a manner that upholds the public's trust in stewardship of contributed funds. Fundraising communications should include clear, accurate, and honest information about the organization, its activities, and the intended use of funds.

14. Standard 5.17. The board shall have overall responsibility for raising sufficient funds to meet budgeted objectives.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:29 (January 2018).

§6925. Staff Management

A. Guiding Principles. These standards encourage strong professional values. Relevant goals, objectives, and plans must be established for staff and volunteer administration.

B. Critical Minimum Standards

1. Standard 6.1. The program must have written personnel policies that comply with employment law and prohibit discrimination based on race, ethnicity, color, gender, sex, age, sexual orientation, disability, including substance abuse, economic or educational status, religion, HIV/AIDS or health status, and national origin.

2. Standard 6.2. Employees, program staff members, volunteers, and other personnel responsible for the actions of one or more persons and who have been given or have applied to be considered for a position of supervisory or disciplinary authority over children, with the permission of said person, must have a criminal history record check through the Bureau of Criminal Identification and Information before starting employment (see R.S. 15:587.1, provision of information to protect children and R.S. 15:587.3, volunteers and employees in youth-serving organizations; background information).

C. Minimum Standards

1. Standard 6.3. The program must have job descriptions for all positions. Job descriptions must include the required qualifications for each position and the program shall only employ individuals that meet or exceed the required qualifications.

2. Standard 6.4. The program must have written policies and procedures regarding the recruitment, screening, hiring, and dismissal of employees and identify which personnel will be responsible for hiring and terminating employees.

3. Standard 6.5. The program must conduct annual performance evaluations for all employees.

4. Standard 6.6. The program must maintain a confidential file for each staff member that includes, but is not limited to, application, resume, criminal background check, licenses and certifications, if applicable, reference checks, and a signed confidentiality statement.

5. Standard 6.7. The program may use unpaid volunteers to augment the program's direct and indirect services that are provided by paid staff members.

6. Standard 6.8. The program must have written volunteer policies and procedures regarding the recruitment, screening, training, recognition, supervision, and dismissal of volunteers used to provide direct and indirect services. Such policies must clarify the roles and responsibilities of volunteers in the program's provision of service with specific detail addressing professional boundaries, disclosure, and how, when, where, and the frequency with which volunteers will be used.

7. Standard 6.9. The program must have written job descriptions for each type of volunteer position that follows the same format of job descriptions for paid staff members. Job descriptions must be provided to volunteers upon acceptance into the program.

8. Standard 6.10. The program must maintain a confidential file for each volunteer that shall include, but not be limited to, application, criminal background check, licenses and certifications, if applicable, reference checks, a signed confidentiality statement, and a record of all trainings completed by a volunteer working directly with clients.

9. Standard 6.11. A written grievance policy must be provided to employees and volunteers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:30 (January 2018).

§6927. Training

A. Guiding Principles. These standards encourage strong professional values. Relevant goals, objectives, and plans must be established for staff and volunteer administration.

B. Critical Minimum Standards

1. Standard 7.1. Training shall be required for all individuals associated with the program. This includes board members, program staff members, and volunteers. Prior to working alone with clients, new staff members and volunteers must complete a minimum of 40 hours of training and must thereafter, annually complete a minimum of 30 hours of family violence training. The training curriculum should be compatible with the Louisiana Coalition Against Domestic Violence (LCADV) training manual or include the following topics:

a. historical perspective on the movement to end violence against women;

b. introduction to domestic violence;

c. confidentiality;

d. introduction to cultural competency;

e. introduction to survivor centered advocacy;

f. ethics in advocacy;

g. the impact of domestic violence on children;

h. civil legal and criminal procedure;

i. advocacy skills;

j. skills development; and

k. trauma informed care.

C. Minimum Standards

1. Standard 7.2. The 40-hour training program may be accomplished through a combination of:

a. group instruction using a variety of training techniques including role playing, other experimental exercises, and audio-visual materials;

b. one-on-one instruction and discussion with a fully trained, experienced advocate or supervisor;

c. shadowing a fully trained, experienced advocate performing job duties such as hotline coverage and intake procedures;

d. a practicum (A *practicum* is defined as a supervised activity meant to develop or enhance the trainee's ability to provide direct services.);

e. audio-visual materials may be used provided the trainee can discuss the information with a fully trained, experienced advocate or facilitator following the activity; and

f. a training manual that is given to each participant from which reading assignments can be made provided the trainee can discuss the information with a fully trained, experienced advocate or facilitator following the activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:31 (January 2018).

§6929. Eligibility

A. Guiding Principles. These standards seek to ensure the availability and equal provision of services to family violence survivors and their dependents. These standards also define circumstances and situations that could render a survivor ineligible for program services.

B. Critical Minimum Standards

1. Standard 8.1. The program must provide services regardless of race, religion, color, national origin, gender, age, mental or physical disability, sexual orientation, citizenship, immigration status, marital status, or language spoken. The program must assist and accommodate persons with mental or physical special needs. Assistance shall be provided through coordinated efforts between family violence program staff members and other identified service providers.

C. Minimum Standards

1. Standard 8.2. Persons that are eligible for services shall include family violence, domestic violence, and dating violence survivors and their dependents. Eligible persons include adults, legally emancipated minors, minors granted permission for services by a parent, a guardian, a judge's orders, or caretakers of eligible persons. In the event that a non-emancipated minor seeks services, the program must acquire parental permission prior to providing any services. No dependent males or females that are with their parent or guardian shall be denied access to services.

a. Those eligible for services include survivors who may be in imminent danger of being abused by their current or former intimate partner or family member, those who are in danger of being emotionally, physically, or sexually abused, and survivors who have no safe place to go.

b. The program must provide comparable services to eligible male survivors.

2. Standard 8.3. Upon initial contact with survivors, program staff members must complete an assessment which will cover the following:

a. eligibility for support and intervention services;

b. immediate safety issues;

c. batterer's potential for lethality;

d. ensure that the person requesting services is the survivor and not the perpetrator;

e. special needs based on a disability;

f. special needs based on the requirements of a person's self-identified religious, cultural, ethnic, geographic, and other affiliations; and

g. other appropriate services.

3. Standard 8.4. The program must develop and provide a written grievance policy that must be given to every survivor upon admission to services. The policy shall include procedures to follow in the event a survivor:

a. believes they have been unjustly denied services;

b. is dissatisfied with the quality of services; or

c. is dissatisfied with the behaviors of a staff member or volunteer.

4. Standard 8.5. Survivors may be denied shelter services or be ineligible for other program services. In these instances, the program must, as soon as possible, inform survivors seeking services of the criteria that may render them ineligible for services. This standard is intended to guard against a survivor discovering she or he is ineligible for services when they have already risked leaving their abuser. Information and referrals are to be made for other appropriate services.

a. When the program cannot admit new survivors to a shelter due to capacity, every effort must be made to secure and facilitate admission to safe alternative accommodations (see §6947, standard 17.21).

b. If it is determined that a person is ineligible for services after admission to a shelter, program staff must refer the person to other appropriate services and assist the person to access transportation to receive the other appropriate services.

5. Standard 8.6. The extent to which eligibility can affect the long-term or future eligibility for services must be evaluated and documented on a case-by-case basis. Examples of ineligibility criteria include:

a. not an adult or emancipated minor or a minor granted permission; and

b. exhibits signs of suicidal or homicidal behaviors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:31 (January 2018).

§6931. Safety Planning

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Critical Minimum Standards

1. Standard 9.1. The program must provide a program staff member to be available 24-hours a day to assist survivors of family violence with assessing levels of danger and lethality and to assist them in developing a personal plan for safety.

C. Minimum Standards

1. Standard 9.2. Safety planning must meet the needs of the survivor.

2. Standard 9.3. The program must develop a protocol for safe travel of survivors. Protocols must contain provisions for survivor travel to programs for crisis intervention, shelter, and other support services. Furthermore, the protocols shall reflect the survivor's need for local travel whether provided by themselves, the program, or public and private carriers.

3. Standard 9.4. Safety planning must include a danger and lethality assessment to determine the survivor's immediate level of danger. Trained advocates must complete the assessment and document the assessment in the survivor's case record.

4. Standard 9.5. Safety planning is an on-going process during shelter stays and advocacy participation. Program staff must provide additional safety planning for survivors during periods of increased risk such as when filing court documents, attending court hearings, exiting the shelter, or any other strategic move by the survivor or abuser.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:32 (January 2018).

§6933. Hotline

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Critical Minimum Standards

1. Standard 10.1. The program must operate a 24-hour, 7 days a week hotline. The hotline must be answered by a program staff member or volunteer who has had training on crisis intervention and trauma informed approaches to hotline calls.

C. Minimum Standards

1. Standard 10.2. The program must have a minimum of two telephone lines. One of the lines must be the designated hotline. Programs that employ the use of caller identification equipment or telephone services in conflict with the spirit of anonymity must, as a condition of informed consent, inform callers of the use of such equipment.

2. Standard 10.3. Hotlines must be equipped with call blocking to safeguard against caller identification and call back services.

3. Standard 10.4. Hotline services must provide emergency telephone crisis intervention and advocacy. These services include:

a. crisis intervention;

b. assessment of caller's needs;

c. emergency protocols;

d. lethality and danger assessment;

e. information and referrals to available community resources;

f. safety planning; and

g. listening to and validating the caller's experience.

4. Standard 10.5. Hotline services must include the provision of education and information about:

a. the nature and dynamics of domestic violence;

b. how batterers maintain control and dominance over their victims;

c. the need to hold batterers accountable for their actions;

d. the recognition that individuals victimized by domestic violence are responsible for their own decisions and that batterers are responsible for their violent behavior; and

e. trauma.

5. Standard 10.6. Hotline calls must be documented on an appropriate form that denotes each hotline call, the

services offered to the survivor, any referrals made on behalf of the survivor, any information received in calls from professionals or third parties, and a plan of action to be taken.

6. Standard 10.7. Staff members answering hotline calls must ensure that all calls are answered immediately and must ensure accessibility for all callers.

7. Standard 10.8. Hotlines must be answered using the name of the family violence program.

8. Standard 10.9. Staff members and volunteers must answer the hotline in a place that is quiet, free of distractions, and confidential. If possible, the hotline should be in a private office.

9. Standard 10.10. The hotline number must be listed in the local telephone directory, be widely distributed, and be available from local telephone information services.

10. Standard 10.11. When holding or transferring hotline calls the staff member must:

a. complete an initial assessment as to the immediate danger to the survivor before putting the caller on hold;

b. check back with callers on hold within two minutes; and

c. prioritize calls using safety and lethality assessments.

11. Standard 10.12. Survivors of domestic violence who are deaf or hard of hearing must have equal access to the hotline.

12. Standard 10.13. The program must have written procedures on how advocates will respond to a limited English proficiency (LEP) individual.

13. Standard 10.14. A hotline shall not be answered by an automated call-routing machine, an answering machine, or an answering service.

14. Standard 10.15. The program must maintain a staffing schedule that provides staff members or volunteers access to a supervisor or their designee as a back-up during hotline coverage.

15. Standard 10.16. If either party is using a cellular telephone, the caller must be made aware that confidentiality cannot be guaranteed. All hotline telephones must have a call waiting feature.

16. Standard 10.17. If call forwarding is used to ensure proper staffing of the hotline, it is the responsibility of the program staff members to ensure safety and confidentiality.

17. Standard 10.18. After hours, on weekends, and on holidays, administrative and outreach telephones must be answered by devices that clearly direct callers to the hotline number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:32 (January 2018).

§6935. Information, Outreach, and Community Education

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Minimum Standards

1. Standard 11.1. The program must maintain a current listing of traditional and nontraditional community resources including:

a. emergency service telephone numbers;

b. housing alternatives;

c. medical and health care services including dentistry;

d. legal services;

e. alcohol and drug related services;

f. translation and interpreter services;

g. child protective and welfare related services;

h. housing options and resources;

i. services for those individuals with physical or cognitive disabilities;

j. lesbian, gay, bisexual, transgender, and questioning (LGBTQ) support services;

k. counseling services for adults and children;

l. emergency and other transportation services;

m. continuing education and job training;

n. child care services and parenting education;

o. batterer intervention services;

p. consumer, credit, and financial services;

q. adolescent services and programs;

r. elderly support services;

s. school based services; and

t. victim and witness programs.

2. Standard 11.2. The program must take an active role in developing and maintaining on-going relationships with the following community partners:

a. child protective services;

b. court personnel;

c. law enforcement agencies;

d. the Council on Aging;

e. local schools; and

f. Temporary Assistance for Needy Families (TANF) assistance programs.

3. Standard 11.3. The program must actively endeavor to increase awareness of their services to survivors of domestic violence in their service areas.

4. Standard 11.4. The program must provide outreach activities to the ethnic, cultural, and religious diversity of battered women and other victims of domestic violence in their service area. The program must also provide outreach activities to domestic violence victims in traditionally underserved populations.

5. Standard 11.5. Outreach services must be accessible in all service areas of a program. At a minimum, programs must:

a. ensure that the hotline number is widely distributed in the outreach areas; and

b. provide a staff member, when possible, to meet in person and as needed with survivors in outreach areas;

c. conduct public awareness, education, and training activities in outreach areas.

6. Standard 11.6. The program must provide education and prevention programs and information to the local community. Programs should be actively involved in educating individuals, community organizations, and service

providers concerning domestic violence dynamics, the prevalence of domestic violence, and the need for survivor safety.

7. Standard 11.7. The program must provide educational assistance to professionals, community groups, and organizations in the local community about the dynamics and extent of domestic violence and the resources that are available from the program. These groups include:

a. law enforcement agencies;
b. health care providers;
c. clergy;
d. school professionals;
e. mental health professionals;
f. social service providers;
g. business community leaders;
h. civic groups;
i. community groups; and
j. religious groups.

8. Standard 11.8. The program must have written materials in alternative formats to meet the needs of survivors with visual, hearing, or cognitive disabilities and materials for non-English speaking survivors.

9. Standard 11.9. The program must conduct community education, consultation, and training.

a. Programs should take a leadership role in their local community in identifying systems and organizations that affect the prevention and treatment of domestic, family, and dating violence.

b. Programs are to attempt to change institutional practices that again victimize survivors or that place survivors' safety at risk.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:33 (January 2018).

§6937. Crisis Intervention

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Minimum Standards

1. Standard 12.1. Crisis intervention services must be provided by a qualified, trained staff member or volunteer using a trauma informed approach.

2. Standard 12.2. Crisis intervention services must be primarily focused on the provision of information, advocacy, safety planning, and empowerment.

3. Standard 12.3. Crisis intervention services must be based upon a problem solving model to provide information and referrals that assist an individual or family in crisis. Crisis intervention services include:

a. assessing risk and danger;
b. assessing needs;
c. identifying major obstacles and barriers;
d. safety planning;
e. providing referrals, as requested, to community resources such as shelters, attorneys, and medical providers;
f. providing information about available legal remedies;
g. exploring possible options to support safety;
h. formulating an action plan; and
i. validating the survivor's feelings.

4. Standard 12.4. Goals for crisis intervention services shall be defined as interactions that:

a. stabilize emotions;
b. clarify issues; and
c. provide support and assistance.

5. Standard 12.5. A program that offers crisis intervention services must provide services to both shelter residents and nonresidents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:34 (January 2018).

§6939. Individual Service Planning

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Minimum Standards

1. Standard 13.1. In collaboration with survivors, the program must develop an individualized service plan for the purpose of assessing needs, identifying priorities, setting goals, implementing progress toward goals, and locating resources.

2. Standard 13.2. Individual service planning must be provided by qualified, trained staff members or volunteers who are required to be trained in the practice and dynamics of trauma informed care.

3. Standard 13.3. An advocate providing individual service planning must have access to and be familiar with a complete list of community resources. They should also be expected to establish working relationships with other service providers.

4. Standard 13.4. An advocate must provide individual service planning and should assist the person with identifying the person's own needs, available resources and services, and provide assistance in obtaining those services. Individual planning services shall be survivor driven.

5. Standard 13.5. An advocate providing individual service planning must assume a coordinating role using a voluntary services approach and facilitate the provision of services provided by other organizations and professionals in a coordinated and collaborative manner while complying with federal laws regarding confidentiality.

6. Standard 13.6. An advocate must facilitate service delivery and referrals and encourage ongoing communication with the providers of additional services that includes:

a. ongoing and long-term safety planning;
b. medical, nutritional, and health services;
c. counseling for individuals, children, and family;
d. law enforcement assistance;
e. civil legal remedies and services;
f. public assistance services, including job training and support services;
g. short-term, transitional, and permanent housing;
h. child care services and parenting education;
i. child protection services;
j. alcohol and drug evaluation and education;

k. alcohol and substance abuse treatment services;

l. services for persons with disabilities;

m. transportation assistance;

n. education, continuing education, high school equivalency test (HiSET), and literacy services;

o. lesbian, gay, bisexual, and transgendered support services;

p. interpreter and translation services and immigration assistance;

q. financial planning and consumer rights information and services; and

r. other related services as needed.

7. Standard 13.7. Advocacy contacts made on behalf of survivors to individuals or groups outside of the family violence program must not be initiated without the survivor's direct permission. A release of confidential information form must be used to document the survivor's approval.

8. Standard 13.8. Programs must provide individual service planning to shelter residents and nonresidents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:34 (January 2018).

§6941. Support Groups

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. These standards value an individual response, collaboration, thoughtful evaluation, careful stewardship, and unconditional positive regard through a trauma informed approach. Participation in intervention services shall be voluntary.

B. Critical Minimum Standards

1. Standard 14.1. The program must provide group interactions facilitated by program staff members to address the emotional needs of adult and child users of services. These services include crisis, peer, supportive, educational, and domestic violence counseling.

C. Minimum Standards

1. Standard 14.2. Interactive group sessions must be topic oriented, informational, educational, and survivor directed. Sessions must be facilitated by qualified, trained program staff members and volunteers. Staff members and volunteers facilitating the support group must have at least 40 hours of domestic violence training education and experience in group facilitation and group dynamics for peer-to-peer led groups in trauma informed, culturally, and linguistically appropriate approaches.

2. Standard 14.3. The program must provide at least one weekly support group session for adult participants. As resources allow, the program will provide child care or a children's support group session during the time the adult support group meets.

3. Standard 14.4. The support group facilitator must discuss the requirement of maintaining confidentiality during the support group session. The facilitator must then ensure that all individuals attending the group session sign a written statement agreeing to maintain the confidentiality of others attending the group session.

4. Standard 14.5. A program that provides support group services may provide:

a. open support groups which accept new members at any time; and

b. closed support groups which do not add new members for a specified period of time.

5. Standard 14.6. Support group services, which differ from professional group therapy, must provide support that addresses the needs identified by those attending the group session that includes:

a. safety planning;

b. active and reflective listening;

c. problem solving;

d. building self-esteem;

e. information about available legal remedies; and

f. information about available community resources.

6. Standard 14.7. Support group services must provide education and information about:

a. how batterers maintain control and dominance;

b. the need to hold batterers accountable for their actions;

c. the recognition that individuals victimized by domestic violence are responsible for their own decisions and that batterers are responsible for their violent behavior;

d. the role of society in perpetuating violence against women and the social change necessary to eliminate violence against women, including the elimination of discrimination based on ethnicity, color, gender, age, sexual orientation, disabilities, including substance abuse, economic or educational status, religion, HIV/AIDS or health status, or national origin; and

e. the traumatic effect of abuse.

7. Standard 14.8. The program must provide support groups to both residential and nonresidential survivors including former residents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:35 (January 2018).

§6943. Services for Children

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Critical Minimum Standards

1. Standard 15.1. Each program must have a written policy prohibiting the use of corporal punishment on children by either the parent or the provider of care while a family is residing in a shelter. Parents must be provided a copy of the policy.

C. Minimum Standards

1. Standard 15.2. The program must recognize the special needs of survivors' children and provide services specific to them.

2. Standard 15.3. All in-person services for children must be provided at the request of the guardian and with the guardian's permission.

3. Standard 15.4. Family violence programs must provide children services to both residential and nonresidential children.

4. Standard 15.5. The program must provide the following services for children:

a. child intake and assessment;

b. safety planning with the parent and child;

c. individual planning and support contacts;

d. advocacy with outside systems;

e. information and referral services;

f. support groups and/or play groups;

g. information about domestic violence and trauma in an age appropriate manner; and

h. an orientation for children residing in a shelter.

5. Standard 15.6. Children services must be provided by qualified, trained staff members or volunteers that are trained in the following:

a. the developmental stages of childhood, including physical, social, cognitive, and emotional stages;

b. developmentally appropriate ways of working with children;

c. a working knowledge of family violence and its effects on survivors and children;

d. positive discipline techniques;

e. nonviolent conflict resolution;

f. the warning signs of abuse;

g. appropriate methods for interviewing children who have disclosed abuse;

h. trauma informed care; and

i. a working knowledge of the child welfare system.

6. Standard 15.7. Children services must include the use of child support groups.

a. Support groups are a time to allow children to play in a safe, structured environment. The support group is to be based on a developmentally appropriate philosophy. While the support group is planned and facilitated by a child advocate, the children direct their own progress in the group. This empowers the child, offers the child a safe and appropriate place to say "No," and teaches consistency, structure, and nonviolent conflict resolution.

b. The goals of the children's support group are to break the silence about abuse, to learn how to protect oneself, to have a positive experience, and to strengthen self-esteem and self-image.

7. Standard 15.8. Program staff members must make available to the child's parent education, support, and access to resources. Child advocates must be available to meet with each parent at least once a week in individual sessions to provide information and support to ensure that:

a. information is available and provided to parents about domestic violence and its complex effect on parents and their children; and

b. provides the child's parent with nonviolent options for disciplining his or her child.

8. Standard 15.9. The program must have in place a way to provide and arrange transportation to attend school for a child in residence.

9. Standard 15.10. Access to child care options must be provided to residential families. Situations in which child care options may be provided include:

a. during the parent's intake;

b. during support group sessions;

c. when the parent may be looking for housing or employment;

d. when the parent is in counseling;

e. while the parent is meeting with attorneys and attending court proceedings; and

f. during all appointments and meetings in which caring for the child could be disruptive or when the child might overhear the parent talking about his or her abuse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:35 (January 2018).

§6945. Court Advocacy

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Critical Minimum Standards

1. Standard 16.1. The program must provide court advocacy to assist survivors in receiving self-identified interventions and actions sought from civil and criminal justice systems. The program must also provide information about legal options so that self-identification of needed interventions can occur.

C. Minimum Standards

1. Standard 16.2. Court advocacy services must ensure that appropriate staff members and volunteers have a working knowledge of current state and federal laws pertaining to domestic violence and how the local justice system responds to domestic violence cases including the local court rules in each parish where services are provided.

2. Standard 16.3. Court and legal advocacy must be provided by qualified, trained staff members and volunteers who:

a. offer support to survivors seeking relief through the courts;

b. help survivors understand court actions; and

c. provide information that enables the survivor to make informed decisions about court actions, decisions, and processes.

3. Standard 16.4. Programs offering court advocacy services must maintain a clear distinction between legal advice and legal information. The program must strictly monitor and prohibit staff members and volunteers from practicing law or providing legal representation if they are not properly certified to engage in such legal practices.

4. Standard 16.5. Court advocacy services must maintain current referral lists for survivors that include:

a. local criminal and civil justice agencies and contact persons in each parish where services are provided; and

b. local, state, and national resources for certain legal issues such as immigration, interstate child custody, identity, relocation, etc.

5. Standard 16.6. Court advocacy services must be provided to both shelter residents and nonresidents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:36 (January 2018).

§6947. Shelter

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Critical Minimum Standards

1. Standard 17.1. The program must provide access, admittance, and residence, including transportation to a temporary shelter, or other accommodations for victims of domestic violence and their male and female children, 0 to 18 years of age, 24-hours a day, every day of the year.

2. Standard 17.2. The shelter must not discriminate against survivors by limiting the number of times of re-entry into the shelter or by requiring a time limit between re-entries into the shelter. The program must not maintain a "no readmit" list, however, it is permissible to maintain a "not admit at this time" list if admittance of a survivor is not currently appropriate. This information is to be documented in the survivor's file. Reentry is based on the current needs of a survivor and is not based on past situations.

C. Minimum Standards

1. Standard 17.3. Shelter services may be provided through any of the following types of accessible housing:

a. a physical shelter facility operated by a program that primarily serves domestic violence survivors; and

b. other shelter accommodations such as time limited motel or hotel placement and other direct placement programs that provide safe housing that is arranged through a program staff member.

2. Standard 17.4. A program that provides shelter services as defined in Standard 17.3 must ensure that all types of services are accessible and culturally and linguistically appropriate. Domestic violence programs that provide safe shelter at locations separate from and/or in addition to the primary shelter facility must ensure that those accommodations are safe and that survivors have access to program staff, a telephone, the program's hotline telephone number, bathroom facilities, and locking doors.

3. Standard 17.5. A physical shelter facility must provide on-site staff member coverage 24-hours a day, 7 days a week.

a. Programs that provide shelter through other shelter accommodations must ensure that survivors living in those accommodations have access to program staff 24 hours a day, 7 days a week.

4. Standard 17.6. Programs must have written procedures regarding their shelter intake process. The program must have procedures relative to serving adult male survivors of domestic violence seeking emergency shelter. Male survivors are to be provided with the same level of services as provided to female survivors. Services may be provided in an alternate setting such as a hotel.

5. Standard 17.7. A shelter must provide a back-up staffing system for use during emergencies. A supervisor or designee must be available via a cellular telephone or in some manner that allows for an immediate response. The program must have written protocols that define criteria and steps for using the back-up system.

6. Standard 17.8. A program providing shelter services as defined in standard 17.3 must:

a. have written policies and procedures to ensure the safety and security of residents;

b. ensure that crisis intervention services are voluntary, accessible, available, and offered 24-hours a day with trained on-site advocates to provide face-to-face emergency services;

c. provide, free of charge, emergency food, clothing, and personal hygiene items for residents and their children;

d. provide a personal locker or cabinet that can be locked by a key or combination in which to place their medications and other items of value;

e. provide access to some form of public or private transportation to and from the facility, to other service providers, and to court;

f. not require residents to participate in religious groups or to use religious materials; and

g. offer accommodations to individuals with disabilities.

7. Standard 17.9. A domestic violence program providing shelter services as defined in standard 17.3 must ensure that the staff members and volunteers:

a. are trauma informed or are knowledgeable about trauma and participate in on-going training on how to offer trauma informed support;

b. have immediate face to face contact with a new resident admitted to a shelter to determine emergency needs and to orient the survivor to the program and its procedures;

c. initiate a face to face intake process with a new resident's admission to the shelter; and

d. sign a written agreement with each survivor about services to be provided by the shelter which includes:

i. services to be provided by the program, it staff members, and volunteers;

ii. confidentiality rights and agreements including records and accessibility;

iii. communal living arrangements, resident's rights, and privacy matters; and

iv. length of stay policies and the criteria that may affect the survivor's stay.

8. Standard 17.10. Programs that provide a physical shelter facility must ensure that staff members and volunteers are trained in the dynamics of communal living including:

a. conflict resolution;

b. facilitating group dynamics; and

c. parent and child dynamics and interactions.

9. Standard 17.11. Shelters must develop guidelines that promote communal living. The purposes of the guidelines are for protection, safety, and health. Guidelines must include the shelter's policies on confidentiality, child abuse reporting, nonviolence, weapons, drugs, alcohol, food areas, smoking areas, medications, childcare, and safety.

10. Standard 17.12. Programs must develop a written policy demonstrating how repetitive substance or alcohol use or the demonstration of behaviors incongruent with community living may affect their continued stay in the shelter.

11. Standard 17.13. Shelter management staff members must hold regular meetings to facilitate communal living.

12. Standard 17.14. Shelters must establish a length of stay policy that is flexible and that balances the needs of survivors and the program's ability to meet those needs. Programs that offer a physical shelter facility must offer

shelter for a minimum period of six weeks with optional extensions. Programs that utilize hotels and motels must offer a minimum length of stay of four nights and facilitate a stay in a traditional, multifamily, or single family program for longer periods.

13. Standard 17.15. Survivors must be informed, in writing, of the minimum length of stay policy and of any criteria that may impact or shorten their stay in the facility.

14. Standard 17.16. Lengths of stay extensions are contingent on the survivor's progress toward meeting self-identified goals. Programs must have a process for determining extensions. When a request for an extension is denied, the reasons are to be documented in the survivor's case file and shared with the survivor in sufficient time for the survivor to make alternative arrangements. Participation in a support group may not be used as a criterion for granting length of stay extensions.

15. Standard 17.17. Any type of firearm or weapon shall be prohibited in the facility. Program staff members must include in their assessment for services appropriate questions to identify those survivors who may possess firearms or other weapons and assist them in making arrangements for them to be stored at a different location.

16. Standard 17.18. The program must have clearly defined policies for the involuntary termination of services. Shelter programs must make every effort to work with a survivor in order for the survivor to remain in the shelter, except for situations that compromise the safety of others or of the shelter such as:

a. the use of violence or threats of violence;

b. the use of behavior that repeatedly disrupts the ability of other survivors and their children to receive safe and effective services;

c. possession of illegal substances;

d. possession of a firearm or any other weapon that may threaten a life accidentally or intentionally;

e. active suicidal or homicidal behaviors; and

f. violating the confidentiality of another resident.

17. Standard 17.19. The program demonstrates its efforts to keep survivors eligible for shelter services through the documentation of attempts to assist the survivors and/or their children with problematic or disruptive behaviors:

a. demerit and warning systems are not to be used; and

b. the program must respect the survivor's right to privacy in their person, property, communications, papers, and effects. Survivors are not to be subjected to unwarranted or unreasonable searches by shelter staff of their person, room, or property. However, circumstances may arise where some form of search may be necessary to protect the health and safety of shelter residents and staff. Survivors must be informed during intake of the circumstances under which such searches may occur.

18. Standard 17.20. Each residential survivor is to be assigned an advocate. This staff person must be available to meet with the survivor three times a week for the purpose of individual service planning and counseling. Survivors must be notified, in writing, that they will have at least one hour per day, three days a week, of available individual sessions.

a. If the survivor's assigned advocate is not available, the program must ensure that an alternate staff advocate is available to meet with the survivor.

19. Standard 17.21. Shelter staff members must assist survivors requesting emergency safe shelter in obtaining other temporary shelter if the primary shelter facility is at capacity. The required minimum assistance to be offered by staff members of the domestic violence shelter in this situation is the provision of information and referrals to obtain alternative safe shelter and notice of the right to call back for additional assistance. Staff members and volunteers may make contact with another shelter or service and provide this resource to the survivor.

20. Standard 17.22. When an alternative safe shelter is located, it is the responsibility of the domestic violence program to provide transportation to the alternative shelter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:37 (January 2018).

§6949. Other Shelter Accommodations

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Minimum Standards

1. Standard 18.1. Alternatives to a shelter facility may include hotel and motel placement as a source of safe shelter in circumstances that include:

a. the shelter services program does not have a physical shelter facility available;

b. the physical shelter facility is at capacity and no space is available for those seeking emergency safe shelter;

c. the distance between the individual or family seeking safe shelter and the shelter facility prohibits immediate access to the facility;

d. the individual or family seeking safe shelter has special needs best served by shelter provision through a hotel or motel placement; and

e. the former resident of the shelter facility no longer needs primary shelter but would benefit from program managed subsidized or transitional housing services that are offered through a temporary hotel or motel placement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:38 (January 2018).

§6951. Documentation of Services

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Critical Minimum Standards

1. Standard 19.1. The program must have written policies and procedures to ensure that all services provided are documented in written or electronic form and that those records are maintained in a manner that protects the confidentiality and privacy rights of individuals and families receiving services.

2. Standard 19.2. Written records of services provided in individual, group, and family settings must be maintained by the program in a secure, locked storage area that is accessible only by staff members, authorized volunteers, and

administrative staff members who are responsible for supervision and internal review of service records for quality assurance purposes.

3. Standard 19.3. The program must ensure that electronic records of services to survivors are accessible only to those listed in 19.2 and that the records cannot be accessed remotely by anyone outside of the organization.

C. Minimum Standards

1. Standard 19.4. Programs must have policies in place defining record retention that includes the length of time specific records are retained and the procedures for destroying both paper and electronic records.

2. Standard 19.5. Written records documenting services must be denoted in the following manner:

a. notes are entered in chronological order;

b. notes have the full signature of the advocate or counselor documenting the service;

c. entries are to be made immediately after all survivor contacts;

d. white-out is not to be used;

e. notes are not to contain any diagnoses or clinical assessments;

f. notes on one survivor do not include other survivor's names;

g. errors are to be corrected by drawing a line through the error and then writing "error" above the line along with the initials of the writer; and

h. only necessary facts are recorded.

3. Standard 19.6. Advocacy, counseling, and individual service planning documentation should include the following:

a. demographic data;

b. danger and lethality assessments;

c. history of abuse;

d. safety planning;

e. description of the abuser;

f. consent for services for the survivors and their children, if applicable;

g. individual service plans;

h. children's assessments, if applicable;

i. notification of limitations of confidentiality;

j. release of liability forms;

k. release of confidentiality forms, if applicable; and

l. service notes.

4. Standard 19.7. All personnel of a domestic violence program with access to records of direct services provided by the program must have a signed confidentiality agreement on file. Programs should identify in their confidentiality policies the specific staff members, as identified by job responsibility and title; that will have access to confidential information, records, and information systems.

5. Standard 19.8. A data collection and record keeping system must be developed that allows for the efficient retrieval of data needed to measure the domestic violence program's performance in relation to its stated goals, objectives, and the accounting of funds received for contracted services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:38 (January 2018).

§6953. Restricted Services

A. Guiding Principles. These standards require that family violence programs establish common quality intervention services. Participation in intervention services shall be voluntary.

B. Minimum Standards

1. Standard 20.1. The program must not offer services that could jeopardize the physical or emotional safety of the survivor. These services include couples counseling, family counseling that includes the presence of an alleged batterer, and mediation services.

2. Standard 20.2. No program staff member with responsibility to provide direct services to survivors or to supervise or direct programs for survivors shall be allowed to participate in or to lead batterer intervention program services. These two programs must remain entirely separate so that it is apparent to survivors that there is no conflict of interest within the program. The program must not allow batterer intervention services to take place on or near the premises of the family violence program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121-2128.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 44:39 (January 2018).

Marketa Garner Walters
Secretary

1801#034

RULE

Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division

Hazardous Waste Authorization
Resource Conservation and Recovery Act (RCRA)
(LAC 33:V.108, 1101, 1109, 1111, 1113,
1901, 2245, 2299, 4105, and 4301)(HW123)

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 Hazardous Waste regulations, LAC 33:V.108, 1101, 1109, 1111, 1113, 1901, 2245, 2299, 4105, and 4301. (HW123)

This Rule amends the regulations to correct errors and clarifies certain hazardous waste generator requirements, land disposal restrictions and recycling requirements. This Rule is in response to EPA's review of the state's authorized program. The amendments are necessary to maintain equivalency and authorization of the state's hazardous waste program. The basis and rationale for this Rule are to maintain EPA's authorization of the state's hazardous waste program. 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 V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste
Chapter 1. General Provisions and Definitions
§108. Special Requirements for Hazardous Waste Generated by Conditionally Exempt Small Quantity Generators

A. - F.2. …

3. a conditionally exempt small quantity generator may either treat or dispose of his acute hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the United States, is:

F.3.a. - J. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:706, 716 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2540 (October 2005), LR 32:606 (April 2006), LR 36:2554 (November 2010), LR 38:774 (March 2012), amended by the Office of the Secretary, Legal Division, LR 43:1138 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018).

Chapter 11. Generators
Subchapter A. General
§1101. Applicability

A. - C. ...

D. A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in this Chapter or other standards in the LAC 33:V.Chapters 3, 5, 7, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43 for those wastes, provided he triple rinses each emptied pesticide container in accordance with the provisions of LAC 33:V.109, *Empty Container*, and disposes of the pesticide residues on his own farm in a manner consistent with the disposal instructions on the pesticide label.

E. - I. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:398 (May 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 22:20 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:660 (April 1998), LR 24:1106 (June 1998), LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:709 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:822 (May 2006), LR 38:782 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018).

§1109. Pre-Transport Requirements

A. - E.1.a.iv.(a). …

(b). documentation that the unit is emptied at least once every 90 days;

E.1.b. - F.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:277 (February 2000), LR 26:2470 (November 2000), LR 27:293 (March 2001), LR 27:709, 716 (May 2001), LR 27:1014 (July 2001), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 31:1571 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 33:2102 (October 2007), LR 34:622 (April 2008), LR 36:1235 (June 2010), repromulgated LR 36:1536 (July 2010), amended LR 38:776 (March 2012), amended by the Office of the Secretary, Legal Division, LR 43:1140 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018).

§1111. Recordkeeping and Reporting

A. - B.1.h. …

2. Generators who also dispose, treat, or store hazardous waste on-site shall also submit annual reports to the Office of Environmental Services, in accordance with the reporting provisions of LAC 33:V.Chapters 3, 5, 7, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 37, and 43, reporting total quantity, by type, of waste handled, and how that waste was disposed, treated, or stored. Generators must maintain on site a copy of each report submitted to the department for a period of at least three years from the date of the report. Reporting for exports of hazardous waste is not required on the annual report form. A separate annual report requirement is set forth in LAC 33:V.1113.G.

C. - E.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:220 (March 1990), LR 17:365 (April 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:42 (January 2001), LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2102 (October 2007), LR 38:776 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018).

§1113. Exports of Hazardous Waste

A. Applicability. Any person who exports hazardous waste to a foreign country, from a point of departure in the state of Louisiana, shall comply with the requirements of this Chapter and with the special requirements of this Section. This Section establishes requirements applicable to exports of hazardous waste. Except to the extent LAC 33:V.1113.I provides otherwise, a primary exporter of hazardous waste shall comply with the special requirements of this Section, and a transporter who transports hazardous waste for export shall comply with applicable requirements of LAC 33:V.Chapter 13.

B. - D.4. …

5. In conjunction with the United States Department of State, the United States Environmental Protection Agency (EPA) shall provide a complete notification to the receiving country and any transit countries. A notification is complete when the EPA receives a notification which the EPA determines satisfies the requirements of Paragraph D.1 of this Section. Where a claim of confidentiality is asserted with respect to any notification information required by Paragraph D.1 of this Section, the EPA may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.

6. Where the receiving country consents to the receipt of the hazardous waste, the EPA shall forward an EPA acknowledgement of consent to the primary exporter for purposes of Paragraph E.8 of this Section. Where the receiving country objects to receipt of the hazardous waste or withdraws a prior consent, the EPA shall notify the primary exporter in writing. The EPA will also notify the primary exporter of any responses from transit countries.

E. - E.5. …

6. The primary exporter must require the consignee to confirm in writing the delivery of the hazardous waste to that facility and to describe any significant discrepancies (as defined in LAC 33:V.1516.C.1) between the manifest and the shipment. A copy of the manifest signed by such facility may be used to confirm delivery of the hazardous waste.

E.7. - I.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 22:20 (January 1996), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 33:2102 (October 2007), LR 34:72 (January 2008), LR 34:622 (April 2008), LR 38:782 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018).

Chapter 19. Tanks

§1901. Applicability

A. - D. …

E. Tanks meeting the requirements for the accumulation time exclusion of LAC 33:V.305.C and 1109.E.1 are subject to the requirements of LAC 33:V.1903.A, 1905.B-H, 1907, 1909, 1911, 1913, 1915 (except 1915.C), 1917, 1919, 1921, and 4438.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 16:614 (July 1990), LR 18:1375 (December 1992), LR 22:819 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1107 (June 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1013 (June 2008), LR 36:1235 (June 2010), repromulgated LR 36:1536 (July 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:41 (January 2018).

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2245. Generators' Waste Analysis, Recordkeeping, and Notice Requirements

A. - K. …

L. Small quantity generators with tolling agreements pursuant to LAC 33:V.1107.A.4 shall comply with the applicable notification and certification requirements of Paragraph A of this Section for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266, 267 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 22:1130 (November 1996), LR 23:565 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:669 (April 1998), LR 24:1728 (September 1998), LR 25:447 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:281 (February 2000), LR 26:2478 (November 2000), LR 27:295 (March 2001), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2459 (October 2005), LR 33:2109 (October 2007), LR 34:996 (June 2008), amended by the Office of the Secretary, Legal Division, LR 43:1144 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:41 (January 2018).

Subchapter B. Hazardous Waste Injection Restrictions

§2299. Appendix—Tables 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

* * *

Table 11
Appendix VII, Table 1, Effective Dates of Surface Disposed Wastes (Non-Soil and Debris) Regulated in the LDRs, of 40 CFR 268, published July 1, 2012, is hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et. seq., and specifically R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 22:834 (September 1996), LR 23:566 (May 1997), LR 24:301 (February 1998), LR 24:670 (April 1998), LR 24:1732 (September 1998), LR 25:451 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:282 (February 2000), LR 27:295 (March 2001), LR 29:322 (March 2003), LR 30:1682 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:828 (May 2006), LR 32:1843 (October 2006), LR 34:625 (April 2008), LR 34:1014 (June 2008), LR 38:777 (March 2012), amended by the Office of the Secretary, Legal Division, LR 39:2487, 2492 (September 2013), amended by the Office of the Secretary, Legal Division, LR 43:1145 (June 2017), amended by

the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:41 (January 2018).

Chapter 41. Recyclable Materials

§4105. Requirements for Recyclable Material

A. - A.1. …

a. industrial ethyl alcohol that is reclaimed, except that, unless otherwise provided in an international agreement as specified in LAC 33:V.1113.I:

A.1.a.i. - E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:219 (March 1990), LR 17:362 (April 1991), repromulgated LR 18:1256 (November 1992), amended LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:837 (September 1996), LR 23:579 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), LR 24:1108 (June 1998), LR 24:1742 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:608 (April 2006), LR 38:779 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018).

Chapter 43. Interim Status

§4301. Purpose and Applicability

A. …

B. Qualifying for Interim Status. Any person who owns or operates an existing HWM facility or a facility in existence on the effective date of statutory or regulatory amendments under the Act that render the facility subject to the requirement to have a RCRA permit shall have interim status and shall be treated as having been issued a permit to the extent he or she has:

B.1. - J. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et. seq., and specifically R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:2498 (November 2000), LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2474 (October 2005), LR 31:3121 (December 2005), LR 32:612 (April 2006), LR 33:2126 (October 2007), LR 34:632 (April 2008), amended by the Office of the Secretary, Legal Division, LR 43:1146 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018).

Herman Robinson
General Counsel

1801#028

RULE

Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division

Regulatory Permit for Storage Vessels
(LAC 33:III.321)(AQ348)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.321 (AQ348).

This Rule establishes a regulatory permit for storage vessels, which can be used to authorize air emissions resulting from the storage of volatile organic liquids in tanks, reservoirs, containers, etc. Authorization to construct and use a storage vessel will become effective only upon notification by the department that the application required by the regulatory permit has been determined complete.R.S. 30:2054(B)(9)(a) allows LDEQ to develop regulatory permits for certain sources of air emissions provided the conditions in R.S. 30:2054(B)(9)(b) are satisfied. A regulatory permit is a permit that is incorporated into the regulations in the form of a rule.

Pursuant to R.S. 30:2054(B)(9)(b)(viii), all regulatory permits shall be promulgated in accordance with the procedures provided in R.S. 30:2019, promulgation of rules and regulations (i.e., the Administrative Procedure Act, R.S. 49:950 et seq.). The basis and rationale for this Rule are to establish a regulatory permit for storage vessels. 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 III. Air

Chapter 3. Regulatory Permits

§321. Regulatory Permit for Storage Vessels

A. Applicability

1. This regulatory permit authorizes the construction and use of storage vessels, subject to the requirements established herein, upon notification by the department that the application (i.e., notification form) submitted in accordance with Subsection G of this Section has been determined to be complete.

2. This regulatory permit shall not apply to storage vessels:

a. deemed insignificant in accordance with item A.2, A.3, A.8, A.10, B.31, B.39, or B.44 of the insignificant activities list in LAC 33:III.501.B.5;

b. that utilize a closed vent system and control device to comply with an applicable requirement, except that storage vessels employing carbon adsorbers solely to mitigate odors shall be allowed;

c. capable of maintaining working pressures sufficient at all times under normal operating conditions to prevent vapor or gas loss to the atmosphere; or

d. subject to federal regulations not identified in Subsection D of this Section.

3. This regulatory permit shall not be used to authorize a storage vessel that, when considering potential emissions from it and potential emissions from the remainder of the stationary source, would result in the creation of a major source of criteria pollutants, hazardous air pollutants, or toxic air pollutants.

B. Definitions

Storage Vessel—any tank, reservoir, or container used for the storage of volatile organic compounds. Storage vessels do not include:

a. process tanks as defined in 40 CFR 60.111b; and

b. vessels permanently attached to motor vehicles such as trucks, railcars, barges, or ships.

C. Emission Limitations, Monitoring, Recordkeeping, and Reporting

1. Emission limitations for the storage vessel shall be established by the application (i.e., notification form) submitted in accordance with Subsection G of this Section.

a. The limitations shall be enforceable by the department.

b. If actual emissions exceed these limitations for any reason other than as described in LAC 33:III.501.C.12, the permittee shall notify the Office of Environmental Compliance in accordance with Louisiana general condition XI of LAC 33:III.537.A. For part 70 sources, the reports required by Paragraph C.3 of this Section shall satisfy this requirement.

2. The permittee shall monitor and record the throughput of the storage vessel during each calendar month. Records shall be retained as described in Louisiana general condition X of LAC 33:III.537.A.

3. The permittee shall address each storage vessel located at a part 70 source in the submittals required by part 70 general conditions K, M, and R of LAC 33:III.535.A. Deviations from the terms and conditions of this regulatory permit, including the standards identified in Subsection D of this Section, shall not be considered violations of the stationary source's part 70 permit.

D. Storage Vessel Standards. The permittee shall comply with the provisions of the following federal and state regulations pertaining to storage vessels, as applicable:

1. LAC 33:III.2103 and 2131;

2. 40 CFR 60, subpart Kb;

3. 40 CFR 61, subpart FF; and

4. 40 CFR 63, subparts G, R, U, CC, OO, SS, WW, YY, JJJ, PPP, EEEE, FFFF, HHHHH, NNNNN, BBBBBB, CCCCCC, VVVVVV, and HHHHHHH.

E. Floating Roofs. The intent of this Subsection is to avoid having a vapor space between the floating roof and the stored liquid for extended periods.

1. An internal or external floating roof shall be floating on the liquid surface at all times except:

a. when it must rest on the leg supports during the initial fill;

b. after the storage vessel has been completely emptied and degassed; or

c. when the storage vessel is completely emptied before being subsequently refilled.

2. When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as soon as practical.

3. Storage vessels where liquid is left on walls, as bottom clingage, or in pools due to floor irregularities are considered completely empty.

F. Emissions Inventory. Each stationary source subject to LAC 33:III.919 shall include emissions from each storage vessel authorized by this regulatory permit in its annual emissions inventory.

G. Notification Requirements

1. Written notification describing the storage vessel shall be submitted to the Office of Environmental Services using the appropriate form provided by the department.

2. A separate notification shall be submitted for each storage vessel.

H. Fees. Fees for this regulatory permit shall be as prescribed by fee number 1670 of LAC 33:III.223, Table 1. Applicable surcharges as described in LAC 33:III.211.A shall also be assessed.

I. Storage vessels authorized by this regulatory permit shall be included in the next renewal or modification of the stationary source's existing permit.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018).

Herman Robinson
General Counsel

1801#027

RULE

Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division

Requests for Confidentiality (LAC 33:I.501)(OS095)

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 Office of the Secretary regulations, LAC 33:I.501 (OS095).

This Rule revises regulations concerning the delivery methods and locations of requests for confidentiality of information and/or records. The present regulation is vague regarding delivery of request for confidentiality of information or records. The revision simplifies the instruction for concerned parties. The basis and rationale for this Rule are to clarify instructions for delivery of requests for confidentiality which are submitted to the department. 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 I. Office of the Secretary
Subpart 1. Departmental Administrative Procedures
Chapter 5. Confidential Information Regulations
§501. Scope

A. Department of Environmental Quality information and records obtained under the Louisiana Environmental Quality Act, or by any rule, regulation, order, license, registration, or permit term or condition adopted or issued thereunder, or by any investigation authorized thereby, shall be available to the public, unless confidentiality is requested in writing by:

1. US mail to Louisiana Department of Environmental Quality, Office of the Secretary, Legal Division, Attention: General Counsel, P.O. Box 4302, Baton Rouge, LA 70821-4302; or

2. courier (e.g., personal delivery, Federal Express, UPS, etc.) to Louisiana Department of Environmental Quality, Office of the Secretary, Legal Division, Attention: General Counsel, 602 North Fifth Street, Baton Rouge, LA 70802.

B. - B.6. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:342 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2439 (November 2000), LR 30:742 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2432 (October 2005), LR 33:2078 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:44 (January 2018).

Herman Robinson
General Counsel

1801#029

RULE

Office of the Governor
Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River

General Provisions; Qualifications and Examination of Pilots; Standards of Conduct; Investigations and Enforcement and Drug and Alcohol Policy
(LAC 46:LXX.6105, 6206, 6207, 6304, 6307, and 6312)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River has promulgated rules and repealed and reenacted its rules. The Rule restates existing rules and will be reenacted for the purpose of codification. The Rule repeals superfluous regulations already existing in LAC 46:LXX, Subpart 6, Board of Louisiana River Pilot Review and Oversight. The Rule clarifies and provides more stringent educational and licensing requirements for applicants seeking selection into the Board of Examiners' Pilot Development Program. The Rule streamlines the application process and provide greater privacy protection for applicants. New rules are in the public's interest and will promote public safety. The new Rule re-establishes recency requirements for pilots and provide for the standards of conduct associated therewith.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXX. River Pilots
Subpart 3. Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots
Chapter 61. General Provisions
§6105. Rules, Records, Meetings, Application

A. All board rules must be adopted by a majority of the examiners. The board shall maintain records in accordance with R.S. 44:1 et seq., and all other state laws. The board shall conduct its meetings in accordance with R.S. 42:4.1 et seq., and any other state laws.

B. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2471 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:494 (March 2010), LR 38:3165 (December 2012), LR 44:44 (January 2018).

Chapter 62. Qualifications and Examination of Pilots
§6206. Licenses/Education/Experience

A. - A.1. ….

a. Notwithstanding Paragraph A.1 of this Section, an applicant with first class pilotage from mile marker 92.7 AHP to mile marker 225 AHP shall be eligible for selection into the Pilot Development Program. However, an applicant selected for the Pilot Development Program shall be required to obtain first class pilotage from mile marker 88.0 AHP to Baton Rouge Railroad and Highway Bridge prior to commissioning.

2. An applicant must hold a bachelor's degree or higher degree from an accredited maritime academy approved by and conducted under rules prescribed by the Federal Maritime Administrator and listed at title 46, *Code of Federal Regulations*, part 310.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2473 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:495 (March 2010), LR 38:3166 (December 2012), LR 44:44 (January 2018).

§6207. Notice of Apprentice Selection

A. At least 40 days prior to an apprentice selection, NOBRA must inform the board, in writing, that a selection will be held and the date of the selection.

B. At least 35 days prior to the apprentice selection, the board will advertise the date of the apprentice selection, as well as the deadline for submission of application materials, in at least two periodicals, one of which shall have a circulation of the greater New Orleans area and one of which shall have a circulation of the greater Baton Rouge area. In addition, all relevant dates will be posted on the board's website.

C. - D. …

E. At least 18 days prior to the apprentice selection, the board will forward to NOBRA a list of all qualified candidates who meet the criteria for selection, as enumerated in the board's rules.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2474 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:496 (March 2010), LR 38:3166 (December 2012), LR 44:44 (January 2018).

Chapter 63. Standards of Conduct

§6304. Definitions

A. As used in this Chapter, the following terms, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings.

* * *

Association Officer—any person duly elected by the members of NOBRA to serve as vice president(s), secretary/treasurer or other officer of the association.

Association President—any person duly elected by the members of NOBRA to serve as president of the association.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2475 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:498 (March 2010), LR 38:3167 (December 2012), LR 44:45 (January 2018).

§6307. Standards of Conduct

A. - A.6. …

7. neglect of duty;
8. failure to maintain recency; and
9. any violation of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2476 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:498 (March 2010), LR 38 3167 (December 2012), LR 44:45 (January 2018).

§6312. Recency Requirement

A. The purpose of this Section is to ensure that pilots retain their skills in ship handling and maintain familiarity on the NOBRA route.

B. All pilots shall complete at least 60 turns each calendar year. A calendar year commences on the first of January each year.

1. The president of the board and the president of the association shall be exempt from the recency requirement.

2. Members of the examiners and association officers shall be considered recent by completing 20 turns or 20 observer turns each calendar year.

3. A turn shall be considered a vessel transit of at least 20 miles.

4. Work performed at the VTC shall not be considered as a turn for the purpose of recency. However, a pilot is required to be recent in order to stand watch at the VTC, unless specifically waived by the board for a temporary condition not effecting performance of duty.

5. Notwithstanding Paragraph 4 above, work performed at the VTC shall be considered as a turn for the purpose of recency for all pilots who have been commissioned for 20 years or more.

6. It is the duty of any pilot who fails to maintain recency to remove themselves from rotation and immediately notify the board.

C. Failure of a pilot to remove themselves from rotation and notify the board shall be deemed a violation of these rules and shall result in an investigation.

D. Before a non-recent pilot is eligible to resume pilotage duty, the pilot shall be required to successfully complete, to the exclusive and unilateral satisfaction of the board, a specifically designed program to re-orient said pilot to Mississippi River pilotage.

1. Before a non-recent pilot is eligible to resume pilotage duty, the board reserves the right to require the pilot to satisfactorily pass a current United States Coast Guard approved physical (merchant mariner physical examination report).

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 44:45 (January 2018).

Captain Robert D. Heitmeier
President

1801#006

RULE

Department of Health
Board of Dentistry

Fees and Costs; Anesthesia/Analgesia Administration; Continuing Education (LAC 46:XXXIII.134, 306, 706, 1505, 1607, 1611, 1613, 1709, and 1711)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), the Department of Health, Board of Dentistry has amended LAC 46:XXXIII.134, 306, 706, 1505, 1607, 1611, 1613, 1709, and 1711.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXXIII. Dental Health Profession

Chapter 1. General Provisions

§134. Prescription Monitoring Program

A. Pursuant to R.S. 40:973(A), all dentists who have obtained a controlled dangerous substance license issued by the Board of Pharmacy shall automatically be enrolled in the Prescription Monitoring Program established in R.S. 40:1001 et seq.

B. A prescriber or his delegate shall access and review the patient's record in the Prescription Monitoring Program and review the patient's record at least every 90 days if the

patient's course of treatment continues for more than 90 days. The requirement established in this Section shall not apply in the following instances.

1. The drug is prescribed or administered to a hospice patient or to any other patient who has been diagnosed as terminally ill.

2. The drug is prescribed or administered for the treatment of cancer-related chronic or intractable pain.

3. The drug is ordered or administered to a patient being treated in a hospital.

4. The Prescription Monitoring Program is inaccessible or not functioning properly due to an internal or external electronic issue. However, the prescriber or his delegate shall check the Prescription Monitoring Program once the electronic accessibility has been restored and note the cause for the delay in the patient's chart.

5. No more than a single seven-day supply of the drug is prescribed or administered to a patient.

C. Failure to comply with this Rule shall constitute a violation of R.S. 37:776(A)(6) and/or 37:776(A)(24) and may subject the dentist to punishment, penalty, sanction or remediation as provided for in the Dental Practice Act.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Dentistry, LR 44:45 (January 2018).

Chapter 3. Dentists

§306. Requirements of Applicants for Dental Licensure by Credentials

A. - A.2. …

3. currently possesses a nonrestricted license in another state as defined in R.S. 37:751(A)(2);

4. - 5. …

6. has not failed any clinical licensure examination a total of three or more times. This number includes the accumulation of all examinations taken regardless of the testing agency. This number excludes failures of clinical examinations taken prior to an applicant's final year of dental school. A make-up examination counts as an examination. This prohibition may be overcome if the applicant meets all of the other requirements of this Rule, including the successful completion of an initial licensure examination that included procedures on a live patient, and:

a. has been actively practicing with an unrestricted dental license for five years in another state as defined in R.S. 37:751(A)(2), has not had any discipline by the dental board in any state, and meets in person with the full board, and thereafter a majority of the full board votes to overcome this prohibition; or

b. following the last failure of a clinical licensure examination, completes a dental post-doctoral program of a minimum of one year which is accredited by an accreditation agency that is recognized by the United States Department of Education, meets in person with the full board, and thereafter a majority of the full board votes to overcome this prohibition;

A.7. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:739 (July 1992), amended LR 21:571 (June 1995), LR 22:23 (January 1996), LR 23:1528 (November 1997), LR 24:1114 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1612 (August 2000), repromulgated LR 27:1893 (November 2001), amended LR 28:1777 (August 2002), LR 30:2305 (October 2004), LR 31:927 (April 2005), LR 32:243 (February 2006), LR 33:846 (May 2007), LR 33:2652 (December 2007), LR 34:2564 (December 2008), repromulgated LR 35:67 (January 2009), amended LR 37:1405 (May 2011), LR 37:3515 (December 2011), repromulgated LR 38:355 (February 2012), amended LR 39:87 (January 2013), amended by the Department of Health, Board of Dentistry, LR 44:46 (January 2018).

Chapter 7. Dental Hygienists

§706. Requirements of Applicants for Licensure by Credentials (Hygienists)

A. - A.2. …

3. currently possesses a nonrestricted license in another state as defined in R.S. 37:751(A)(2);

4. - 5. …

6. has not failed any clinical licensure examination a total of three or more times. This number includes the accumulation of all examinations taken regardless of the testing agency. A make-up examination counts as an examination. This prohibition may be overcome if the applicant meets all of the other requirements of this Rule, including the successful completion of an initial licensure examination that included procedures on a live patient, and has been actively practicing with an unrestricted license for five years in another state as defined in R.S. 37:751(A)(2), has not had any discipline by any dental board and meets in person with the full board, and thereafter the full board votes with a majority to overcome this prohibition;

A.7. - B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R. S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:737 (July 1992), amended LR 21:570 (June 1995), LR 22:23 (January 1996), LR 24:1117 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1613 (August 2000), repromulgated LR 27:1894 (November 2001), amended LR 28:1778 (August 2002), LR 33:846 (May 2007), LR 33:2652 (December 2007), LR 34:2564 (December 2008), repromulgated LR 35:68 (January 2009), amended LR 39:88 (January 2013), amended by the Department of Health, Board of Dentistry, LR 44:46 (January 2018).

Chapter 15. Anesthesia/Analgesia Administration

§1505. Personal Permit Renewals

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 42:54 (January 2016), amended by the Department of Health, Board of Dentistry, LR 43:956 (May 2017), repealed by the Department of Health, Board of Dentistry, LR 44:46 (January 2018).

Chapter 16. Continuing Education Requirements

§1607. Exemptions

A. Continuing education requirements, other than the three-hour opioid management course listed in §1611.A.3, shall not apply to:

A.1. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 24:1117 (June 1998), LR 26:1613 (August 2000), repromulgated LR 27:1894 (November 2001), amended LR

41:1284 (July 2015), amended by the Department of Health, Board of Dentistry, LR 44:46 (January 2018).

§1611. Continuing Education Requirements for Relicensure of Dentists

A. Unless exempted under §1607, each dentist shall complete a minimum of 30 hours of continuing education during each renewal period for the renewal of his/her license to practice dentistry by taking courses approved as set forth in §1615 in the following amounts:

1. 20 hours of personally attended clinical courses pertaining to the actual delivery of dental services to patients;

2. 10 hours of clinical courses pertaining to the actual delivery of dental services to patients that may be done in person, online or via correspondence; if done online or via correspondence the courses must require the successful completion of a written examination at the conclusion of the course;

3. 3 of the 30 hours listed in Paragraphs 1 and 2 of this Subsection must include an opioid management course which includes training on drug diversion, best practice prescribing of controlled substances or appropriate treatment for addiction. Successful completion of this three-hour requirement once during a dentist's career shall satisfy this requirement in full. A dentist can become exempt from this requirement by submitting to the board a certification form attesting that he has not prescribed, administered, or dispensed a controlled dangerous substance during the entire renewal period.

B. Continuing education ordered as a result of disciplinary matters shall not serve as credit for mandatory continuing education unless specifically authorized in a consent decree or in an order issued by the board.

C. Past and present dentist members of the Louisiana State Board of Dentistry are allowed four hours of continuing dental education credit for each meeting of the American Association of Dental Examiners attended by said past or present dentist member.

D. No credit will be given for activities directed primarily to persons preparing for licensure in Louisiana.

E. Dentists who are on staffs of hospitals accredited by the Joint Commission on Accreditation of Health Care Organizations may receive continuing education credit for those continuing education courses provided by said hospital.

F. Dentists will be awarded three clinical credit hours for successful completion of cardiopulmonary resuscitation course "C", basic life support for healthcare providers as defined by the American Heart Association or the Red Cross professional rescue course. When being audited for compliance with cardiopulmonary resuscitation course completion, a photocopy of the CPR card evidencing successful completion of the course for each year shall be appended to the form.

G.1. Dentists who successfully complete certification courses in advanced cardiac life support continuing education will be awarded up to 16 hours of clinical continuing dental education. However, dentists completing the shorter recertification course in advanced cardiac life support will be awarded 3 hours of clinical continuing dental education.

2. Dentists who successfully complete the certification courses in pediatric advanced cardiac life support continuing education will be awarded up to 14 hours of clinical continuing dental education. However, dentists completing the shorter recertification course in PALS will be awarded 6 hours of clinical continuing dental education.

H. In order to renew permits for the administration of deep sedation or moderate sedation, each licensee shall complete an in person adult sedation course of a minimum of 12 hours pertinent to the level of their sedation permit no less than once every four years. If the permit has a pediatric certification, then the aforementioned 12 hours must address pediatric sedation. If the holder of a permit with a pediatric certification sedates persons above the age of 12 as well as persons below the age of 13, the permit holder must take both the adult and the pediatric sedation courses for a total of 24 in-person hours. If the holder of the permit with a pediatric certification sedates only persons below the age of 13, and signs a certification to that effect, then only the 12-hour in-person pediatric sedation course is necessary. These hours will count towards the requirement of §1611.A.1. The CPR, ACLS, and PALS courses required in §§1503 and 1504 do not count toward the requirements set forth in this Section. Recertification for deep sedation or general anesthesia as required by the American Association of Oral and Maxillofacial Surgeons every five years shall satisfy this requirement.

I. Dentists successfully completing the calibration training for the administration of the clinical licensing examination administered by the Council of Interstate Testing Agencies (CITA) may be awarded up to 20 hours of clinical continuing education per each renewal period.

J. Louisiana licensed dentists shall be eligible for three hours of clinical continuing education for treating a donated dental service patient (pro bono) from a Louisiana State Board of Dentistry approved agency. The maximum number of hours will be no more than six in any two-year biennial renewal period, and verification of treatment from the agency is mandatory in order to obtain these continuing education credits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661(June 1994), amended LR 21:569 (June 1995), LR 22:24 (January 1996), LR 22:1216 (December 1996), LR 23:1526 (November 1997), LR 24:1117 (June 1998), LR 25:510 (March 1999), LR 26:489 (March 2000), LR 30:2307 (October 2004), LR 32:244 (February 2006), LR 35:1237 (July 2009), LR 36:2038 (September 2010), LR 37:2151 (July 2011), LR 37:3515 (December 2011), repromulgated LR 38:356 (February 2012), amended LR 38:817 (March 2012), LR 38:1959 (August 2012), LR39:1282 (May 2013), by the Department of Health, Board of Dentistry, LR 43:956 (May 2017), amended by the Department of Health, Board of Dentistry, LR 44:47 (January 2018).

§1613. Continuing Education Requirements for Relicensure of Dental Hygienists

A. Unless exempted under §1607, each dental hygienist shall complete a minimum of 20 hours of continuing education during each renewal period for the renewal of his/her license to practice dental hygiene by taking courses approved as set forth in §1615 in the following amounts:

1. 12 hours of personally-attended clinical courses pertaining to the actual delivery of dental or dental hygiene services to patients;

2. 8 hours of clinical courses pertaining to the actual delivery of dental or dental hygiene services to patients that may be done in person, online or via correspondence; if done online or via correspondence the courses must require the successful completion of a written examination at the conclusion of the course.

B. Continuing education ordered as a result of disciplinary matters shall not serve as credit for mandatory continuing education unless specifically authorized in a consent decree or in an order issued by the board.

C. Dental hygienists are allowed continuing education credit for courses sponsored and/or approved for dentist's continuing education.

D. Past and present dental hygiene members of the Louisiana State Board of Dentistry are allowed four hours of continuing dental hygiene education credit for each meeting of the American Association of Dental Examiners attended by said past or present dental hygiene member.

E. No credit will be given for activities directed primarily to persons preparing for licensure in Louisiana.

F. Dental hygienists who are on staffs of hospitals accredited by the Joint Commission on Accreditation of Health Care Organizations may receive continuing education credit for those continuing education courses provided by said hospital.

G. Dental hygienists will be awarded three clinical credit hours for successful completion of cardiopulmonary resuscitation course "C," basic life support for healthcare providers as defined by the American Heart Association or the Red Cross professional rescue course. When being audited for compliance with cardiopulmonary resuscitation course completion, a photocopy of the CPR card evidencing successful completion of the course for each year shall be appended to the form.

H. Dental hygienists who successfully complete a continuing education course as set forth in §710, Administration of Local Anesthesia for Dental Purposes, will be awarded 72 hours of clinical continuing dental hygiene education. However, these hours may not be carried over to a subsequent renewal period and will count only toward the renewal of their license during the period in which they attended the course.

I. Dental hygienists successfully completing the calibration training for the administration of the clinical licensing examination administered by the Council of Interstate Testing Agencies (CITA) may be awarded up to 12 hours of clinical continuing education per each renewal period.

J. Louisiana licensed dental hygienists shall be eligible for two hours of clinical continuing education for treating a donated dental service patient (pro bono) from a Louisiana State Board of Dentistry approved agency. The maximum number of hours will be no more than four in any two-year biennial renewal period, and verification of treatment from the agency is mandatory in order to obtain these continuing education credits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 21:570 (June 1995), LR 22:24 (January 1996), LR 22:1217 (December 1996), LR 23:1526 (November 1997), LR 24:1118 (June 1998), LR 25:510 (March 1999), LR 26:489 (March 2000), LR 30:2307 (October 2004), LR 32:245 (February 2006), LR 35:1237 (July 2009), LR 36:2039 (September 2010), LR 39:86 (January 2013), amended by the Department of Health, Board of Dentistry, LR 44:47 (January 2018).

Chapter 17. Licensure Examination

§1709. Examination of Dentists

A. - E. …

F. Notwithstanding any other law to the contrary or any examination manual of any of the testing agencies listed in Subsection C of this Section, no candidate for licensure in the state of Louisiana will be granted same if said candidate has failed any clinical licensing examination for a total of three times. This number includes the accumulation of all examinations taken regardless of the testing agency. This number excludes failures of clinical examinations taken prior to an applicant's final year of dental school. A make-up examination counts as an examination. This prohibition may be overcome if the applicant meets all of the other requirements of this Section, including the successful completion of one of the examinations listed in Subsection C of this Section and:

1. has been actively practicing with an unrestricted dental license for five years in another state as defined in R.S. 37:751(A)(2), has not had any discipline by the dental board in any state, and meets in person with the full board, and thereafter a majority of the full board votes to overcome this prohibition; or

2. following the last failure of a clinical licensure examination, completes a dental post-doctoral program of a minimum of one year which is accredited by an accreditation agency that is recognized by the United States Department of Education, meets in person with the full board, and thereafter a majority of the full board votes to overcome this prohibition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(1) and (8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1119 (June 1998), amended LR 28:2513 (December 2002), LR 33:2654 (December 2007), LR 37:1407 (May 2011), LR 37:2151 (July 2011), LR 37:3516 (December 2011), repromulgated LR 38:356 (February 2012), amended LR 38:1959 (August 2012), LR 39:86 (January 2013), LR39:1282 (May 2013), LR 40:783 (April 2014), amended by the Board of Dentistry, LR 42:1622 (October 2016), amended by the Department of Health, Board of Dentistry, LR 44:48 (January 2018).

§1711. Examination of Dental Hygienists

A. - E. …

F. Notwithstanding any other law to the contrary or any examination manual of any of the testing agencies, no candidate for licensure in the state of Louisiana will be granted same if said candidate has failed any clinical licensing examination for a total of three times. This number includes the accumulation of all examinations taken regardless of the testing agency. A make-up examination counts as an examination. This prohibition may be overcome if the applicant meets all of the other requirements of this Rule, including the successful completion of an initial licensure examination that included procedures on a live patient, has been actively practicing with an unrestricted license for five years in another state as defined in R.S.

37:751(A)2 and meets in person with the full board, and thereafter the full board votes with a majority to overcome this prohibition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(1) and (8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1119 (June 1998), amended LR 28:1779 (August 2002), LR 33:2654 (December 2007), LR 37:1407 (May 2011), LR 37:2151 (July 2011), LR 37:3516 (December 2011), repromulgated LR 38:356 (February 2012), amended LR 38:1960 (August 2012), amended by the Department of Health, Board of Dentistry, LR 42:1662 (October 2016), amended by the Department of Health, Board of Dentistry, LR 44:48 (January 2018).

Arthur Hickham, Jr.
Executive Director

1801#049

RULE

Department of Health
Board of Pharmacy

Pharmacy Technicians (LAC 46:LIII.Chapter 9)

Editor's Note: The following Section is being repromulgated to correct a citation error. The original Rule can be viewed in the December 20, 2017 edition of the *Louisiana Register* on pages 2496-2498.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy has amended Chapter 9, Pharmacy Technicians, of its rules. The amended rules are effective January 1, 2018.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LIII. Pharmacists
Chapter 9. Pharmacy Technicians
§903. Pharmacy Technician Candidates

A. Registration

1. All pharmacy technician candidates shall obtain a registration from the board prior to performing any professional functions in a pharmacy; failure to do so may result in disciplinary action by the board.

2. Qualifications

a. The applicant shall be at least 18 years of age, as evidenced by a valid and legible copy of a birth certificate or other appropriate credential.

b. The applicant shall be of good moral character and non-impaired.

c. The applicant shall satisfy one of the following eligibility criteria:

i. proof of enrollment in a nationally-accredited and board-approved pharmacy technician training program; or

ii. proof of successful completion of a board-approved technician certification examination, and further, proof of successful completion of a high school approved by a state department of education or an equivalent degree of education, as evidenced by a valid and legible copy of a diploma, transcript, or other appropriate credential; or

iii. proof of credentialing as a pharmacy technician by another state board of pharmacy as well as evidence of practice as a pharmacy technician for at least one year in that state, and further, proof of successful completion of a board-approved technician certification examination.

d. Exceptions

i. A pharmacist or pharmacist intern whose board credential has been denied, suspended, revoked, or restricted for disciplinary reasons by any board of pharmacy shall not be a pharmacy technician candidate or pharmacy technician.

ii. A pharmacist or pharmacist intern whose board credential is lapsed shall not be a pharmacy technician candidate or pharmacy technician until such lapsed credential is recalled through non-disciplinary board action.

3. Issuance and Maintenance

a. Upon receipt of a properly completed application, appropriate fee, and any other documentation required by the board, the board may issue a Pharmacy Technician Candidate Registration to the applicant.

b. The board reserves the right to refuse to issue, recall, or discipline a registration for cause.

c. The registration shall expire 24 months after the date of issuance, and it shall not be renewable.

d. Termination of Enrollment; Status of Registration

i. In the event the candidate is no longer enrolled in a nationally-accredited and board-approved pharmacy technician training program for any reason other than graduation, the candidate no longer meets the eligibility criteria to possess the registration, and the candidate shall relinquish the registration to the board, giving notice of their last day of enrollment in the program.

ii. In the event a candidate fails to relinquish their registration when required to do so, or when notified by the board office of that requirement, the board staff shall inactivate the registration and refer the matter to the board for its consideration of disciplinary action against the candidate.

iii. In the event the candidate should re-enroll in the original program or a different program, and gives proof of that enrollment to the board, the board may re-issue the registration with the original expiration date preserved.

iv. In its discretion, the board may grant an exception to the original expiration date upon request by the candidate demonstrating unusual circumstances.

e. A pharmacy technician candidate shall notify the board, in writing, no later than 10 days following a change of mailing address. The written notice shall include the candidate's name, registration number, and old and new addresses.

f. A pharmacy technician candidate shall notify the board, in writing, no later than 10 days following a change in location(s) of employment. The written notice shall include the candidate's name, registration number, and name, address, and permit numbers for old and new employers.

B. Training Programs

1. All training programs approved by the board shall maintain their national accreditation.

2. The training program shall notify the board when a pharmacy technician candidate is no longer enrolled in the program. Evidence of a program's failure to comply with this rule shall constitute sufficient basis for the withdrawal of the board's approval for the program.

3. The training program shall provide an appropriate credential to the pharmacy technician candidate who has successfully completed the program, provided, however, that such credential shall not be formatted in such a manner to lead anyone to believe that credential resembles a document providing legal authority to practice as a pharmacy technician.

C. Practical Experience

1. The candidate shall possess a registration prior to performing any permitted professional function or earning any practical experience in a pharmacy.

2. The candidate shall wear appropriate attire and be properly identified as to name and candidate status while on duty in the prescription department.

3. A candidate shall not work in a permitted site that is on probation with the board, or with a pharmacist who is on probation with the board.

4. The candidate's registration shall evidence his authority to earn practical experience in a pharmacy, under the supervision of a pharmacist, in satisfaction of the requirements for pharmacy technician certification:

a. in the event the registration was issued to an applicant enrolled in a nationally-accredited and board-approved training program, the candidate shall earn the amount of experience prescribed by the curriculum of that program, which may include hours earned in a consultant pharmacy practice which does not hold a pharmacy permit; or

b. in the event the registration was issued to an applicant by any other method, the candidate shall earn at least 600 hours of practical experience in a pharmacy in Louisiana, provided however, that a candidate may receive board credit for a maximum of 50 hours per week.

5. Hours of practical experience earned by a candidate shall expire two years after the expiration date of the registration.

D. Examination

1. A board-approved technician examination shall consist of integrated pharmacy subject matter and any other disciplines the board may deem appropriate in order to permit the candidate to demonstrate his competency. The candidate shall achieve a passing score, as determined by the board.

2. Re-Examination

a. Following the first or second unsuccessful attempt of an examination, the candidate may be permitted to retake that examination.

b. Following the third unsuccessful attempt of an examination, the candidate shall wait one year after the date of the last examination to retake that examination. If the candidate fails to wait the prescribed one-year period, the board may delay any future certification until that one-year period has elapsed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, repromulgated LR 19:1025 (August 1993), amended LR 23:1307 (October 1997), LR 30:2485 (November 2004), effective January 1, 2005, LR 39:1777 (July 2013), amended by the Department of Health, Board of Pharmacy, LR 43:2496 (December 2017), effective January 1, 2018, repromulgated LR 44:49 (January 2018).

Malcolm J. Broussard
Executive Director

1801#018

RULE

Department of Health
Bureau of Health Services Financing
and
Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers
New Opportunities Waiver
(LAC 50:XXI.Chapters 137-143)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities have amended LAC 50:XXI.Chapters 137-143 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 XXI. Home and Community-Based Services Waivers
Subpart 11. New Opportunities Waiver
Chapter 137. General Provisions
§13701. Introduction

A. The New Opportunities Waiver (NOW), hereafter referred to as the NOW, is designed to enhance the home and community-based services and supports available to individuals with developmental disabilities, who would otherwise require an intermediate care facility for persons with developmental disabilities (ICF-DD) level of care. The mission of the NOW is to utilize the principle of self-determination and supplement the family and/or community supports while supporting the dignity, quality of life and security in the everyday life of an individual, and maintaining that individual in the community. Services provided in the NOW are community-based, and are designed to allow an individual experience that mirrors the experiences of individuals without disabilities. These services are not to be restrictive, but liberating, by empowering individuals to experience life in the most fulfilling manner as defined by the individual while still assuring health and safety. In keeping with the principles of self-determination, NOW includes a self-direction service delivery option. This allows for greater flexibility in hiring, training, and general service delivery issues.

B. All NOW services are accessed through the case management agency of the participant's choice. All services must be prior authorized and delivered in accordance with the approved comprehensive plan of care (CPOC). The CPOC shall be developed using a person-centered process coordinated by the participant's case manager.

C. ...

D. In order for the NOW provider to bill for services, the participant and the direct service provider, professional or other practitioner rendering service, must be present at the time the service is rendered unless otherwise allowed in rule. The service must be documented in service notes describing the service rendered and progress towards the participant's personal outcomes and CPOC.

E. Only the following NOW services shall be provided for, or billed for, the same hours on the same day as any other NOW service:

1. ...

2. supported independent living; and

3. skilled nursing services. Skilled nursing services may be provided with:

a. ...

b. supported independent living;

c. - d. ...

e. prevocational services.

F. - G. ...

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 Community Supports and Services, LR 30:1201 (June 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 33:1647 (August 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:68 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:00 (January 2018).

§13702. Settings for Home and Community-Based Services

A. NOW participants are expected to be integrated in and have full access to the greater community while receiving services, to the same extent as individuals without disabilities. Providers shall meet the requirements of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services' (CMS) home and community-based setting requirements for Home and Community-Based Services (HCBS) Waivers as delineated in LAC 50:XXI.901.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:50 (January 2018).

§13705. Denial of Admission or Discharge Criteria

A. Individuals shall be denied admission to or discharged from the NOW if one of the following criteria is met:

1. - .5. ...

6. the health and welfare of the participant cannot be assured through the provision of NOW services within the participant's approved comprehensive plan of care;

7. - 8. ...

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 Community Supports and Services, LR 30:1202 (June 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities LR 40:69 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:51 (January 2018).

Chapter 139. Covered Services

§13901. Individual and Family Support Services

A. Individual and family support (IFS) services are direct support and assistance services, provided in the participant's home or in the community, that allow the participant to achieve and/or maintain increased independence, productivity, enhanced family functioning and inclusion in the community to the same degree as individuals without disabilities. IFS services are also used to provide relief to the primary caregiver. Transportation is included in the reimbursement for these services. Reimbursement for these services includes the development of a service plan for the provision of these services, based on the approved COPC.

1. Individual and family support day (IFS-D) services will be authorized during waking hours for up to 16 hours when natural supports are unavailable in order to provide continuity of services to the participant. Waking hours are the period of time when the participant is awake and not limited to traditional daytime hours as outlined in the CPOC.

a. Additional hours of IFS-D services beyond the 16 hours can be approved based on documented need, which can include medical or behavioral need, and specified in the approved CPOC.

2. Individual and family support-night (IFS-N) service is direct support and assistance provided during the participant's sleeping "night" hours. Night hours are considered to be the period of time when the participant is asleep and there is a reduced frequency and intensity of required assistance. IFS-N services are not limited to traditional nighttime hours and are outlined in the CPOC. The IFS-N worker must be immediately available and in the same residence as the participant to be able to respond to the participant's immediate needs. Documentation of the level of support needed, based on the frequency and intensity of needs, shall be included in the CPOC with supporting documentation in the provider's services plan. Supporting documentation shall outline the participant's safety, communication, and response methodology planned for and agreed to by the participant and/or his/her authorized representative identified in his/her circle of support. The IFS-N worker is expected to remain awake and alert unless otherwise authorized under the procedures noted below.

a. ...

b. The participant's support team shall assess the participant's ability to awaken staff. If it is determined that the participant is able to awaken staff and requests that the IFS-N worker be allowed to sleep, the CPOC shall reflect the participant's request.

c. - d. ...

e. Any allegation of abuse/neglect during sleeping hours will result in the discontinuation of allowance of the staff to sleep until investigation is complete. Valid findings of abuse/neglect during night hours will require immediate revision to the CPOC.

B. IFS services may be shared by up to three waiver participants who may or may not live together and who have a common direct service provider agency. Waiver participants may share IFS services staff when agreed to by the participants and health and welfare can be assured for

each participant. The decision to share staff must be reflected on the CPOC and based on an individual-by-individual determination and choice. Reimbursement rates are adjusted accordingly. Shared IFS services, hereafter referred to as shared support services, may be either day or night services.

C. IFS (day or night) services include:

1. - 2.f. ...

3. personal support and assistance in participating in community, employment, health and leisure activities;

C.4. - D.2. ...

3. IFS-D and IFS-N services will not be authorized or provided to the participant while the participant is in a center-based respite facility.

4. Repealed.

E. - E.2. ...

3. An IFS-D or IFS-N worker/shared supports worker shall not work more than 16 hours in a 24-hour period unless there is a documented emergency or a time-limited non-routine need that is documented in the approved CPOC or granted in writing by the OCDD Waiver director/designee.

F. - F.3. ...

G. Provider Requirements. Providers must be licensed by the Department of Health as a home and community-based services provider and must meet the module-specific requirements for the service being provided.

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 Community Supports and Services, LR 30:1202 (June 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:2063 (November 2006), LR 33:1647 (August 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:71 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:51 (January 2018).

§13903. Center-Based Respite Care

A. - C. ...

C. Service Limits. CBR services shall not exceed 720 hours per participant, per CPOC year.

1. ...

D. Provider Requirements. Providers must be licensed by the Department of Health as a home and community-based services provider and must meet the module specific requirements for the service being provided.

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

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§13905. Community Integration Development

A. Community integration development (CID) facilitates the development of opportunities to assist participants in becoming involved in the community through the creation of natural supports. The purpose of CID is to encourage and foster the development of meaningful relationships in the community reflecting the participant's choices and values. Objectives outlined in the comprehensive plan of care will afford opportunities to increase community inclusion, participation in leisure/recreational activities, and encourage participation in volunteer and civic activities. Reimbursement for this service includes the development of a service plan. To utilize this service, the participant may or may not be present as identified in the approved CID service plan. CID services may be performed by a shared supports worker for up to three waiver participants who have a common direct service provider agency. Rates shall be adjusted accordingly.

B. ...

C. Service Limitations. Services shall not exceed 60 hours per participant per CPOC year which includes the combination of shared and non-shared community integration development.

D. Provider Qualifications. Providers must be licensed by the Department of Health as a home and community-based services provider and must meet the module specific requirements for the service being provided.

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 Community Supports and Services, LR 30:1203 (June 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 33:1648 (August 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:72 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:52 (January 2018).

§13907. Supported Independent Living

A. Supported independent living (SIL) assists the participant to acquire, improve or maintain those social and adaptive skills necessary to enable a participant to reside in the community and to participate as independently as possible. SIL services include assistance and/or training in the performance of tasks such as personal grooming, housekeeping and money management. Payment for this service includes oversight and administration and the development of service plans for the enhancement of socialization with age-appropriate activities that provide enrichment and may promote wellness. The service plan should include initial, introduction, and exploration for positive outcomes for the participant for community integration development. These services also assist the participant in obtaining financial aid, housing, advocacy and self-advocacy training as appropriate, emergency support, trained staff and assisting the participant in accessing other programs for which he/she qualifies. SIL participants must be 18 years or older.

B. Place of Service. Services are provided in the participant's residence and/or in the community. The participant's residence includes his/her apartment or house, provided that he/she does not live in the residence of any legally responsible relative. An exception will be considered when the participant lives in the residence of a spouse or disabled parent, or a parent age 70 or older. Family members

who are not *legally responsible relatives* as defined in §13901.D.1, can be SIL workers provided they meet the same qualifications as any other SIL worker.

C. Exclusions

1. Legally responsible persons may not be SIL providers for the individual whom they are legally responsible.

2. SIL shall not include the cost of:

a. - e. ...

3. SIL services cannot be provided in a substitute family care setting.

D. Service Limit. SIL services are limited to one service per day, per CPOC year, except when the participant is in center-based respite. When a participant living in an SIL setting is admitted to a center-based respite facility, the SIL provider shall not bill the SIL per diem beginning with the date of admission to the center-based respite facility and through the date of discharge from the center-based respite facility.

E. Provider Qualifications. Providers must be licensed by the Department of Health as a home and community-based services provider and meet the module specific requirements for the service being provided.

F. Provider Responsibilities

1. Minimum direct services by the SIL agency include two documented contacts per week and one documented face-to-face contact per month by the SIL provider agency in addition to the approved direct support hours. These required contacts must be completed by the SIL agency supervisor so designated by the provider agency due to the experience and expertise relating to the participants' needs or a licensed/certified professional qualified in the state of Louisiana who meets requirements as defined by 42 CFR §483.430 or any subsequent regulation.

2. ...

3. Supported independent living services shall be coordinated with any services listed in the approved CPOC, and may serve to reinforce skills or lessons taught in school, therapy or other settings.

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 Community Supports and Services, LR 30:1204 (June 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 33:1648 (August 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:73 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:52 (January 2018).

§13909. Substitute Family Care

A. Substitute family care (SFC) provides for day programming, transportation, independent living training, community integration, homemaker, chore, attendant care and companion services, and medication oversight (to the extent permitted under state law) to participants residing in a substitute family care home that meets all licensing requirements for the substitute family care module. The service is a stand-alone family living arrangement for participants age 18 and older. The SFC house parents assume the direct responsibility for the participant's physical, social, and emotional well-being and growth, including family ties. Only two SFC participants may reside in a single SFC setting at the same time. There shall be no more than three persons living in a substitute family care setting who are unrelated to the SFC provider. Immediate family members (mother, father, brother and/or sister) cannot be substitute family care parents. Reimbursement for this service includes the development of a service plan based on the approved CPOC. Participants living in an SFC home may receive IFS services.

B. - C. ...

1. Repealed.

D. Provider Qualifications. Providers must be licensed by the Department of Health as a home and community-based services provider and must meet the module specific requirements for the service being provided.

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 Community Supports and Services, LR 30:1204 (June 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:73 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:52 (January 2018).

§13911. Day Habilitation

A. Day habilitation is provided in a community-based setting and provides the participant assistance with social and adaptive skills necessary to enable the participant to participate as independently as possible in the community. These services focus on socialization with meaningful age-appropriate activities which provide enrichment and promote wellness, as indicated in the participant's CPOC. Day habilitation services are provided in a variety of community settings, (i.e. local recreation department, garden clubs, libraries, etc.) other than the person's residence and are not limited to a fixed-site facility.

1. Day habilitation services must be directed by a person-centered service plan and provide the participant choice in how they spend their day. The activities should assist the participant to gain their desired community living experience, including the acquisition, retention or improvement in self-help, socialization and adaptive skills, and/or to provide the individual an opportunity to contribute to and be a part of his or her community.

a. - f. Repealed.

2. Day habilitation services shall be coordinated with any therapy, prevocational service, or supported employment models that the participant may be receiving. The participant does not receive payment for the activities in which he/she are engaged. The participant must be 18 years of age or older in order to receive day habilitation services.

3. Career planning activities may be a component of the participant's plan and may be used to develop learning opportunities and career options consistent with the person's skills and interests.

B. Service Limits. Services can be provided one or more hours per day but not to exceed eight hours per day or 8,320 one quarter hour units of service per CPOC year.

C. Licensing Requirements. Providers must be licensed by the Department of Health and as a home and community-based services provider and must meet the module specific requirements for the service being provided.

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 Community Supports and Services, LR 30:1204 (June 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:73 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:53 (January 2018).

§13913. Supported Employment

A. Supported employment is competitive work in an integrated work setting, or employment in an integrated work setting in which the participants are working toward competitive work that is consistent with the strengths, resources, priorities, interests, and informed choice of participants for whom competitive employment has not traditionally occurred. The participant must be eligible and assessed to need the service in order to receive supported employment services. The outcome of this service is sustained paid employment and work experience leading to further career development and individual integrated community-based employment for which an individual is compensated at or above minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities.

B. Individuals eligible for Louisiana Rehabilitation Services (LRS) must access those services prior to utilizing home and community based waiver supported employment services.

C. Supported employment is conducted in a variety of settings, particularly work sites in which persons without disabilities are employed. Supported employment cannot be provided at worksites that are facility based, or other similar types of vocational services furnished in specialized facilities that are not part of the general workplace. Supported employment includes activities needed by waiver participants to sustain paid work, including supervision and training and is based on an individualized service plan. Supported employment may include assistance and prompting with:

C.1. - D. ...

1. A one-to-one model of supported employment is a placement strategy in which an employment specialist (job coach) places a person into competitive employment, provides training and support and then gradually reduces time and assistance at the work site through formation of natural supports. This service is time limited to six to eight weeks in duration.

2. Follow along services are designed for participants who are in supported employment and have been placed in a work site and only require minimum oversight for follow along at the job site. This service is limited to 24 days per CPOC year.

3. Mobile work crew/enclave is an employment setting in which a group of two or more participants, but no more than eight perform work in a variety of locations under the supervision of a permanent employment specialist (job coach/supervisor). This service is up to eight hours a day, five days per week.

E. Service Exclusions

1. Services shall not be used in conjunction or simultaneously with any other waiver service, except substitute family care, supported independent living, and skilled nursing services.

2. When supported employment services are provided at a work site in which persons without disabilities are employees, payment will be made only for the adaptations, supervision and training required by participants receiving waiver services as a result of his/her disabilities, and will not include payment for the supervisory activities rendered as a normal part of the business setting.

3. Services are not available to participants who are eligible and have been accepted to participate in programs funded under section 110 of the Rehabilitation Act of 1973 or section 602(16) and (17) of the Individuals with Disabilities Education Act, 20 U.S.C. 1401(16) and (71).

F. Service Limits

1. One-to-one intensive services shall not exceed 1,280 one quarter hour units per CPOC year. Services shall be limited to eight hours a day, five days a week, for six to eight weeks.

2. Follow along services shall not exceed 24 days per CPOC year.

3. Mobile crew/enclave services shall not exceed 8,320 one quarter hour units of service per CPOC year, without additional documentation. This is eight hours per day, five days per week.

G. Licensing Requirements. The provider must possess a valid certificate of compliance as a community rehabilitation provider (CRP) from Louisiana Rehabilitation Services or be licensed by the Department of Health as a home and community-based services provider and must meet the module specific requirements for the service being provided.

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 Community Supports and Services, LR 30:1205 (June 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 33:1649 (August 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:74 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:53 (January 2018).

§13915. Transportation for Day Habilitation and Supported Employment Models

A. Transportation provided for the participant to the site of the day habilitation or supported employment model, or between the day habilitation and supported employment model site (if the participant receives services in more than one place) is reimbursable when day habilitation or supported employment model has been provided. Reimbursement may be made for a one-way trip. There is a maximum fee per day that can be charged for transportation regardless of the number of trips per day.

B. Licensing Requirements. Providers must be licensed by the Department of Health as a home and community-

based services provider and meet the module specific requirements for the service being provided. The licensed provider must carry $1,000,000 liability insurance on the vehicles used in transporting the participants.

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 Community Supports and Services, LR 30:1205 (June 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:2064 (November 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:74 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:54 (January 2018).

§13917. Prevocational Services

A. Prevocational services are intended to prepare a participant for paid employment or volunteer opportunities in the community to the participant's highest level. Prevocational services allow the individual to develop general, non-job-task-specific strengths and skills that contribute to employability in paid employment in integrated community settings.

1. Prevocational services are intended to develop and teach general skills such as:

a. the ability to communicate effectively with supervisors, co-workers, and customers;

b. accepted community workplace conduct and dress;

c. the ability to follow directions and attend to tasks;

d. workplace problem solving skills and general workplace safety; and

e. mobility training.

2. Prevocational services are provided in a variety of locations in the community and are not limited to a fixed-site facility. Participants receiving prevocational services must have an employment related goal as part of their CPOC and service plan. The general habilitation activities must support their employment goals. Prevocational services are designed to create a path to integrated community based employment for which an individual is compensated at or above minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities. Assistance with personal care may be a component of prevocational services, but may not comprise the entirety of the service.

B. Prevocational services are provided on a regularly scheduled basis and may be scheduled on a comprehensive plan of care for one or more days per week and may be prior authorized for up to 8,320 units of service in a plan year with appropriate documentation. A standard unit is one quarter hour.

1. - 8. Repealed.

C. Exclusions. The following service exclusions apply to prevocational services.

1. ...

D. Service Limits. Services shall not exceed eight hours a day, five days a week, and cannot exceed 8,320 one quarter hour units of service per CPOC year. Additionally, prevocational services are time limited to four years, after which the participant should be able to transition into employment. Exceptions to the four year limitation may be approved at the discretion of OCDD program office.

E. Licensing Requirements. Providers must be licensed by the Department of Health as a home and community-based services provider and must meet the module specific requirements for the service being provided.

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 Community Supports and Services, LR 30:1205 (June 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 33:1649 (August 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:75 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:55 (January 2018).

§13919. Environmental Accessibility Adaptations

A. - C. ...

1. Any service covered under the Medicaid state plan shall not be authorized by NOW. The environmental accessibility adaptation(s) must be delivered, installed, operational and accepted by the participant/authorized representative in the CPOC year for which it was approved. The environmental accessibility adaptation(s) must be billed and reimbursed according to the Medicaid billing guidelines established by LDH policy. A written itemized detailed bid, including drawings with the dimensions of the existing and proposed floor plans relating to the modification, must be obtained and submitted for prior authorization. Modifications may be applied to rental or leased property with the written approval of the landlord and approval of the human services authority or district. Reimbursement shall not be paid until receipt of written documentation that the job has been completed to the satisfaction of the participant.

2. - 5. ...

6. Excluded are those vehicle adaptations which are of general utility or for maintenance of the vehicle. Car seats are not considered a vehicle adaptation.

D. Service Limits. There is a cap of $7,000 per three year period for a participant for environmental accessibility adaptations. On a case-by-case basis, with supporting documentation and based on need, a participant may be able to exceed this cap with the prior approval of OCDD central office.

E. - E.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1206 (June 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 33:1649 (August 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:75 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:55 (January 2018).

§13921. Specialized Medical Equipment and Supplies

A. - D. ...

E. Service Limitations. There is a cap of $1,000 per three year period for a participant for specialized equipment and supplies. On a case-by-case basis, with supporting documentation and based on need, a participant may be able to exceed this cap with the prior approval of OCDD central office.

F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1207 (June 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 33:1649 (August 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:75 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:56 (January 2018).

§13925. Professional Services

A. Professional services are services designed to increase the participant's independence, participation and productivity in the home, work and community. Participants, up to the age of 21, who participate in NOW must access these services through the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program. Professional services may only be furnished and reimbursed through NOW when the services are not covered under the Medicaid State Plan. Professional services must be delivered with the participant present and be provided based on the approved CPOC and an individualized service plan. Service intensity, frequency and duration will be determined by individual need. Professional services may be utilized to:

1. - 4. ...

5. provide necessary information to the participant, family, caregivers and/or team to assist in the implementation of plans according to the approved CPOC.

B. - B.1. ...

2. Social work services are highly specialized direct counseling services furnished by a licensed clinical social worker and designed to meet the unique counseling needs of individuals with development disabilities. Counseling may address areas such as human sexuality, depression, anxiety disorders, and social skills. Services must only address those personnel outcomes and goals listed in the approved CPOC.

3. ...

C. Service Limits. There shall be a $2,250 cap per participant per CPOC year for the combined range of professional services in the same day but not at the same time. Additional services may be prior authorized if the participant reaches the cap before the expiration of the comprehensive plan of care and the participant's health and safety is at risk.

D. - E.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, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1207 (June 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 33:1650 (August 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:76 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:56 (January 2018).

§13927. Skilled Nursing Services

A. Skilled nursing services are medically necessary nursing services ordered by a physician and provided by a licensed registered nurse or a licensed practical nurse. Skilled nursing services shall be provided by a licensed, enrolled home health agency and require an individual nursing service plan. These services must be included in the participant's approved CPOC. All Medicaid State Plan services must be utilized before accessing this service. Participants, up to the age of 21, must access these services as outlined on the CPOC through the Home Health Program.

B. When there is more than one participant in the home receiving skilled nursing services, services may be shared and payment must be coordinated with the service authorization system and each participant's approved CPOC. Nursing consultations are offered on an individual basis only.

C. Provider Qualifications. The provider must be licensed by the Department of Health as a home and community-based services provider and must meet the module specific requirements for the service being provided.

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 Community Supports and Services, LR 30:1208 (June 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 33:1651 (August 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:77 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:56 (January 2018).

§13929. One Time Transitional Expenses

A. One-time transitional expenses are those allowable expenses incurred by participants who are being transitioned from an ICF-DD to his/her own home or apartment of their choice in the community of their choice. *Own home* shall mean the participant's own place of residence and does not include any family members home or substitute family care homes. The participants must be allowed choice in the items purchased.

B. - D. ...

E. Provider Qualifications. This service shall only be provided by the Department of Health, Office for Citizens with Developmental Disabilities (OCDD) with coordination of appropriate entities.

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 Community Supports and Services, LR 30:1208 (June 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 33:1651 (August 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:77 (January 2014), amended by the Department of Health, Bureau of Health

Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:56 (January 2018).

§13931. Adult Companion Care

A. Adult companion care services assist the participant to achieve and/or maintain the outcomes of increased independence, productivity and inclusion in the community. These services are designed for an individual who lives independently and can manage his/her own household with limited supports. The companion is a principal care provider chosen by the participant, who provides services in the participant's home and lives with the participant as a roommate. Adult companion care services are furnished through a licensed provider organization as outlined in the participant's CPOC. This service includes:

1. providing assistance with all of the activities of daily living as indicated in the participant's CPOC;

2. - 3. ...

B. Adult companion care services are arranged by provider organizations that are subject to licensure. The setting is the participant's home which should have been freely chosen by the participant from among non-disability specific settings and not owned or controlled by the provider. The companion is an employee or contractor of the provider organization and is responsible for providing limited, daily direct services to the participant.

1. ...

2. Services may not be provided by a family member who is the participant's spouse or legal guardian.

C. ...

1. The provider organization shall develop a written agreement as part of the participant's CPOC which defines all of the shared responsibilities between the companion and the participant. The written agreement shall include, but is not limited to:

2.a. - 3.b. ...

c. contacting the companion a minimum of once per week or as specified in the participant's comprehensive plan of care; and

3.d. - 4.a. ...

b. inclusion of any other expenses must be negotiated between the participant and the companion. These negotiations must be facilitated by the provider and the resulting agreement must be included in the written agreement and in the participant's CPOC.

D. Companion Responsibilities

1. The companion is responsible for:

a. participating in, and abiding by, the CPOC;

D.1.b. - E. ...

1. Adult companion care services may be authorized for up to 365 days per year as documented in the participant's CPOC.

F. Service Exclusions

1. ...

2. Participants receiving adult companion care services are not eligible for receiving the following services:

a. supported independent living;

b. - d. ...

G. Provider Qualifications. Providers must be licensed by the Department of Health as a home and community-based services provider and must meet the module specific requirements for the service being provided.

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 for Citizens with Developmental Disabilities, LR 40:77 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:57 (January 2018).

§13933. Remote Assistance

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 and the Office for Citizens with Developmental Disabilities, LR 40:78 (January 2014), repealed by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:57 (January 2018).

§13935. Housing Stabilization Transition Service

A. Housing stabilization transition service enables participants who are transitioning into a permanent supportive housing unit, including those transitioning from institutions, to secure their own housing. The service is provided while the participant is in an institution and preparing to exit the institution using the waiver. The setting for the permanent supportive housing must be integrated in the greater community, and support full access to the greater community by the participant. The service includes the following components:

1. conducting a housing assessment to identify the participant's preferences related to housing (i.e., type, location, living alone or with someone else, accommodations needed, and other important preferences), and his/her needs for support to maintain housing, including:

a. access to housing of the participant's choice, including non-disability specific settings;

1.b - 3.c. ...

4. participating in the development of the comprehensive plan of care and incorporating elements of the housing support plan; and

A.5. - C.1. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:78 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:57 (January 2018).

§13937. Housing Stabilization Service

A. Housing stabilization service enables waiver participants to maintain their own housing as set forth in the participant's approved CPOC. Services must be provided in the home or a community setting. This service includes the following components:

1. - 1.h. ...

2. participating in the development of the CPOC, incorporating elements of the housing support plan;

A.3. - C.1. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:79 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:57 (January 2018).

Chapter 141. Self-Direction Initiative

§14101. Self-Direction Service Delivery Option

A. ...

B. Participant Responsibilities. Waiver participants choosing the self-directed service delivery option must understand the rights, risks and responsibilities of managing his/her own care and individual budget. If the participant is unable to make decisions independently, he/she must have an authorized representative who understands the rights, risks and responsibilities of managing his/her care and supports within his/her individual budget. Responsibilities of the participant or authorized representative include:

1. - 2. ...

3. participation in the development and management of the approved personal purchasing plan:

a. this annual budget is determined by the recommended service hours listed in the participant's CPOC to meet his/her needs;

b. ...

C. Termination of the Self-Direction Service Delivery Option. Termination of participation in the self-direction service delivery option requires a revision of the CPOC, the elimination of the fiscal agent and the selection of the Medicaid-enrolled waiver service provider(s) of choice.

1. Voluntary Termination. The waiver participant may choose at any time to withdraw from the self-direction service delivery option and return to the traditional provider agency management of services.

2. - 2.d.iv. ...

D. All services rendered shall be prior approved and in accordance with the comprehensive plan of care.

E. All services must be documented in service notes, which describes the services rendered and progress towards the participant's personal outcomes and his/her comprehensive plan of care.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1209 (June 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 33:1651 (August 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:79 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:58 (January 2018).

Chapter 142. Provider Participation Requirements

§14202. Incident Reporting, Tracking and Follow-Up

A. The direct service provider is responsible for responding to, reviewing, and remediating incidents that occur to the participants they support. Direct service providers must comply with any other rules promulgated by the LDH regarding incident reporting and response.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:58 (January 2018).

Chapter 143. Reimbursement

§14301. Unit of Reimbursement

A. Reimbursement for services shall be a prospective flat rate for each approved unit of service provided to the participant. One quarter hour (15 minutes) is the standard unit of service and reimbursement shall not be made for less than 15 minutes (one quarter hour) of service. This covers both service provision and administrative costs for the following services:

1. - 3. ...

4. prevocational services;

5. individual and family support-day and night:

5.a. - 10. ...

B. The following services are to be paid at cost, based on the need of the participant and when the service has been prior authorized and on the CPOC:

1. - 3. ...

C. The following services are paid through a per diem:

1. ...

2. supported independent living;

C.3. - E. ...

F. Direct Support Professionals Wages. The minimum rate paid to direct support professionals shall be the federal minimum wage in effect at the time.

G. 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 Community Supports and Services, LR 30:1209 (June 2004), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:252 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 35:1851 (September 2009), LR 36:1247 (June 2010), LR 37:2158 (July 2011), LR 39:1049 (April 2013), LR 40:80 (January 2014), LR 42:898 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:58 (January 2018).

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

1801#061

RULE

Department of Health
Bureau of Health Services Financing

Home Health Program
Home Health Encounters and Services
(LAC 50:XIII.Chapters 1-5)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XIII.Chapters 1-5 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 XIII. Home Health Program

Subpart 1. Home Health Services

Chapter 1. General Provisions

§101. Definitions

[Formerly LAC 50:XIX.101]

A. The following words and terms, when used in this Subpart 1, shall have the following meanings, unless the context clearly indicates otherwise:

* * *

Home Health Services—patient care services provided in the patient's residential setting or any setting in which normal life activities take place under the order of a physician that are necessary for the diagnosis and treatment of the patient's illness or injury, including one or more of the following services:

a. - e. ...

f. medical supplies, equipment and appliances suitable for use in any setting in which normal life activities take place.

NOTE: Medical supplies, equipment and appliances for home health are reimbursed through the Durable Medical Equipment Program and must be prior authorized.

Occupational Therapy Services—medically prescribed treatment to improve, maintain or restore a function which has been impaired by illness or injury or, when the function has been permanently lost or reduced by illness or injury, to improve the individual's ability to perform those tasks required for independent functioning

* * *

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 30:431 (March 2004), amended by the Department of Health, Bureau of Health Services Financing, LR 44:59 (January 2018).

§103. Requirements for Home Health Services

[Formerly LAC 50:XIX.103]

A. Home health services shall be based on an expectation that the care and services are medically reasonable and appropriate for the treatment of an illness or injury, and that the services can be performed adequately by the agency in the recipient's residential setting or any setting in which normal life activities take place. For initial ordering of home health services, the physician or authorized non-physician provider (NPP) must document a face-to-face encounter that is related to the primary reason the recipient requires home health services. This face-to-face encounter must occur no more than 90 days before or 30 days after the start of services. For the initial ordering of medical supplies, equipment and appliances, the physician must document that a face-to-face encounter that is related to the primary reason the recipient requires medical equipment occurred no more than six months prior to the start of services. A written plan of care for services shall be evaluated and signed by the physician every 60 days. This plan of care shall be maintained in the recipient's medical records by the home health agency.

B. Home health services shall be provided in the recipient's residential setting or any setting in which normal life activities take place, other than a hospital, nursing facility, intermediate care facility for individuals with intellectual disabilities or any setting in which payment is, or could be, made under Medicaid for inpatient services that include room and board.

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 30:431 (March 2004), amended by the Department of Health, Bureau of Health Services Financing, LR 44:59 (January 2018).

Chapter 3. Medical Necessity

§301. General Provisions

[Formerly LAC 50:XIX.301]

A. - A.5.f. ...

B. Home health skilled nursing and aide services are considered medically reasonable and appropriate when the recipient's medical condition and medical records accurately justify the medical necessity for services to be provided in their residential setting or any setting in which normal life activities take place, other than a hospital, nursing facility, intermediate care facility for individuals with intellectual disabilities or any setting in which payment is, or could be made, under Medicaid for inpatient services that include room and board rather than in a physician's office, clinic, or other outpatient setting according to guidelines as stated in this Subpart.

C. - D.3. ...

E. Home health services will be authorized upon medical necessity determination based on the state's medical necessity criteria pursuant to LAC 50:I.1101.

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 30:431 (March 2004), amended by the Department of Health, Bureau of Health Services Financing, LR 44:59 (January 2018).

§303. Provisions for Infants and Toddlers

[Formerly LAC 50:XIX.303]

A. - C.2. ...

3. failure or lack of cooperation by the child's legal guardian(s) to obtain the required medical services in an outpatient setting.

NOTE: The fact that an infant or toddler cannot ambulate or travel without assistance from another is not a factor in determining medical necessity for 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, Office of the Secretary, Bureau of Health Services Financing, LR 30:432 (March 2004), amended by the Department of Health, Bureau of Health Services Financing, LR 44:59 (January 2018).

§305. Extended Nursing Services for Ages 0-21

A. Extended nursing services may be provided to a Medicaid recipient who is age birth through 21 when it is determined to be medically necessary for the recipient to receive a minimum of three continuous hours per day of nursing services. Medical necessity for extended nursing services exists when the recipient has a medically complex

condition characterized by multiple, significant medical problems that require nursing care as defined by the Louisiana Nurse Practice Act.

B. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:406 (March 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 44:59 (January 2018).

Chapter 5. Retrospective Review

§501. Home Health Visits

[Formerly LAC 50:XIX.501]

A. Home health services provided to recipients are subject to post-payment review in order to determine if the recipient's condition warrants high utilization.

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, Office of the Secretary, Bureau of Health Services Financing, LR 30:432 (March 2004), amended by the Department of Health, Bureau of Health Services Financing, LR 44:60 (January 2018).

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

1801#062

RULE

Department of Health
Bureau of Health Services Financing

Inpatient Hospital Services
Office of Public Health Newborn Screening Payments
(LAC 50:V.115)

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:V.115 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 V. Hospital Services
Subpart 1. Inpatient Hospitals Services
Chapter 1. General Provisions
§115. Office of Public Health Newborn Screenings

A. The Department of Health, Bureau of Health Services Financing shall provide reimbursement to the Office of Public Health (OPH) through the Medical Assistance Program for newborn screenings performed by OPH on specimens taken from children in acute care hospital settings.

B. Reimbursement

1. Effective for dates of service on or after August 5, 2017, claims submitted by OPH to the Medicaid Program for the provision of legislatively-mandated inpatient hospital newborn screenings shall be reimbursed outside of the acute hospital per diem rate for the inpatient stay.

a. The hospital shall not include any costs related to newborn screening services provided and billed by OPH in its Medicaid cost report(s).

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 44:60 (January 2018).

Rebekah E. Gee MD, MPH
Secretary

1801#063

RULE

Department of Health
Bureau of Health Services Financing

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

The Department of Health, Bureau of Health Services Financing has amended 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 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 VII. Long Term Care
Subpart 3. Intermediate Care Facilities for Persons with Developmental Disabilities
Chapter 329. Reimbursement Methodology
Subchapter C. Public Facilities
§32969. Transitional Rates for Public Facilities

A. - B. ...

1. The department may extend the period of transition for an additional year, if deemed necessary, for an active CEA facility that is:

a. a large facility of 100 beds or more;

b. serves a medically fragile population; and

c. provides continuous (24-hour) nursing coverage.

C. - F.4. ...

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), amended by the Department of Health, Bureau of Health Services Financing, LR 44:60 (January 2018).

Rebekah E. Gee MD, MPH
Secretary

1801#064

RULE

Department of Health
Bureau of Health Services Financing

Intermediate Care Facilities for Persons
with Intellectual Disabilities
Reimbursement Methodology
Leave of Absence Days
(LAC 50:VII.33103)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:VII.33106 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 VII. Long Term Care
Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities
Chapter 331. Vendor Payments
§33103. Payment Limitations

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

b. leave of absence. A temporary stay outside the ICF/ID provided for in the client's written individual habilitation plan. A leave of absence will not exceed 45 days per fiscal year (July 1 through June 30) and will not exceed 30 consecutive days in any single occurrence. Certain leaves of absence will be excluded from the annual 45-day limit as long as the leave does not exceed the 30-consecutive day limit and is included in the written individual habilitation plan. These exceptions are as follows:

i. - iv. ...

v. official state holidays; and

vi. two days for bereavement of close family members.

(a). *Close Family Members*—parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grand-parent, or grand-child.

* * *

A.3. - J. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:578 (October 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:682 (April 1999), LR 31:1082 (May 2005), repromulgated LR 31:2257 (September 2005), amended by the Department of Health, Bureau of Health Services Financing, LR 43:325 (February 2017), LR 44:61 (January 2018).

Rebekah E. Gee MD, MPH
Secretary

1801#065

RULE

Department of Health
Bureau of Health Services Financing

Managed Care for Physical and Behavioral Health
Applied Behavior Analysis-Based Therapy Services
Integration (LAC 50:I.3507)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:I.3507 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 35. Managed Care Organization Participation Criteria
§3507. Benefits and Services

A. - C.4. ...

D. The following is a summary listing of the core benefits and services that an MCO is required to provide:

1. - 12. ...

13. basic and specialized behavioral health services, including applied behavior analysis (ABA) -based therapy services, excluding Coordinated System of Care services;

D.14. - F.1. ...

G. Excluded Services

1. - 1.e. ...

f. targeted case management services; and

g. all OAAS/OCDD home and community-based §1915(c) waiver services.

h. Repealed.

H. - 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 37:1585 (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), amended the Department of Health, Bureau of Health Services Financing, LR 44:61 (January 2018).

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

1801#066

RULE

Department of Health
Bureau of Health Services Financing

Professional Services Program
State-Owned or Operated Professional Services Practices
Enhanced Reimbursement Rates
(LAC 50:IX.15110 and 15113)

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:IX.15110 and amended §15113 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 IX. Professional Services Program
Subpart 15. Reimbursement
Chapter 151. Reimbursement Methodology
Subchapter A. General Provisions
§15110. State-Owned or Operated Professional Services Practices

A. Qualifying Criteria. Effective for dates of service on or after February 1, 2018, in order to qualify to receive enhanced rate payments for services rendered to Medicaid recipients under these provisions, physicians and other eligible professional service practitioners must be:

1. licensed by the state of Louisiana;
2. enrolled as a Louisiana Medicaid provider; and
3. employed by, or under contract to provide services in affiliation with, a state-owned or operated entity, such as a state-operated hospital or other state entity, including a state academic health system, which:

a. has been designated by the department as an essential provider. Essential providers include:

i. LSU School of Medicine—New Orleans;
ii. LSU School of Medicine—Shreveport; and
iii. LSU state-operated hospitals (Lallie Kemp Regional Medical Center and Villa Feliciana Geriatric Hospital).

B. State-owned or operating entities shall identify to the department which professional service practitioners/groups qualify for the enhanced rate payments.

C. Payment Methodology

1. Effective for dates of service on or after February 1, 2018, payments shall be made at the community rate level for services rendered by physicians and other eligible professional service practitioners who qualify under the provisions of §15110.A.

a. *Community Rate Level*—the rates paid by commercial payers for the same service.

b. The provider's average commercial rate (ACR) demonstration will be updated at least every three years.

c. Enhanced rates are based on average commercial rates effective during the state fiscal year proceeding the fiscal year in which the ACR is calculated for each service designated by a current procedural terminology (CPT) code recognized by the Medicaid program as a covered service.

2. For services rendered by physicians and other professional services practitioners, in affiliation with a state-owned or operated entity, the department will collect from the state-owned or operated entity its current commercial rates/fee schedules by CPT code for their top three commercial payers by volume.

3. The department will calculate the average commercial rate for each CPT code for each professional services practice that provides services in affiliation with a state-owned or operated entity.

4. The department will extract from its paid claims history file, for the preceding fiscal year, all paid claims for those physicians and professional practitioners who will qualify for the enhanced reimbursement rates. The department will align the average commercial rate for each CPT code to each Medicaid claim for the physician or professional services practitioner/practice plan and calculate the average commercial payments for the claims.

5. The department will also align the same paid Medicaid claims with the Medicare rates for each CPT code for the physician or professional services practitioner and calculate the Medicare payment amounts for those claims. The Medicare rates will be the most currently available national non-facility rates.

6. The department will calculate an overall Medicare to commercial conversion factor by dividing the total amount of the average commercial payments for the claims by the total Medicare payments for the claims.

7. This conversion factor will be applied to the current Medicare rates for all procedure codes payable for Medicaid to create the enhanced reimbursement rate.

D. Payment to physician-employed physician assistants and registered nurse practitioners shall be 80 percent of the maximum allowable rate paid to physicians.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018).

Subchapter B. Physician Services
§15113. Reimbursement Methodology

A. - M. ...

N. Effective for dates of service on or after February 1, 2018, physicians, who qualify under the provisions of §15110 for services rendered in affiliation with a state-owned or operated entity that has been designated as an essential provider, shall receive enhanced reimbursement rates up to the community rate level for qualifying services as determined in §15110.C.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1252 (June 2010), amended LR 36:2282 (October 2010), LR 37:904 (March 2011), LR 39:3300, 3301 (December 2013), LR 41:541 (March 2015), LR 41:1119 (June 2015), LR 41:1291 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018).

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

1801#067

RULE

Department of Health
Bureau of Health Services Financing

Targeted Case Management
Reimbursement Methodology
Early and Periodic Screening, Diagnosis and Treatment
(LAC 50:XV.10701)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XV.10701 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 XV. Services for Special Populations
Subpart 7. Targeted Case Management
Chapter 107. Reimbursement
§10701. Reimbursement

A. - K.2. ...

L. Effective for dates of service on or after April 1, 2018, case management services provided to participants in the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program shall be reimbursed at a flat rate for each approved unit of service. The standard unit of service is equivalent to one month.

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 30:1040 (May 2004), amended LR 31:2032 (August 2005), LR 35:73 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1903 (September 2009), LR 36:1783 (August 2010), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:97 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3302 (December 2013), LR 40:1700, 1701 (September 2014), LR 41:1490 (August 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:63 (January 2018).

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

1801#068

RULE

Department of Health
Emergency Response Network

Trauma Program Recognition (LAC 48:I.19707)

The Louisiana Emergency Response Network Board has exercised the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and has amended LAC 48:I.Chapter 197, Section 19707, a Rule revised by the Louisiana Emergency Response Network Board in a meeting of August 17, 2017, the following "Trauma Program Recognition", adopted as authorized by R.S. 9:2798.5. The Rule clarifies timeliness and requirements for hospitals seeking Trauma Program recognition.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 15. Emergency Response Network
Chapter 197. Trauma Program Recognition
§19707. Procedure for Trauma Program Recognition

A. - C. …

D. To maintain trauma program recognition, the hospital must request an ACS verification or consultation site visit at the time of the attestation or within 30 days thereafter, with the consultation or survey to occur within 12 months of the attestation or as close to 12 months as the ACS schedule allows. Written documentation of the request and scheduling must be submitted to LERN.

1. If an ACS verification or consultation site visit is not requested within 30 days and does not occur within 12 months or as close to 12 months as the ACS schedule allows, the trauma program indicator on LERN resource management screen will be removed.

E. After a consultation visit for the desired trauma level, the hospital has 30 days to schedule the verification survey by the ACS to occur within 12 months of the consultation or as close to 12 months as the ACS schedule allows. Written documentation of the request and scheduling must be submitted to LERN.

1. If documentation of scheduling per required parameters is not submitted to LERN and the ACS verification survey is not scheduled to occur within 12 months of the consultation or as close to 12 months as the ACS schedule allows, the trauma program indicator will be removed on the LERN resource management screen.

2. If the hospital fails the ACS verification visit and a focused review visit, the hospital will lose trauma program status. The trauma program indicator will be removed on the LERN resource management screen.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2846(A), R.S. 40:2845(A)(1) and R.S. 9:2798.5.

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Response Network, LR 42:1932 (November 2016), amended LR 44:63 (January 2018).

Paige Hargrove
Executive Director

1801#038

RULE

Department of Insurance
Office of the Commissioner

Regulation 32—Group and Individual
Coordination of Benefits (LAC 37:XIII.Chapter 3)

The Department of Insurance, pursuant to the authority of the *Louisiana Insurance Code*, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act. R.S. 49:950 et seq., has amended and promulgated Regulation 32, group and individual coordination of benefits. The purpose of the regulation is to establish a uniform order of benefit determination for plans to pay claims.

The purpose for amending Regulation 32 is for the Department of Insurance to provide clarification in the implementation of calculating the benefits reserve for the benefit of consumers as provided for in this regulation.

Title 37
INSURANCE
Part XIII. Regulations

Chapter 3. Regulation 32—Coordination of Benefits

§301. Purpose and Applicability

A. The purpose of this regulation is to:

1. establish a uniform order of benefit determination under which plans pay claims;

2. reduce duplication of benefits by permitting a reduction of the benefits to be paid by plans that, pursuant to rules established by this regulation, do not have to pay their benefits first; and

3. provide greater efficiency in the processing of claims when a person is covered under more than one plan.

B. This regulation applies to all plans which includes all accident and health products and health maintenance organization products that are issued on or after the effective date of this regulation. The effective date of this regulation is upon final publication, January 20, 2018.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3.2014.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 17:67 (January 1991), amended LR 20:52 (January 1994), LR 23:415 (April 1997), LR 41:1095 (July 2016), LR 44:64 (January 2018).

§303. Definitions

A. As used in this regulation, these words and terms have the following meanings, unless the context clearly indicates otherwise.

Allowable Expense—a health care service or expense including deductibles, coinsurance, or copayments that are covered in full or in part by any of the plans covering the person, except as set forth below or where a statute requires a different definition. This means that an expense or service or a portion of an expense or service that is not covered by any of the plans is not an allowable expense.

a. The following are examples of expenses or services that are and are not an allowable expense.

i. If a covered person is confined in a private hospital room, the difference between the cost of a semi-private room in the hospital and the private room, (unless the patient's stay in the private hospital room is medically necessary in terms of generally accepted medical practice, or one of the plans routinely provides coverage for private hospital rooms), is not an allowable expense.

ii. If a person is covered by two or more plans that compute their benefit payments on the basis of usual and customary fees, any amount in excess of the highest of the usual and customary fee for a specified benefit is not an allowable expense.

iii. If a person is covered by two or more plans that provide benefits or services on the basis of negotiated fees, any amount in excess of the highest of the negotiated fees is not an allowable expense.

iv. If a person is covered by one plan that calculates its benefits or services on the basis of usual and customary fees and another plan that provides its benefits or services on the basis of negotiated fees, the primary plan's payment arrangement shall be the allowable expense for all plans.

b. The definition of *allowable expense* may exclude certain types of coverage or benefits such as dental care, vision care, prescription drug, or hearing aids. A plan that limits the application of COB to certain coverages or benefits may limit the definition of allowable expenses in its contract to services or expenses that are similar to the services or expenses that it provides. When COB is restricted to specific coverages or benefits in a contract, the definition of *allowable expense* shall include similar services or expenses to which COB applies.

c. When a plan provides benefits in the form of services, the reasonable cash value of each service will be considered an allowable expense and a benefit paid.

d. The amount of the reduction may be excluded from allowable expense when a covered person's benefits are reduced under a primary plan:

i. because the covered person does not comply with the plan provisions concerning second surgical opinions or pre-certification of admissions or services; or

ii. because the covered person has a lower benefit because he or she did not use a preferred provider.

e. If the primary plan is a closed panel plan and the secondary plan is not a closed panel plan, the secondary plan shall pay or provide benefits as if it were primary when a covered person uses a nonpanel provider, except for emergency services or authorized referrals that are paid or provided by the primary plan.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3.2014.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 17:67 (January 1991), amended LR 20:52 (January 1994), LR 23:415 (April 1997), LR 42:1095 (July 2016), LR 44:64 (January 2018).

§305. Use of Model COB Contract Provision

A. Appendix A and Appendix B contain model COB provisions that shall be used in group and individual contracts or subscriber agreements. That use is subject to the provisions of Subsections B, C, and D of this Section and to the provisions of §307.

B. Appendix B is a plain language description of the COB process that explains to the covered person how insurers will implement coordination of benefits. It is not intended to replace or change the provisions that are set forth in the contract. Its purpose is to explain the process by which

the two (or more) plans will pay for or provide benefits, how the benefit reserve is accrued and how the covered person may use the benefit reserve.

C. The COB provision contained in Appendix A and the plain language explanation in Appendix B do not have to use the specific words and format shown in §321, Appendix A, or §323, Appendix B. Changes may be made to fit the language and style of the rest of the group contract or to reflect differences among plans that provide services, that pay benefits for expenses incurred and that indemnify. No substantive changes are permitted.

D. A COB provision may not be used that permits a plan to reduce its benefits on the basis that:

1. another plan exists and the covered person did not enroll in that plan;

2. a person is or could have been covered under another plan, except with respect to part B of Medicare; or

3. a person has elected an option under another plan providing a lower level of benefits than another option that could have been elected.

E. No plan may contain a provision that its benefits are "always excess" or "always secondary," except in accord with the rules permitted by this regulation.

F. Under the terms of a closed panel plan, benefits are not payable if the covered person does not use the services of a closed panel provider. In most instances, COB does not occur if a covered person is enrolled in two or more closed panel plans and obtains services from a provider in one of the closed panel plans because the other closed panel plan (the one whose providers were not used) has no liability. However, COB may occur during the claim determination period or plan year when the covered person receives emergency services that would have been covered by both plans. Then the secondary plan shall use the benefit reserve to pay any unpaid allowable expense.

G. A simple statement advising consumers that they can request a copy in either paper form or electronic form of Appendix C, that provides an explanation for secondary plans on the purpose and use of the benefit reserve and how secondary plans calculate claims, shall be added in the coordination of benefit section or provision found in group and individual policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3.2014.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 17:67 (January 1991), amended LR 20:52 (January 1994), LR 23:415 (April 1997), LR 42:1097 (July 2016), LR 44:64 (January 2018).

§309. Procedure to be Followed by Secondary Plan

A. When a plan is secondary, it shall reduce its benefits so that the total benefits paid or provided by all plans during a claim determination period or plan year are not more than 100 percent of total allowable expenses as provided for in §303.A, *Allowable Expense,* a-e. The secondary plan shall calculate its savings by subtracting the allowable expense amount as provided for in §303.A, *Allowable Expense,* a-e that it paid as a secondary plan from the allowable expense amount provided for §303.A, *Allowable Expense,* a-e that it would have paid had it been primary. These savings shall be recorded as a benefit reserve for the covered person and shall be used by the secondary plan to pay any allowable expenses, not otherwise paid, that are incurred by the covered person during the claim determination period. (See Appendix C, Explanation for Secondary Plans on the Purpose and Use of the Benefit Reserve.) As each claim is submitted, the secondary plan must:

1. determine its obligation, pursuant to its contract;

2. determine whether a benefit reserve has been recorded for the covered person; and

3. determine whether there are any unpaid allowable expenses during that claims determination period.

B. If there is a benefit reserve, the secondary plan shall use the covered person's recorded benefit reserve to pay up to 100 percent of total allowable expenses as provided for in §303.A, *Allowable Expense,* a-e incurred during the claim determination period. At the end of the claim determination period the benefit reserve returns to zero. A new benefit reserve must be created for each new claim determination period.

C. The benefits of the secondary plan shall be reduced when the sum of the benefits that would be payable for the allowable expenses as provided for in §303.A, *Allowable Expense,* a-e under the secondary plan in the absence of this COB provision and the benefits that would be payable for the allowable expenses as provided for in §303.A, *Allowable Expense,* a-e under the other plans, in the absence of provisions with a purpose like that of this COB provision, whether or not a claim is made, exceeds the allowable expenses in a claim determination period. In that case, the benefits of the secondary plan shall be reduced so that they and the benefits payable under the other plans do not total more than the allowable expenses as provided for in §303.A, *Allowable Expense,* a-e.

1. When the benefits of a plan are reduced as described above, each benefit is reduced in proportion. It is then charged against any applicable benefit limit of the plan.

2. The requirements of Paragraph 1 of this Subsection do not apply if the plan provides only one benefit, or may be altered to suit the coverage provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3.2014.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 17:67 (January 1991), amended LR 20:52 (January 1994), LR 23:415 (April 1997), LR 42:1099 (July 2016), LR 44:65 (January 2018).

§311. Notice to Covered Persons

A. Plan shall in its explanation of benefits provided to covered persons, include the following language. "If you are covered by more than one health benefit plan, you should file all your claims with each plan." Additionally, notice to obtain a copy of Appendix C, as provided for in LAC 37:XIII.305.G, shall be added as part of the coordination of benefit section or provision found in an insurance contract or subscriber agreement. Appendix C will also be available on the Louisiana Department of Insurance's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 17:67 (January 1991), amended LR 20:52 (January 1994), LR 23:415 (April 1997), LR 42:1100 (July 2016), LR 44:65 (January 2018).

§319. Effective Date for Existing Contracts (Formerly §315)

A. A contract that provides health care benefits and that was issued before the effective date of this regulation shall be brought into compliance with this regulation, by January 2019.

B. This amended regulation is applicable to every group and individual contract or subscriber agreement that provides health care benefits and that is issued on or after the effective date of this regulation. The effective date of this regulation shall be upon final publication and all contracts that provide healthcare benefits issued after the effective date shall be brought into compliance by January 2019.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3.2014.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 17:67 (January 1991), amended LR 20:52 (January 1994), LR 23:415 (April 1997), LR 42:1100 (July 2016), LR 44:66 (January 2018).

§321. Appendix A—Model COB Contract Provisions (Formerly §317)

A. Model COB Contract Provisions

COORDINATION OF THIS CONTRACT'S BENEFITS WITH OTHER BENEFITS

The Coordination of Benefits (COB) provision applies when a person has health care coverage under more than one Plan. Plan is defined below.

The order of benefit determination rules govern the order in which each Plan will pay a claim for benefits. The Plan that pays first is called the Primary plan. The Primary plan must pay benefits in accordance with its policy terms without regard to the possibility that another Plan may cover some expenses. The Plan that pays after the Primary plan is the Secondary plan. The Secondary plan may reduce the benefits it pays so that payments from all Plans do not exceed 100% of the total Allowable expense as provided for in §303A.(a.-e.) of Regulation 32.

DEFINITIONS

* * *

D. Allowable expense is a health care service or expense, including deductibles, coinsurance and copayments, that is covered in full or at least in part by any Plan covering the person. When a Plan provides benefits in the form of services, the reasonable cash value of each service will be considered an Allowable expense and a benefit paid. An expense or service that is not covered by any Plan covering the person is not an Allowable expense.

The following are examples of expenses that are and are not an Allowable expenses:

(1) The difference between the cost of a semi-private hospital room and a private hospital room is not an Allowable expense, unless one of the Plans provides coverage for private hospital room expenses.

(2) If a person is covered by 2 or more Plans that compute their benefit payments on the basis of usual and customary fees or relative value schedule reimbursement methodology or other similar reimbursement methodology, any amount in excess of the highest reimbursement amount for a specific benefit is not an Allowable expense.

(3) If a person is covered by 2 or more Plans that provide benefits or services on the basis of negotiated fees, an amount in excess of the highest of the negotiated fees is not an Allowable expense.

(4) If a person is covered by one Plan that calculates its benefits or services on the basis of usual and customary fees or relative value schedule reimbursement methodology or other similar reimbursement methodology and another Plan that provides its benefits or services on the basis of negotiated fees, the Primary plan's payment arrangement shall be the Allowable expense for all Plans.

(5) The amount of any benefit reduction by the Primary plan because a covered person has failed to comply with the Plan provisions is not an Allowable expense. Examples of these types of plan provisions include second surgical opinions, precertification of admissions, and preferred provider arrangements.

E. Closed panel plan is a Plan that provides health care benefits to covered persons primarily in the form of services through a panel of providers that have contracted with or are employed by the Plan, and that excludes coverage for services provided by other providers, except in cases of emergency or referral by a panel member.

F. Custodial parent is the parent awarded custody by a court decree or, in the absence of a court decree, is the parent with whom the child resides more than one half of the calendar year excluding any temporary visitation.

ORDER OF BENEFIT DETERMINATION RULES

When a person is covered by two or more Plans, the rules for determining the order of benefit payments are as follows:

* * *

EFFECT ON THE BENEFITS OF THIS PLAN

* * *

C. Effect on the Benefits of This Plan

1. When this plan is secondary, it may reduce its benefits so that the total benefits paid or provided by all plans during a plan year or claim determination period are not more than 100 percent of total allowable expenses. The difference between the benefit payments that this plan would have paid had it been the primary plan, and the benefit payments that it actually paid or provided shall be recorded as a benefit reserve for the covered person and used by this plan to pay any allowable expenses, not otherwise paid during the claim determination period. As each claim is submitted, this plan will:

a. determine its obligation to pay or provide benefits under its contract;

b. determine whether a benefit reserve has been recorded for the covered person; and

c. determine whether there are any unpaid allowable expenses during that claims determination period.

2. If there is a benefit reserve, the secondary plan will use the covered person's benefit reserve to pay up to 100 percent of total allowable expenses incurred during the claim determination period. At the end of the claims determination period, the benefit reserve returns to zero. A new benefit reserve must be created for each new claim determination period.

3. If a covered person is enrolled in two or more closed panel plans, and if for any reason, including the provision of service by a nonpanel provider, benefits are not payable by one closed panel plan, COB shall not apply between that plan and other closed panel plans.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3.2014.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 17:67 (January 1991), amended LR 20:52 (January 1994), LR 23:415 (April 1997), LR 42:1101 (July 2016), LR 44:66 (January 2018).

§323. Appendix B—Consumer Explanatory Booklet Coordination of Benefits (Formerly §319)

A. Consumer Explanatory Booklet Coordination of Benefits

COORDINATION OF BENEFITS

IMPORTANT NOTICE

This is a summary of only a few of the provisions of your health plan to help you understand coordination of benefits, which can be very complicated. This is not a complete description of all of the coordination rules and procedures, and does not change or replace the language contained in your insurance contract, which determines your benefits.

* * *

When This Plan is Primary

* * *

Other Situations

We will be primary when any other provisions of state or federal law require us to be.

How We Pay Claims When We Are Primary

When we are the primary plan, we will pay the benefits in accordance with the terms of your contract, just as if you had no other health care coverage under any other plan.

How We Pay Claims When We Are Secondary

We will be secondary whenever the rules do not require us to be primary.

How We Pay Claims When We Are Secondary

When we are the secondary plan, we do not pay until after the primary plan has paid its benefits. We will then pay part or all of the allowable expenses left unpaid, as explained below. An "allowable expense" is a health care service or expense covered by one of the plans, including copayments, coinsurance and deductibles.

- If there is a difference between the amount the plans allow, we will base our payment on the higher amount. However, if the primary plan has a contract with the provider, our combined payments will not be more than the contract calls for. Health maintenance organizations (HMOs) and preferred provider organizations (PPOs) usually have contracts with their providers.
- We will determine our payment by subtracting the amount the primary plan paid from the amount we would have paid if we had been primary. We will use any savings to pay the balance of any unpaid allowable expenses covered by either plan.
- If the primary plan covers similar kinds of health care expenses, but allows expenses that we do not cover, we will pay for those items as long as there is a balance in your benefit reserve, as explained below.
- We will not pay an amount the primary plan did not cover because you did not follow its rules and procedures. For example, if your plan has reduced its benefit because you did not obtain pre-certification, as required by that plan, we will not pay the amount of the reduction, because it is not an allowable expense.

Benefit Reserve

- When we are secondary we often will pay less than we would have paid if we had been primary. Each time we "save" by paying less, we will put that savings into a benefit reserve. Each family member covered by this plan has a separate benefit reserve. We use the benefit reserve to pay allowable expenses that are covered only partially by both plans. To obtain a reimbursement, you must show us what the primary plan has paid so we can calculate the savings. To make sure you receive the full benefit or coordination, you should submit all claims to each of your plans. Savings can build up in your reserve for one year. At the end of the year any balance is erased, and a fresh benefit reserve begins for each person the next year as soon as there are savings on their claims.

Questions about Coordination of Benefits?

Contact Your State Insurance Department

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3.2014.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 17:67 (January 1991), amended LR 20:52 (January 1994), LR 23:415 (April 1997), LR 42:1103 (July 2016), LR 44:66 (January 2018).

§325. Appendix C—Explanation for Secondary Plans on the Purpose and Use of the Benefit Reserve

A. Explanation for Secondary Plans on the Purpose and Use of the Benefit Reserve

COORDINATION OF BENEFITS

The purpose of coordination of benefits is to ensure that a covered person does not receive more than 100% of the total allowable expenses. Any plan that has been determined to be the secondary plan in accordance with this model regulation is permitted to reduce its benefits so that the total benefits paid by all plans during a claim determination period (a period of time not less than 12 months, usually a calendar year or contract year) are not more than the total allowable expenses.

The secondary plan usually saves money on claims due to the other plan paying first. The amount saved by the secondary plan must be used to pay allowable expenses which would not otherwise have been paid. To do this, secondary plans must establish a benefit reserve account for each covered person. The secondary plan puts the money saved on claims for the covered person into the benefit reserve account. This money is to be used to pay any portion of an allowable expense incurred by the covered person during a claim determination period by using the following procedure:

- **First**, as each claim is received, the secondary plan determines how much it would have paid if it had been the primary plan.
- **Second**, the secondary plan subtracts this amount from what it paid on the claim.
- **Third**, the difference (or savings) between what the secondary plan paid and what it would have paid if it had been the primary plan is then placed in the benefit reserve account established for the covered person.
- **Lastly**, as subsequent claims are submitted for the covered person, the secondary plan reviews previous claims and determines its obligation to pay for allowable expenses on those claims and pays on those claims to the extent savings are available in the covered person's benefit reserve account. This includes claims that were previously applied to either plan's deductible, coinsurance or copayment. For example, if the first claim incurred by the covered person was applied to both plans' deductibles and the second claim incurred by a covered person was payable at 100% by both plans, the secondary plan must use the savings realized from the second claim to pay toward the first claim.

The procedure outlined above is illustrated in the various claim examples that follow. For all of the examples, Plan A is the primary plan and Plan B is the secondary plan. Both plans have an 80 percent/20 percent coinsurance requirement. For illustrative purposes, Plan A has a $25 deductible and Plan B has a $100 deductible. Claims are assumed to have occurred in the same claim determination period and in consecutive order.

Examples:

Claim Number 1 Actual Charge = $100	
Plan A $100 -25 Deductible $75 80 percent $60 Payable	Plan B $100 -100 Deductible $0 Payable
Plan A must pay $60. Plan B makes no payment because it would have no liability under the terms of the policy if it had been primary. No money is available from the benefit reserve account.	
Claim Number 2 Actual Charge = $5300	
Plan A $5300 -0 Deductible $5300 80 percent $4240 Payable	Plan B $5300 -0 Deductible $5300 80 percent $4240 Payable
The deductible on both plans was calculated in Claim #1. Deductibles will not apply from this claim forward. Plan A must pay $4240. Plan B must pay the difference between the actual charge and the amount paid by Plan A ($1060). Plan B must now establish a benefit reserve account. This amount, the savings, is calculated by subtracting the amount it paid from the amount it would have paid if primary ($4240-$1060=$3180). Now Plan B must go back to Claim #1 and pay the $40 balance of that claim out of the benefit reserve account, leaving a balance in that account of $3140.	

Claim Number 3 Actual Charge = $110	
Plan A $110 80 percent $88 Payable	Plan B $110 80 percent $88 Payable
Plan A pays $88. Plan B pays the difference of the actual charge and the amount paid by Plan A ($22). Plan B would have paid $88 if primary, but only paid $22, so the balance of the savings of $66 goes into the benefit reserve account, which now totals $3206. Plan B does not have to go back to any other prior claims to pay any incurred, but unpaid, allowable expenses, because there are none outstanding. So, the balance in the benefit reserve account remains unchanged at $3206.	
Claim Number 4 Actual Charge = $1500	
Plan A $1300 RVS 80 percent $1040 Payable	Plan B $1100 RVS 80 percent $880 Payable
The insured is liable for the difference between the actual charge and the highest amount under the relative value schedule (RSV) reimbursement methodology ($200). Plan A pays $1040. Plan B pays the difference between the highest RSV amount and the amount paid by Plan A ($1300-$1040=$260). The benefit reserve account is increased by the difference between what Plan B would have paid if primary and the amount actually paid by Plan B ($880-$260=$620), for a new balance of $3826.	
Claim Number 5 Actual Charge = $2295 for 51 visits	
This claim involves spinal manipulation. Plan A provides up to 26 visits per year on an 80 percent/20 percent basis. Total actual charge of $45 per visit is within RSV limits.	
Plan A $1170 RSV for 26 visits 80 percent $936 Payable	Plan B has no coverage for spinal manipulation. However, because Plan A has coverage under its policy, the claim is considered an allowable expense for the 26 visits. Plan B must pay the 20% coinsurance ($234) amount for the 26 visits from the benefit reserve account, leaving a final balance of $3592. The remaining amount of $1125 for the additional 25 visits is not payable by either Plan A or Plan B because it is not considered an allowable expense under Plan A. Plan A pays benefits for only 26 visits per year. Again, Plan B has no coverage for spinal manipulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3.2014.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:67 (January 2018).

James J. Donelon
Commissioner

1801#007

RULE

Department of Insurance
Office of the Commissioner

Regulation 109—Producer, Adjuster and Related Licenses
(LAC 37:XIII.Chapter 155)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, and through the authority granted under R.S. 22:1 and 22:11, et seq., the Department of Insurance has adopted Regulation 109 to implement the provisions of Act 154 of the 2017 Regular Session of the Louisiana Legislature, specifically R.S. 22:821(B)(3) and 22:1546(B)(1)(a), in addition to 22:1547(C)(1), 22:255, 22:1545, 22:1554, 22:1558, 22:1563, 22:1671, 22:1694, 22:1808.8 and 22:1922 which provide for the licensing of insurance producers, claims adjusters, public adjusters, insurance consultants and the licensing of business entities as insurance producers.

Title 37
INSURANCE
Part XIII. Regulations
Chapter 155. Regulation Number 109—Producer, Adjuster and Related Licenses

§15501. Purpose

A. Regulation 109 implements the provisions of Act 154, of the 2017 Regular Session of the Louisiana Legislature, specifically R.S. 22:821(B)(3) and 22:1546(B)(1)(a), in addition to 22:1547(C)(1), 22:255, 22:1545, 22:1554, 22:1558, 22:1563, 22:1671, 22:1694, 22:1808.8 and 22:1922 which provide for the licensing of insurance producers, claims adjusters, public adjusters, insurance consultants and business entities acting as producers.

B. The purpose of this regulation is:

1. to set forth requirements and procedures for applying for and maintaining a license as an insurance producer, claims adjuster, public adjuster, insurance consultant and business entity acting as a produce;

2. to set forth the time periods for expiration and renewal of insurance licenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821(B)(3), 22:1546(B)(1)(a), 22:1547(C)(1), 22:255, 22:1545, 22:1550, 22:1554, 22:1558, 22:1678, 22:1708 22:1808.8 and 22:1922 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:68 (January 2018).

§15503. Applicability and Scope

A. Regulation 109 shall apply to all persons and all business entities seeking licensure or who hold a license as an insurance producer, claims adjuster, public adjuster or insurance consultant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821(B)(3), 22:1546(B)(1)(a), 22:1547(C)(1), 22:255, 22:1545, 22:1550, 22:1554, 22:1558, 22:1563, 22:1678, 22:1708, 22:1808.8 and 22:1922 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:68 (January 2018).

§15505. Authority

A. Regulation 109 is promulgated by the commissioner pursuant to the authority granted under the *Louisiana Insurance Code*, R.S. 22:1 et seq., particularly R.S. 22:11, and specifically R.S. 22:821(B)(3), 22:1546(B)(1)(a), 22:1547(C)(1), 22:255, 22:691.2(3), 22:1545, 22:1550, 22:1554, 22:1558, 22:1563, 22:1678, 22:1708, 22:1808.8 and 22:1922.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821(B)(3), 22:1546(B)(1)(a), 22:1547(C)(1), 22:255, 22:691.2(3), 22:1545, 22:1550, 22:1554, 22:1558, 22:1563, 22:1678, 22:1708, 22:1808.8, 22:1922 and 22:1929(A) and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:69 (January 2018).

§15507. Definitions

A. For the purposes of Regulation 109 the following terms shall have the meaning ascribed herein unless the context clearly indicates otherwise.

Applicant—a person making application to the Louisiana Department of Insurance to obtain an insurance producer, claims adjuster, public adjuster or insurance consultant license.

Business Entity—as defined in R.S. 22:1542(2).

Claims Adjuster—as defined in R.S. 22:1661(1).

Commissioner—the commissioner of insurance of the Louisiana Department of Insurance.

Control—as defined in R.S. 22:691.2(3).

Insurance Consultant—as defined in R.S. 22:1808.1(B).

Insurance License—a license granted by the Louisiana Department of Insurance to do business as an insurance producer, claims adjuster, public adjuster or insurance consultant.

Insurance Producer—as defined in R.S. 22:1542(6).

Public Adjuster—as defined in R.S. 22:1692(7).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:255, 22:691.2(3), 22:821(B)(3), 22:1546(B)(1)(a), 22:1547(C)(1), 22:1545, 22:1550, 22:1554, 22:1678, 22:1708 and 22:1808.8 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:69 (January 2018).

§15509. Licensing Application

A. Every application for an insurance license shall be made on a form required by the commissioner and shall include all such information the commissioner deems necessary to determine compliance with the applicable statutes.

B. Complete application shall include all of the following:

1. a completed application form as required by the commissioner;

2. all documentation deemed necessary to explain any responses in the application form;

3. a passing examination score for each of the lines for which the application was made if an examination is required;

4. evidence that the individual's fingerprints have been submitted in compliance with the applicable provisions of the *Louisiana Insurance Code*;

5. any documents deemed necessary to verify the information contained in an application.

C. The commissioner may close as incomplete any application which the applicant fails to complete within 90 days of initial submission.

D. During review of a pending application, the applicant shall notify the commissioner of any changes to the information set forth in the application within five days of the date of such change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821(B)(3), 22:1546(B)(1)(a), 22:1547(C)(1), 22:255, 22:1545, 22:1550, 22:1554, 22:1678, 22:1708, 22:1808.8, 22:1922 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:69 (January 2018).

§15511. Examinations

A. Scheduling of examinations shall be as follows.

1. An applicant for a type of license for which an examination is required may schedule and sit for the examination prior to making application to the commissioner for such insurance license.

2. An individual seeking licensure for the bail bond line of authority shall complete the Bail Bond Apprenticeship Program as required by R.S. 22:1574 and provide evidence of such completion to the commissioner prior to scheduling or sitting for the examination.

B. Any required pre-licensing education must be completed before scheduling an examination. Proof of successful completion of pre-licensing requirements shall be provided to the commissioner or testing vendor prior to scheduling an examination.

C. An applicant for a line of authority for which an examination is required shall submit a completed application for that line within 365 days of passing the examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821(B)(3), 22:1546(B)(1)(a), 22:1547(C)(1), 22:255, 22:1545, 22:1550, 22:1554, 22:1574, 22:1678, 22:1708, 22:1808.8, and 22:1922 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:69 (January 2018).

§15513. Fingerprinting

A. An individual making application for a resident insurance license shall submit a full set of fingerprints as required by the applicable provisions of the *Louisiana Insurance Code*. The fingerprints shall be submitted in the manner required by the commissioner.

B. The commissioner may require that any individual who is an officer, director, partner, member or who controls an applicant that is a business entity submit a full set of fingerprints in a manner required by the commissioner.

C. The applicant shall supply any additional information requested by the commissioner to clarify or explain findings of the criminal history obtained using the fingerprint or other search.

D. The commissioner may require that any applicant who fails to provide a completed application within 90 days of receipt of a criminal background check resubmit fingerprints in the manner required by the commissioner.

E. All communication regarding the results of a criminal background check shall be only with the applicant or his authorized legal representative.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821(B)(3), 22:1546(B)(1)(a), 22:1547(C)(1), 22:255, 22:1545, 22:1550, 22:1554, 22:1678, 22:1708, 22:1808.8, 22:1922(C) and 22:1929(A) and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:69 (January 2018).

§15515. License Expiration and Renewal

A. Insurance licenses shall expire in the following manner.

1. An individual insurance license where the last number of the license is an even number shall expire on the last date of the birth month of the individual in even-numbered years.

2. An individual insurance license where the last number of the license is an odd number shall expire on the last date of the birth month of the individual in odd-numbered years.

3. A business entity license where the last number is an even number shall expire on March 31 in even-numbered years.

4. A business entity license where the last number is an odd number shall expire on March 31 in odd-numbered years.

B. A renewal application may be submitted up to 90 days prior to expiration of the license provided all requirements for renewal of the license have been met.

C. A licensee may choose to renew only some of the specific lines of an insurance license. Submission of such a renewal shall be considered cancellation of the lines not included in the renewal. The lines so cancelled may be reactivated within two years of cancellation by submitting an application to add the lines, including the fee required by R.S. 22:821(B)(3), and evidence that the licensee has met the continuing education required to maintain the lines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821(B)(3), 22:1546(B)(1)(a), 22:1547(C)(1), 22:255, 22:1545, 22:1550, 22:1554, 22:1678, 22:1708 and 22:1808.8 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:70 (January 2018).

§15517. Expiration of Producer Appointments

A. Insurance producer appointments shall expire on April 30 of each year. Appointments shall be renewed by payment of the renewal fee. The commissioner shall issue a renewal invoice for all active appointments to insurers on or about April 1 of each year in a manner determined by the commissioner. Failure to timely pay the renewal fee invoice shall result in the expiration of the appointments.

B. The insurer shall terminate any appointments that it does not wish to renew prior to the issuance of the renewal invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821(B)(3), 22:1546(B)(1)(a), 22:1547(C)(1), 22:255, 22:1545, 22:1550, 22:1554, 22:1558, 22:1678, 22:1708 and 22:1808.8 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:70 (January 2018).

§15519. Reporting of Administrative Actions

A. Every person who holds an insurance license shall report to the commissioner all administrative actions within 30 days of the final disposition of the action in the manner required by the commissioner. The report shall include a copy of the order, consent agreement, stipulation or other relevant legal documents.

B. "Administrative actions" shall include any fines, revocations, suspensions or surrender of a license or registration in lieu of such actions imposed by any state or federal agency or any non-governmental entity with regulatory oversight of a license or registration. It shall also include any consent agreements, stipulations or other such agreement with any state or federal agency or non-governmental entity with regulatory oversight of a license or registration initiated as a result of allegations of wrongdoing or regulatory or legal infractions regardless of whether or not any wrongdoing was admitted by the licensee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821(B)(3), 22:1546(B)(1)(a), 22:1547(C)(1), 22:255, 22:1545, 22:1550, 22:1554, 22:1558, 22:1563, 22:1678, 22:1708 and 22:1808.8 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:70 (January 2018).

§15521. Violations and Penalties

A. Any failure to comply with this regulation shall be considered a violation of R.S. 22:1543, 22:1554, 22:1558, 22:1563, 22:1574, 22:1663, 22:1693, 22:1808.1 and 22:1808.8. Violations of this regulation shall subject the violators to penalties as provided by R.S. 22:1554, 22:1672, 22:1700 and 22:1808.12(B) and any other applicable provisions of law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821(B)(3), 22:1546(B)(1)(a), 22:255, 22:1545, 22:1550, 22:1554, 22:1563, 22:1678, 22:1708, 22:1808.8 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:70 (January 2018).

§15523. Effective Date

A. Regulation 109 shall become effective upon final publication in the *Louisiana Register* and shall apply to any act or practice committed on or after the effective date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821(B)(3), 22:1546(B)(1)(a), 22:255, 22:1545, 22:1550, 22:1678, 22:1708 and 22:1808.8 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:70 (January 2018).

§15525. Severability

A. If any Section or provision of Regulation 109 or the application to any person or circumstance is held invalid, such invalidity or determination shall not affect other Sections or provisions or the application of Regulation 109 to any persons or circumstances that can be given effect without the invalid Section or provision or application, and for these purposes the Sections and provisions of Regulation 109 and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821(B)(3), 22:1546(B)(1)(a), 22:255, 22:1545, 22:1550, 22:1678, 22:1708 and 22:1808.8 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:70 (January 2018).

James J. Donelon
Commissioner

1801#043

RULE

Louisiana State University System
Louisiana State University Health Sciences Center
Louisiana Tumor Registry

Tumor Registry (LAC 48:V.Chapter 85)

Under the authority of Louisiana R.S. 40:1105.1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the president of the Louisiana State University System has amended LAC 48:V.Chapter 85 to assist in the statewide cancer care coordination program; align with Acts 373 of the 2017 Regular Legislative Session; update the statute numbers associated with the Louisiana Tumor Registry (LTR) after renumbering in 2015; update the website address of the registry; and provide for related matters by amending Chapter 85 of Title 48 of the *Louisiana Administrative Code*. The revisions to the Louisiana Tumor Registry rules comply with R.S. 40:1105.1 et seq., which authorizes the registry to monitor the incidence of cancer in Louisiana.

Title 48
PUBLIC HEALTH—GENERAL
Part V. Preventive Health Services
Subpart 31. Louisiana Tumor Registry
Chapter 85. Statewide Tumor Registry Program

§8501. Purpose

A. R.S. 40:1105.1 et seq., established a "statewide registry program for reporting cancer cases for the purpose of gathering statistical data to aid in the assessment of cancer incidence, survival rates, possible causes of specific cancers, and other related aspects of cancer in Louisiana." In order to provide cancer registry data for interventions to reduce exposure to cancer risks, increase early detection, and improve cancer care and health-related quality of life, the registry will obtain data via new technology from medical/health records, linkages with external files, and directly from cancer patients. The LTR will use its infrastructure and data to assist in the statewide cancer care coordination program. In carrying out this mandate, the Louisiana Tumor Registry collaborates with the National Cancer Institute, the Centers for Disease Control and Prevention, national and international cancer surveillance programs, health care providers and facilities, public health agencies, and research institutions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1105.3(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Louisiana State University Medical Center, Office of the Chancellor, LR 24:1298 (July 1998), amended by the LSU Health Sciences Center, Health Care Services Division, Tumor Registry, LR 30:2836 (December 2004), amended by LSU System, Louisiana State University Health Sciences Center, Louisiana Tumor Registry, LR 35:2786 (December 2009), LR 39:3304 (December 2013), LR 44:71 (January 2018).

§8502. Background

A. - E. …

F. Acts No. 373 of the 2017 Regular Legislative Session requires LTR, within the confines of federal privacy laws, to provide diagnostic, treatment and follow-up information for a patient at the request of a physician or medical facility. It also requires LTR to continue to cooperate with Office of Public Health of the Department of Health (LOPH) in the implementation of a program of cancer investigation and intervention, if funding is available, and on evaluation of programs. It changes the smallest level of data released by the LTR to the census tract, if it does not violate suppression rules or federal privacy laws. If a data request is denied by LSUHSC-New Orleans' Institutional Review Board (IRB), the requestor must be given notice in writing of the reason. The LTR Research Committee is expanded to include more qualified members. The annual report is now required to be sent to more governmental entities and the governing body of each parish, as well as LTR creating a mechanism for individuals to be notified when it is published on its website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1105.3(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Louisiana State University Medical Center, Office of the Chancellor, LR 24:1298 (July 1998), amended by the LSU Health Sciences Center, Health Care Services Division, Tumor Registry, LR 30:2836 (December 2004), amended by LSU System, Louisiana State University Health Sciences Center, Louisiana Tumor Registry, LR 35:2786 (December 2009), LR 39:3304 (December 2013), LR 44:71 (January 2018).

§8503. Definitions

Confidential Data—shall include any information that pertains to an individual cancer case, as ordinarily distinguished from group, aggregate, or tabular data. Statistical totals of "0" or "1" may be deemed confidential, case-specific data. Confidential, case-specific data include, but are not limited to, primary or potential personal identifiers. In addition, in research involving data contained in the National Center for Health Statistics database, statistical totals of 5 or less are also deemed confidential data and are suppressed unless prior written consent of all of the affected respondents has been obtained in accordance with 42 U.S.C. §242k(l); 5 U.S.C. §552(a); and http://www.cdc.gov/nchs/data/misc/staffmanual2004.pdf (p. 16).

* * *

Follow-Up Information—information that is used to document outcome and survival for all types of cancer. The information includes, but is not limited to, patient identifiers, treatment, recurrence or progression, vital status, and date of last contact. If the patient is deceased, date of death and causes of death are included.

* * *

Health Care Provider—every licensed health care facility and licensed health care provider, as defined in R.S. 40:1231.1(A)(10), in the state of Louisiana, as well as out-of-state facilities and providers that diagnose and/or treat Louisiana residents.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1105.3(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Louisiana State University Medical Center, Office of the Chancellor, LR 24:1298 (July 1998), amended by the LSU Health Sciences Center, Health Care Services Division, Tumor Registry, LR 30:2836 (December 2004), amended by LSU System, Louisiana State University Health Sciences Center, Louisiana

Tumor Registry, LR 35:2787 (December 2009), LR 39:3305 (December 2013), LR 44:71 (January 2018).

§8505. Responsibilities of Health Care Facilities and Providers

A. All hospitals, pathology laboratories, radiation centers, physicians, nursing homes, hospices, other licensed health care facilities and providers as defined in R.S. 40:1231.1(A)(10) as well as coroners' offices shall report all reportable cases (see §8507.A) to the LTR, a public health authority. In addition, they shall provide information for all cancer-related studies conducted by the cancer registry program. Health care facilities and providers shall report cases regardless of whether the patient is a resident of Louisiana or of where the patient was originally diagnosed and/or treated. As needed for surveillance or cancer studies, the LTR shall have remote electronic access, where available, or physical access to all medical records, aligning identifiers (name, Social Security number, and date of birth), and obtain related diagnostic material such as biospecimens of cancers. Physician offices diagnosing and treating cancer patients shall submit cancer case information electronically to the LTR if their electronic health record (EHR) has the capability.

B. The LTR is mandated to conduct cancer studies and may request additional information from medical/health records and self-reported surveys of cancer patients, and diagnostic material in order to carry out these studies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1105.3(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Louisiana State University Medical Center, Office of the Chancellor, LR 24:1298 (July 1998), amended by the LSU Health Sciences Center, Health Care Services Division, Tumor Registry, LR 30:2837 (December 2004), amended by LSU System, Louisiana State University Health Sciences Center, Louisiana Tumor Registry, LR 35:2787 (December 2009), LR 39:3305 (December 2013), LR 44:72 (January 2018).

§8507. Case Reporting

A. - B.3. …

4. Diagnosis-related material, such as cancer biospecimens and pathology slides, as well as biological materials such as saliva samples, shall be sent to the Louisiana Tumor Registry if requested.

C. …

D. Variables to be Reported

1. At a minimum, the reports from non-hospital reporting sources shall include the identifiers, demographic, diagnostic, treatment, and follow-up information required by U.S. Public Law 102-151. Hospital-based reporters must use the standard variables, including identifiers, and codes established by the North American Association of Central Cancer Registries. A complete list of data items is available on the LTR website. Additional variables may be requested as needed to carry out the full mandate of registry operations, including Louisiana-specific cancer studies and meeting the requirements of the LTR funding agencies.

E. - E.1. …

2. Pathology laboratories, radiation centers, surgery centers, physicians, and other licensed health care facilities and providers, shall report cancer cases, as defined in §8507.A, within two months of diagnosis or of the facility's first contact with that patient for cancer.

3. Hospices and nursing homes shall identify cancer cases and provide copies of medical records (electronic or paper copies) as requested.

4. In addition, providers shall notify the LTR within one month if they diagnose or treat any cancer patient under age 20 years old.

F. Failure to Report. If a facility fails to meet the deadline for reporting in the format specified by the Louisiana Tumor Registry or if the data are of unacceptable quality, personnel from the LTR or its contractors may enter the facility to screen and abstract the information. In such situations, the facility shall reimburse the Louisiana Tumor Registry or its contractor $45 per case or the actual cost of screening, abstracting, coding, and editing, whichever is greater. Facilities refusing to cooperate within one month of the LTR's request for cancer reporting may be fined. Fines accrue daily after this one month of noncooperation at $100 per day, with a cap of $5000 total. Money from fines accrue to the LTR account, for LTR operations. The LTR may take legal action if necessary to enforce compliance with the law.

G. Quality Assurance

1. Staff members from the LTR central office, the regional registries, and national cancer surveillance programs designated by the LTR shall perform periodic quality assurance studies at all reporting facilities. These studies shall include:

a. rescreening medical and health records to ensure that all reportable cases have been identified;

b. reabstracting the records of patients to ensure that all data have been abstracted and coded correctly.

2. Reporting facilities shall assist LTR staff by compiling a list of cancer patients in the format required by the LTR and by obtaining the necessary medical and health records.

H. Follow-Up. Current follow-up, as defined in §8503, is required for all cancer cases. Health care facilities and providers will supply this information when requested.

I. External Linkages. LTR data may be linked with external databases in order to improve the accuracy and completeness of follow-up data or for research. All linkages shall be carried out in compliance with LTR confidentiality rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:11105.3(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Louisiana State University Medical Center, Office of the Chancellor, LR 24:1298 (July 1998), amended by the LSU Health Sciences Center, Health Care Services Division, Tumor Registry, LR 30:2837 (December 2004), amended by LSU System, Louisiana State University Health Sciences Center, Louisiana Tumor Registry, LR 35:2787 (December 2009), LR 39:3305 (December 2013), LR 44:72 (January 2018).

§8509. Confidentiality

A. R.S. 40:1105.6 and 1105.8 of Acts 1995, No. 1197, strengthen and enforce previous legislative provisions to ensure the confidentiality of patients, health care providers, and reporting facilities. These laws protect licensed health care providers and facilities that participate in the cancer registration program from liability. They also specify the confidentiality requirements of the Louisiana Tumor Registry.

B. Louisiana Tumor Registry policies and procedures comply with the standards of the Health Insurance and Portability and Accountability Act (HIPAA). The Office of Civil Rights has determined that releases of confidential data to state-mandated cancer registries do not require patient consent, since the registries serve as a public health authority.

C. LTR Responsibilities. The president or his or her designee shall take strict measures to ensure that all case-specific information is treated as confidential and privileged. All employees, consultants, and contractors of the Louisiana Tumor Registry and of its regional offices shall sign an "agreement to maintain confidentiality of data" each year, and these agreements shall be kept on file. Any employee who discloses confidential information through gross negligence or willful misconduct is subject to penalty under the law.

D. …

E. Protection of Case-Specific Data Obtained by Special Morbidity and Mortality Studies and Other Research Studies

1. R.S. 40:3.1(A) through (H) and R.S. 40:1105.8(F) state that all confidential data such as records of interviews, questionnaires, reports, statements, notes, and memoranda that are procured or prepared by employees or agents of the Office of Public Health shall be used solely for statistical, scientific and medical research purposes. This applies also to data procured by employees or agents of the Louisiana Tumor Registry or organizations, including public or private college universities acting in collaboration with the Louisiana Tumor Registry in special cancer studies.

2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1105.3(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Louisiana State University Medical Center, Office of the Chancellor, LR 24:1298 (July 1998), amended by the LSU Health Sciences Center, Health Care Services Division, Tumor Registry, LR 30:2838 (December 2004), amended by Louisiana State University System, Louisiana State University Health Sciences Center, Louisiana Tumor Registry, LR 35:2789 (December 2009), LR 39:3306 (December 2013), LR 44:72 (January 2018).

§8511. Release of Information

A. - A.1. …

2. Information that would potentially identify a patient or a health care provider or facility shall not be disclosed, except to treating, diagnosing, and follow-up facilities and providers or qualified investigators currently approved by both the LTR and the LSUHSC Institutional Review Board, in conformity of R.S. 40:1105.8.1

3. When collecting self-reported information from cancer patients, patient privacy will be protected by HIPAA-compliant procedures.

B. - C. …

1. The LTR is authorized to collaborate with the National Cancer Institute, the Centers for Disease Control and Prevention, and other national and international cancer surveillance programs and organizations designated by the LTR, including but not limited to the North American Association of Central Cancer Registries and the International Agency for Research on Cancer, in providing cancer data and participating in cancer studies.

2. In addition, the LTR shall work closely with the LOPH in investigating cancer concerns, evaluating programs, and other cancer-related issues. This includes cooperating in the implementation of the program of cancer investigation and intervention provided for in R.S. 40:1105.8,1, if sufficient funding is available for this purpose. LOPH requests for case-specific data will require annual approval by the Institutional Review Board of the Louisiana State University Health Sciences Center-New Orleans (LSUHSC-New Orleans). In addition, the LOPH must comply with LTR confidentiality standards, and reports written for public release using registry data must be reviewed by the registry in advance.

3. The use of registry data by LOPH officials and Louisiana Cancer Prevention and Control Programs, who sign an annual agreement to maintain the confidentiality of registry data, shall be considered an in-house activity and shall be processed expeditiously.

D. Requests for Case-Specific LTR Incidence Data. Case-specific data may be released to qualified persons or organizations for the purposes of cancer prevention, control, and research. Such data do not include information collected for special studies or other research projects.

1. The LTR reserves the right to prioritize its responses to data requests.

2. Requests from researchers for case-specific LTR incidence data, including data linkages, must be submitted in writing and shall be reviewed and approved by the LTR Data Release Committee following the established policies of the Louisiana Tumor Registry. A detailed description of the policies and procedures for requesting Registry data can be obtained from the LTR website. These established policies include, but are not limited to, the following requirements:

a. approval from the LSUHSC-New Orleans Institutional Review Board and compliance with the LSUHSC-New Orleans HIPAA research policy as well as approval from the researcher's Institutional Review Board and compliance with that institution's HIPAA research policy;

b. signature of the LTR "agreement to maintain confidentiality of data" by all investigators who will have access to the data, agreeing to adhere to the LTR confidentiality provisions and prohibiting the disclosure of LTR data in any civil, criminal, administrative, or other proceeding;

c. provision of a copy of the complete protocol for the project;

d. completion of all requirements listed in the document on the LTR website;

e. notification of physician, if required, before contacting patients or their next-of-kin;

f. destruction or return of data once the research is completed.

3. LTR Research Committee. The research committee shall be coordinated by the director of the LTR or designee and may include, but not be limited to, the director of the LTR, and a qualified representative from each of the following entities: LSUHSC-New Orleans, OPH, and the

Cancer and Lung Trust Fund Board. The committee will verify:

a. that the researchers are able to execute the proposal, in terms of both financial support and professional qualifications;

b. that the study has scientific and ethical merit;

c. that all appropriate confidentiality protections are in place; and

d. that appropriate consent will be obtained.

E. Requests for Aggregate Data

1. Data requested by the Office of Public Health for responding to concerns about threats to public health shall receive priority in determining the order of processing requests.

2. Subject to the provisions of the Public Records Act, R.S. 44:4.1 et seq., other requests for aggregate data shall be processed in the order of their receipt. The registry shall respond to public requests in as timely a manner as resources permit, provided that these requests meet certain requirements in conformity with R.S. 40:3.1(A) and (F) and R.S. 40:1108.8(F) et seq.

3. Those requesting data may be asked to reimburse the LTR for actual costs for compiling and providing data. In no event shall the LTR be obligated to perform original work to create data not currently in existence.

4. According to R.S. 40:1105.8.1. The census tract is the smallest geographic area for which aggregate data may be released, if it does not violate both the suppression rule of the United States Cancer Statistics Program, and HIPAA. LTR may combine years of data to overcome these rules. IRB approval is required when requesting data for smaller geographic areas or areas that are restricted by the aforementioned rules and laws, except for mandated public health investigations. If a data request is denied by the IRB, the IRB shall provide written notice of the reason why to the requestor electronically or via mail.

F. Annual Report. A statistical report shall be prepared and made available on the LTR website. This report will also be submitted to the president of the LSU system, LSUHSC-New Orleans, LSUHSC-Shreveport, the Cancer and Lung Trust Fund Board, participating hospitals, the governor, the speaker of the House of Representatives, the president of the Senate, the Legislative Committees on Health and Welfare, and the governing body of each parish.

1. The LTR shall have a mechanism on its website which individuals may elect to receive notifications and the annual report in electronic form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1105.3(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Louisiana State University Medical Center, Office of the Chancellor, LR 24:1298 (July 1998), amended by the LSU Health Sciences Center, Health Care Services Division, Tumor Registry, LR 30:2839 (December 2004), amended by LSU System, Louisiana State University Health Sciences Center, Louisiana Tumor Registry, LR 35:2789 (December 2009), LR 39:3307 (December 2013), LR 44:73 (January 2018).

§8512. Patient-Reported Data

A. The LTR is authorized to contact cancer patients to obtain information on self-reported family history of cancer, health-related quality of life, and other related topics to support patient-centered cancer care. Participation of cancer patients is voluntary. The LTR shall use appropriate data collection means to minimize the burden on participants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1105.3(7).

HISTORICAL NOTE: Promulgated by LSU System, Louisiana State University Health Sciences Center, Louisiana Tumor Registry, LR 44:74 (January 2018).

§8513. Interstate Exchange of Data

A. Because cancer patients may be diagnosed or treated in other states, the Louisiana Tumor Registry is authorized to sign agreements with other states to acquire cancer data concerning Louisiana residents and, in return, to provide those states with cancer data relating to their residents. Each signatory state shall agree in writing to follow standard procedures to safeguard patient confidentiality and ensure data security.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1105.3(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Louisiana State University Medical Center, Office of the Chancellor, LR 24:1298 (July 1998), amended by the LSU Health Sciences Center, Health Care Services Division, Tumor Registry, LR 30:2840 (December 2004), amended by Louisiana State University System, Louisiana State University Health Sciences Center, Louisiana Tumor Registry, LR 35:2790 (December 2009), LR 39:3308 (December 2013), Louisiana State University Health Sciences Center, Louisiana Tumor Registry, LR 44:74 (January 2018).

§8514. Cancer Care Coordination

A. The LTR is authorized to work collaboratively with the Louisiana Department of Health and the Louisiana Cancer Prevention and Control Programs to provide information to cancer patients regarding access to clinical trials and other care services for the statewide cancer care coordination program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1105.3(7).

HISTORICAL NOTE: Promulgated by LSU System, Louisiana State University Health Sciences Center, Louisiana Tumor Registry, LR 44:74 (January 2018).

§8515. Contact Information for the Louisiana Tumor Registry

Louisiana Tumor Registry
2020 Gravier St., Third Floor
New Orleans, LA 70112
Phone: (504) 568-5757
Fax: (504) 568-5800
Website: http://sph.lsuhsc.edu/louisiana-tumor-registry/

AUTHORITY NOTE: Promulgated in accordance with R.S.40:1105.3(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Louisiana State University Medical Center, Office of the Chancellor, LR 24:1298 (July 1998), amended by the LSU Health Sciences Center, Health Care Services Division, Tumor Registry, LR 30:2840 (December2004), amended by LSU System, Louisiana State University Health Sciences Center, Louisiana Tumor Registry,

LR 35:2790 (December 2009), LR 39:3305 (December 2013), LR 44:74 (January 2018).

Xiao-Cheng Wu, MD, MPH, CTR
Director

1801#050

RULE

Department of Public Safety and Correction
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) has amended and adopted on December 12, 2017, the following Rule per R.S. 49:968(H)(1). The purpose of adopting and amending the currently adopted construction codes is to replace them with the more recent 2015 editions of the *International Building Code*, *International Residential Code*, *International Plumbing Code*, *International Existing Building Code*, *International Fuel Gas Code* and *International Mechanical Code* and the 2014 edition of the *National Electric Code*.

Title 17
CONSTRUCTION
Part I. Uniform Construction Code
Chapter 1. Adoption of the Louisiana State Uniform Construction Code
(Formerly LAC 55:VI.Chapter 3)

§101. Louisiana State Uniform Construction Code
(Formerly LAC 55:VI.301.A)

A. In accordance with the requirements set forth in R.S. 40:1730.28, effective February 1, 2018 the following is hereby adopted as an amendment to the *Louisiana State Uniform Construction Code*.

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 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 42:1672 (October 2016), LR 44:75 (January 2018).

§103. International Building Code
(Formerly LAC 55:VI.301.A.1)

A. *International Building Code* (IBC), 2015 Edition, not including Chapter 1, Administration, Chapter 11, Accessibility, Chapter 27, Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. Furthermore, IBC shall be amended as follows and shall only apply to the *International Building Code*.

1. Amend Chapter 2, Definitions.

Mini-Storage Facility—a self-service storage facility which rents or leases individual storage space to occupants for the storage and/or removal of personal property.

2. Amend Chapter 9 to adopt and amend 2015 *International Building Code*.

a. Section 903.2.1.2, Group A-2

i. Amend Item Number (2). The fire area has an occupant load of 300 or more.

ii. Add Item Number (4). Open-air pavilions on three sides or more, not exceeding 12,000 square feet, shall not be required to comply with 903.2.1.3(1) and 903.2.1.3(2) where each side has unobstructed access to a public way (10’-0” wide by 10’-0” high). No fixed elements, equipment, seating, etc. are permitted within the 10’-0” by 10’-0” access.

iii. Exception

(a). The requirements of Sections 903.2.1.2(1) and 903.2.1.2(2) shall not apply to a single multi-purpose room less than 12,000 sf when all of the following conditions are met.

(i). The single multi-purpose room shall not be used for display or exhibition, bars or taverns.

(ii). The single multi-purpose room shall not share exit access with other occupancies. Non-separated accessory uses that are incidental or ancillary to the single multi-purpose room shall be considered as part of the assembly occupancy. The accessory uses shall not be limited to 10 percent of the single multi-purpose room floor area and/or building, but shall be included and considered as part of the limited assembly room floor area.

(iii). The single multi-purpose room shall not be part of a fire area containing other assembly occupancies.

(iv). A single multi-purpose room with an occupant load greater than 300 persons shall be provided with a fire alarm system in accordance with 907.2.1.

(v). The single multi-purpose room with its accessory or ancillary uses shall be separated, when part of a multiple occupancy, in accordance with Table 508.4 and Section 707 from the remainder of the building. The single multi-purpose room fire area containing the single multi-purpose room and its accessory or ancillary uses shall be less than 12,000 sf.

(vi). Provide system smoke detection in all areas in accordance with Section 907 throughout the entire building.

b. Section 903.2.1.3, Group A-3

i. Add Item Number (4). Open air pavilions on three sides or more, not exceeding 12,000 square feet, shall

not be required to comply with 903.2.1.3(2) where each side has unobstructed access to a public way (10'-0" wide by 10'-0" high). No fixed elements, equipment, seating, etc. are permitted within the 10'-0" by 10'-0" access.

ii. Exception

(a). The requirements of Sections 903.2.1.2(1) and 903.2.1.2(2) shall not apply to a single multi-purpose room less than 12,000 sf when all of the following conditions are met.

(i). The single multi-purpose room shall not be used for display or exhibition.

(ii). The single multi-purpose room shall not share exit access with other occupancies. Non-separated accessory uses that are incidental or ancillary to the single multi-purpose room shall be considered as part of the assembly occupancy. The accessory uses shall not be limited to 10 percent of the single multi-purpose room floor area and/or building, but shall be included and considered as part of the limited assembly room floor area.

(iii). The single multi-purpose room shall not be part of a fire area containing other assembly occupancies.

(iv). A single multi-purpose room with an occupant load greater than 300 persons shall be provided with a fire alarm system in accordance with 907.2.1.

(v). The single multi-purpose room with its accessory or ancillary uses shall be separated, when part of a multiple occupancy, in accordance with Table 508.4 and Section 707 from the remainder of the building. The single multi- purpose room fire area containing the single multi-purpose room and its accessory or ancillary uses shall be less than 12,000 sf.

(vi). Provide system smoke detection in all areas in accordance with Section 907 throughout the entire building.

c. Section 903.2.9, Group S-1

i. Add under item number 5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m^2).

(a). Exception

(i). The requirement of 903.2.9(5) shall not apply to mini-storage facilities less than 12,000 sf. Mini-storage facilities, including mini-storage facilities which are climate-controlled, shall comply with 903.2.9(1) thru 903.2.9(4).

d. Section 903.2.7, Group M

i. Amend item number (4) A Group M occupancy used for the display and sale of upholstered furniture or mattresses where the floor area occupied by the upholstered furniture or mattresses exceeds 5,000 square feet (464 m^2).

e. Section 903.2.8, Group R

i. Exception

(a). An automatic sprinkler system is not required when not more than two dwelling or sleeping units are attached to a commercial or non-residential occupancy where all of the following conditions exist.

(i). The dwelling or sleeping units shall be separated vertically and/or horizontally from the non-residential occupancy as well as each other by two-hour construction in accordance with Sections 707 and 711.

(ii). The entire building shall be smoke protected in accordance with Section 907.

(iii). Egress from the dwelling or sleeping units shall not pass through the non-residential occupancy.

(iv). The building shall not exceed two stories.

(b). An automatic sprinkler system is not required in Residential Group R-3, boarding houses (transient and nontransient) as defined by Section 310.5, where one of the following conditions exist.

(i). Every sleeping room has a door opening directly to the exterior at the street or finish grade.

(ii). Every sleeping room has a door opening directly to the exterior which leads to an outside stair protected in accordance with Section 1027.

3. Amend and revise Tables 1006.3.2(1) and 1006.3.2(2).

a. Delete from footnote "a":

i. and provided with emergency escape and rescue openings in accordance with Section 1030.

4. Amend Section 1010.1.9.6, Controlled Egress Doors in Groups I-1 and I-2.

a. Electric locking systems, including electromechanical locking systems and electromagnetic locking systems, shall be permitted to be locked in the means of egress in Group I-1 or I-2 occupancies where persons receiving care require their containment. Controlled egress doors shall be permitted in such occupancies where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907, provided that the doors are installed and operate in accordance with all of the following.

i. (1) The door locks shall unlock on actuation of the automatic sprinkler system or automatic fire detection system.

ii. (2) The door locks shall unlock on loss of power controlling the lock or lock mechanism.

iii. (3) The door locking system shall be installed to have the capability of being unlocked by a switch located at the fire command center, a nursing station or other approved location. The switch shall directly break power to the lock.

iv. (4) Amend Item (4). A means of manual mechanical unlocking must be provided at each door that is not in direct view of the remote release location required by Item 3.

v. (5) The procedures for unlocking the doors shall be described and approved as part of the emergency planning and preparedness required by Chapter 4 of the *International Fire Code*.

vi. (6) All clinical staff shall have the keys, codes or other means necessary to operate the locking systems.

vii. (7) Emergency lighting shall be provided at the door.

viii. (8) The door locking system units shall be listed in accordance with UL 294.

(a). Delete Exceptions 1 and 2.

ix. Add Item (9). "Automatic" Re-Locking, after an emergency release as described above, shall be prohibited. A specific human action dedicated for re-locking doors must be provided at the remote control location or at each lock location.

x. Add Item (10). Document the "staff/patient ratio" for the occupants of the locked area to the authority having jurisdiction. The ratio shall be within state and federal licensing/certification guidelines. Please note that only "nurses" and "nurses' aides" assigned to the locked area shall be considered acceptable responsible staff in regard to this ratio documentation.

xi. Add Item (11). Provide the reason for installing specialized security measures to the authority having jurisdiction.

xii. Add Item (12). Documentation addressing each condition itemized above shall be provided to the authority having jurisdiction and shall include the signature of the building owner or the facility administrator.

5. Amend Section 1010.1.9.7, Delayed Egress.

a. Delayed egress locking systems shall be permitted to be installed on doors serving any occupancy except the main entrance/exit for a Group A, and all exits for a Group H in buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907. The locking system shall be installed and operated in accordance with all of the following.

i. (1) The delay electronics of the delayed egress locking system shall deactivate upon actuation of the automatic sprinkler system or automatic fire detection system, allowing immediate, free egress.

ii. (2) The delay electronics of the delayed egress locking system shall deactivate upon loss of power controlling the lock or lock mechanism, allowing immediate free egress.

iii. (3) The delayed egress locking system shall have the capability of being deactivated at the fire command center and other approved locations.

iv. (4) Amend Item (4).

(a). An attempt to egress shall initiate an irreversible process that shall allow such egress in not more than 15 seconds when a force of not more than 15 pounds (67 N) is applied to the egress side door hardware for not more than 3 seconds. Initiation of the irreversible process shall activate an audible signal in the vicinity of the door. Once the delay electronics have been deactivated, rearming the delay electronics shall be by manual means only.

(b). Amend Exception:

(i). where approved by the authority having jurisdiction, a delay of not more than 30 seconds is permitted on a delayed egress door.

v. (5) The egress path from any point shall not pass through more than one delayed egress locking system.

(a). Delete Exception.

vi. (6) A sign shall be provided on the door and shall be located above and within 12 inches (305 mm) of the door exit hardware.

(a). (6.1) For doors that swing in the direction of egress, the sign shall read: Push until alarm sounds. Door can be opened in 15 [30] seconds.

(b). (6.2) For doors that swing in the opposite direction of egress, the sign shall read: Pull until alarm sounds. Door can be opened in 15 [30] seconds.

(c). Amend Item (6.3).

(i). The sign shall comply with the visual character requirements in ICC A117.1. *Americans with Disabilities Act and Architectural Barriers Act—Accessibilities Guidelines (ADA/ABA-AG)*.

(ii). Delete Exception.

vii. (7) Emergency lighting shall be provided on the egress side of the door.

viii. (8) The delayed egress locking system units shall be listed in accordance with UL 294.

6. Amend Section 1010.1.9.8, Sensor Release of Electrically Locked Egress Doors.

a. The electric locks on sensor released doors located in a required means of egress are permitted where installed and operated in accordance with all of the following criteria.

i. (1) The sensor shall be installed on the egress side, arranged to detect an occupant approaching the doors. The doors shall be arranged to unlock by a signal from or loss of power to the sensor.

ii. (2) Loss of power to the lock or locking system shall automatically unlock the doors.

iii. (3) Amend Item (3).

(a). The doors shall be arranged to unlock from a manual unlocking device located 40 inches to 48 inches (1016 mm to 1219 mm) vertically above the floor and within 5 feet (1524 mm) of the secured doors. Ready access shall be provided to the manual unlocking device and the device shall be clearly identified by a sign that reads "Push to Exit" When operated, the manual unlocking device shall result in direct interruption of power to the lock, independent of other electronics, and the doors shall remain unlocked for not less than 30 seconds. The sign shall comply with the visual character requirements in *Americans with Disabilities Act and Architectural Barriers Act—Accessibilities Guidelines (ADA/ABA-AG)*.

iv. (4) Activation of the building fire alarm system, where provided, shall automatically unlock the doors, and the doors shall remain unlocked until the fire alarm system has been reset.

v. (5) Add item (5).

(a). The activation of manual fire alarm boxes that activate the fire alarm system shall not be required to unlock the doors.

vi. (6) Activation of the building automatic sprinkler system or fire detection system, where provided, shall automatically unlock the doors. The doors shall remain unlocked until the fire alarm system has been reset.

vii. (7) The door locking system units shall be listed in accordance with UL 294.

viii. (8) Add Item (8).

(a). Doors in buildings with an occupancy in Group A shall not be secured from the egress side during periods that the building is open to the general public.

ix. (9) Add Item (9).

(a). Doors in buildings with an occupancy in Group R-3 or Group I-3 shall not be equipped with this locking system.

x. (10) Add Item (10).

(a). Doors serving any Group M occupancy shall be permitted to be equipped with this locking system in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907.

xi. Add Item (11).

(a). Emergency egress lighting shall be provided at the door.

7. Amend Section 1010.1.9.9, Electromagnetically Locked Egress Doors.

a. Doors in the required means of egress shall be permitted to be locked with an electromagnetic locking system where equipped with hardware and where installed and operated in accordance with all of the following.

i. (1) The hardware that is affixed to the door leaf has an obvious method of operation that is readily operated under all lighting conditions.

ii. (2) The hardware is capable of being operated with one hand.

iii. (3) Operation of the hardware directly interrupts the power to the electromagnetic lock and unlocks the door immediately.

iv. (4) Loss of power to the locking system automatically unlocks the door.

v. (5) Where panic or fire exit hardware is required by Section 1010.1.10, operation of the panic or fire exit hardware also releases the electromagnetic lock.

vi. (6) The locking system units shall be listed in accordance with UL 294.

8. Amend Section 1020.1, Construction.

a. Exceptions

i. Add Item Number (6). A fire-resistance rating is not required for corridors where the space or area served does not exceed the occupant load and common path of egress travel values, for each occupancy, listed in Table 1006.2.1. The travel distance to the exit from the space or area served shall not exceed the common path of travel.

9. Amend chapter 10, Section 1020.5, Air Movement in corridors. Corridors that require protection under Table 1020.1—Corridor Fire-Resistance Rating, shall not serve as supply, return, exhaust, relief or ventilation air ducts.

10. Amend Chapter 10, Section 1027.6.

a. Add Exception 4. Exterior stairs or ramps which serve no more than one story above the level of exit discharge and constructed with non-combustible materials or constructed with fire retardant treated lumber, shall be allowed when the fire separation distance is between 5 and 10 feet measured from the exterior edge of the stairway or ramp.

11. Amend Section 1030.1.

a. Exception:

i. (4) Item (4) in other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

12. Amend Chapter 16, Section 1603.1.5, Earthquake Design Data. The following information related to seismic loads shall be shown, regardless of whether seismic loads govern the design of the lateral-force-resisting system of the building:

a. seismic importance factor, I, and occupancy category;

b. mapped spectral response accelerations, SS and S1;

c. site class;

d. spectral response coefficients, SDS and SD1;

e. seismic design category;

f. basic seismic-force-resisting system(s);

g. design base shear;

h. seismic response coefficient(s), CS;

i. response modification factor(s), R;

j. analysis procedure used;

k. exceptions:

i. construction documents that are not required to be prepared by a registered design professional;

ii. construction documents for structures that are assigned to Seismic Design Category A.

13. Amend Chapter 16, Section 1609.1.2, Protection of Openings. In wind-borne debris regions, glazing in buildings shall be impact resistant or protected with an impact-resistant covering meeting the requirements of an approved impact-resistant standard or ASTM E 1996 and ASTM E 1886 referenced herein as follows.

a. Glazed openings located within 30 feet (9144 mm) of grade shall meet the requirements of the large missile test of ASTM E 1996.

b. Glazed openings located more than 30 feet (9144 mm) above grade shall meet the provisions of the small missile test of ASTM E 1996.

c. Exceptions

i. Wood structural panels with a minimum thickness of 7/16 inch (11.1 mm) and maximum panel span of 8 feet (2438 mm) shall be permitted for opening protection in one- and two-story buildings classified as Risk Category 2. Panels shall be precut so that they shall be attached to the framing surrounding the opening containing the product with the glazed opening. Panels shall be predrilled as required for the anchorage method and shall be secured with the attachment hardware provided. Attachments shall be designed to resist the components and cladding loads determined in accordance with the provisions of ASCE 7, with corrosion-resistant attachment hardware provided and anchors permanently installed on the building. Attachment in accordance with Table 1609.1.2 with corrosion-resistant attachment hardware provided and anchors permanently installed on the building is permitted for buildings with a mean roof height of 45 feet (13 716 mm) or less where V_{asd} determined in accordance with Section 1609.3.1 does not exceed 140 mph (63 m/s).

ii. Glazing in Risk Category I buildings as defined in Section 1604.5, including greenhouses that are occupied for growing plants on a production or research basis, without public access shall be permitted to be unprotected.

iii. Glazing in Risk Category II, III or IV buildings located over 60 feet (18 288 mm) above the ground and over 30 feet (9144 mm) above aggregate surface roofs located within 1,500 feet (458 m) of the building shall be permitted to be unprotected.

14. Amend Chapter 16, Section 1612.4, Design and Construction.

a. Delete Referenced ASCE 24-14 Freeboard requirements and Table 1-1, Flood Design Class of Buildings and Structures.

15. Chapter 16, Section 1613.1, Scope. Every structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, shall be designed and constructed to resist the effects of earthquake motions in accordance with ASCE 7,

excluding Chapter 14 and Appendix 11A. The seismic design category for a structure is permitted to be determined in accordance with Section 1613 or ASCE 7.

a. Exceptions:

i. detached one- and two-family dwellings, assigned to Seismic Design Category A, B or C, or located where the mapped short-period spectral response acceleration, SS, is less than 0.4 g;

ii. the seismic-force-resisting system of wood-frame buildings that conform to the provisions of Section 2308 are not required to be analyzed as specified in this Section;

iii. agricultural storage structures intended only for incidental human occupancy;

iv. structures that require special consideration of their response characteristics and environment that are not addressed by this code or ASCE 7 and for which other regulations provide seismic criteria, such as vehicular bridges, electrical transmission towers, hydraulic structures, buried utility lines and their appurtenances and nuclear reactors;

v. structures that are not required to have a registered design professional in responsible charge;

vi. structures that are assigned to Seismic Design Category A.

b. Amend Chapter 16, Section 1613.1, Scope. Every structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, shall be designed and constructed to resist the effects of earthquake motions in accordance with ASCE 7, excluding Chapter 14 and Appendix 11A. The seismic design category for a structure is permitted to be determined in accordance with Section 1613 or ASCE 7-10. Figure 1613.5(1) shall be replaced with ASCE 7-10 Figure 22-1. Figure 1613.5(2) shall be replaced with ASCE 7-10 Figure 22-2.

16. Amend Chapter 29, Plumbing Systems.

a. Section 2901, Scope

i. The provisions of this Chapter and the *International Plumbing Code* shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems. Toilet and bathing rooms shall be constructed in accordance with Section 1210. Plumbing and equipment shall be constructed, installed and maintained in accordance with the *International Plumbing Code*.

(a). Delete Private Sewage disposal systems shall conform to the *International Private Sewage Disposal Code*.

b. Delete Section 2902.

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 the State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:75 (January 2018).

§105. International Existing Building Code (Formerly LAC 55:VI.301.A.2)

A. *International Existing Building Code* (IEBC), 2015 Edition, not including Chapter 1, Administration, and the standards referenced in that code for regulation of construction within this state.

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, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:79 (January 2018).

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

A.1. *International Residential Code*, 2015 Edition, not including Parts I-Administrative, and VIII-Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. The enforcement of such standards shall be mandatory only with respect to new construction, reconstruction, additions to homes previously built to the *International Residential Code*, and extensive alterations. Appendix J, Existing Buildings and Structures, may be adopted and enforced only at the option of a parish, municipality, or regional planning commission.

a. Adopt and amend 2015 IRC Section R301.2.1., Part IV-Energy Conservation of the latest edition of the *International Residential Code* is hereby amended to require that supply and return ducts be insulated to a minimum of R-6.

2. Amend Section R302.5.1, Opening Protection.

a. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 13/8 inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 13/8 inches (35 mm) thick, or 20-minute fire-rated doors.

i. Delete equipped with a self-closing device.

3. 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.

4. Additionally, IRC shall be amended as follows and shall only apply to the *International Residential Code*.

a. Adopt and amend 2015 IRC Section 313.1, Townhouse Automatic Sprinkler System. Per Act No. 685 of the 2010 Regular Session of the Louisiana Legislature, the council shall not adopt or enforce any part of the *International Residential Code* or any other code or regulation that requires a fire protection sprinkler system in one- or two-family dwellings. Further, no municipality or parish shall adopt or enforce an ordinance or other regulation requiring a fire protection sprinkler system in one- or two-family dwellings.

i. Exception. If an owner voluntarily chooses to install an automatic residential fire sprinkler system, it shall be installed per Section R313.1.

b. Adopt and amend 2015 IRC Section 313.2, One- and Two-Family Dwellings Automatic Fire Systems. Per Act No. 685 of the 2010 Regular Session of the Louisiana Legislature, the council shall not adopt or enforce any part of the *International Residential Code* or any other code or regulation that requires a fire protection sprinkler system in one- or two-family dwellings. Further, no municipality or parish shall adopt or enforce an ordinance or other regulation requiring a fire protection sprinkler system in one- or two-family dwellings.

i. Exception. If an owner voluntarily chooses to install an automatic residential fire sprinkler system, it shall be installed per Section R313.2.1, Design and Installation.

c. Amend Section R322.2.1, Elevation Requirements.

i. Buildings and structures in flood hazard areas including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation or the design flood elevation.

(a). Delete plus 1 foot (305 mm) requirement.

ii. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height of not less than the highest adjacent grade as the depth number specified in feet (mm) on the FIRM or not less than 2 feet if a depth number is not specified.

(a). Delete plus 1 foot (305 mm) requirement.

iii. Basement floor that are below grade on all sides shall be elevated to or above base flood elevation or the design flood elevation, whichever is higher.

(a). Delete plus 1 foot (305 mm) requirement.

d. Amend Section R322.3.2, Enclosed Area Below Design Flood Elevation.

i. Delete plus 1 foot (305 mm) requirement.

e. Amend Section R 1006.1, Exterior Air. Factory-built or masonry fireplaces covered in this chapter shall be equipped with an exterior air supply to assure proper fuel combustion.

5. Substitute Chapter 11, Energy Efficiency of the 2009 IRC, in lieu of Chapter 11, Energy Efficiency of the 2015 IRC.

a. Amend Section N1102.3, Access Hatches and Doors. Access doors from conditioned spaces to unconditioned spaces shall be weather-stripped and have a minimum insulation value of an R-4.

b. Amend Section N1102.4.2, Air Sealing and Insulation. The air tightness demonstration method of compliance is to be determined by the contractor, design professional or homeowner.

c. Amend Section N1102.4.2.1, Testing Option. Tested air leakage is less than 7 ACH when tested with a blower door at a pressure of 50 pascals (0.007 psi). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances. When the contractor, design professional or homeowner chooses the blower door testing option, blower door testing shall be performed by individuals certified to perform blower door tests by a nationally recognized organization that trains and provides certification exams for the proper procedures to perform such tests. The responsible BCEO shall accept written blower door test reports from these certified individuals to verify the minimum requirements of Section N1102.4.2.1 Testing Option are attained.

i. During testing:

(a). exterior windows and doors, fireplace and stove doors shall be closed, but not sealed;

(b). dampers shall be closed, but not sealed; including exhaust, intake, makeup air, back draft, and flue dampers;

(c). interior doors shall be open;

(d). exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;

(e). heating and cooling system(s) shall be turned off;

(f). HVAC ducts shall not be sealed; and

(g). supply and return registers shall not be sealed.

d. Amend Section N1102.4.3, Fireplaces. New wood-burning fireplaces shall have outdoor combustion air.

e. Amend Section N1103.2.1, Insulation.

i. Supply and return ducts in attics shall be insulated to a minimum of R-6.

f. Amend Section N1103.2.2, Sealing. Ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with section M1601.4. Duct leakage testing shall be performed by individuals certified to perform duct leakage tests by a nationally recognized organization that trains and provides certification exams for the proper procedures to perform such tests. The responsible BCEO shall accept written duct leakage test reports from these certified individuals to verify the minimum requirements of Section N1103.2.2 Sealing are attained.

i. Exception: HVAC Contractors. HVAC contractors, who are not certified to perform duct leakage tests, may perform the test with the responsible BCEO visually verifying test procedures and results on site.

ii. Joints and seams shall comply with section M1601.4. Duct tightness shall be verified by either for the following.

(a). Post-Construction Test. Leakage to outdoors shall be less than or equal to 8 cfm (3.78 L/s) per 100 ft2 (9.29 m2) of conditioned floor area or a total leakage less than or equal to 12 cfm (5.66 L/s) per 100 ft^2 (9.29 m^2) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler end closure. All register boots shall be taped or otherwise sealed during the test.

(b). Rough-In Test. Total leakage shall be less than or equal to 6 cfm (2.83 L/s) per 100 ft2 (9.29 m ^{2}) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the roughed in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 4 cfm (1.89 L/s) per 100 ft^2 (9.29 m^2) of conditioned floor area.

iii. Exception. Duct tightness test is not required if the air handler and all ducts are located within conditioned space.

g. Amend Section N1103.8.3, Pool Covers. Pool covers shall not be required to meet the energy efficiency requirements of this Section.

h. Amend Section M1307.3.1, Protection from Impact. Appliances shall not be installed in a location subject to automobile or truck damage except where protected by approved barriers.

i. Amend Section M1507.3.1, System Design. The whole-house ventilation system shall consist of a combination of supply and exhaust fans, and associated ducts and controls. Local exhaust and supply fans are permitted to serve as such a system. Outdoor air ducts connected to the return side of an air handler shall be considered to provide supply ventilation.

j. Amend Section M1507.3.2, System Controls. The whole-house mechanical ventilation system shall be provided with controls that enable manual override and a method of air-flow adjustment.

k. Amend Section M1507.3.3, Mechanical Ventilation Rate. The whole-house mechanical ventilation system shall be able to provide outdoor air at a continuous rate of at least that determined in accordance with Table M1507.3.3(1).

l. Amend Section M1507.4, Minimum Required Local Exhaust. Local exhaust systems shall be designed to have the capacity to exhaust the minimum air flow rate as follows.

i. Kitchen: 100 cfm intermittent or 25 cfm continuous, a balanced ventilation system is required for continuous exhaust.

ii. Bathrooms: exhaust capacity of 50 cfm intermittent or 20 cfm continuous, a balanced ventilation system is required for continuous exhaust.

6. Amend Chapter 30, Sanitary Drainage.

a. Amend Section P3104.1, Connection. Individual branch and circuit vents shall connect to a vent stack, stack vent or extend to the open air.

i. Delete Exception. Individual, branch and circuit vents shall be permitted to terminate at an air admittance valve in accordance with Section P3114.

b. Delete Section P3114, Air Admittance Valves.

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 Marshall, LR 41:2383 (November 2015), amended LR 42:1672 (October 2016), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:79 (January 2018).

§109. International Mechanical Code (Formerly LAC 55:VI.301.A.4)

A.1. *International Mechanical Code* (IMC), 2015 Edition, and the standards referenced in that code for regulation of construction within this state.

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 Marshall, LR 41:2386 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:81 (January 2018).

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

A. The *International Plumbing Code*, 2015 Edition. The appendices of that code may be adopted as needed, but the specific appendix or appendices shall be referenced by name or letter designation at the time of adoption (per R.S. 40:1730.28, eff. 1/1/16).

1. Amend Chapter 1.

a. Amend Section [A] 101.2, Scope.

i. Section [A] 101.2, Scope. The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel-gas-fired water heaters and water heater venting systems shall be regulated by the *International Fuel Gas Code*. Provisions in the appendices shall not apply unless specifically adopted.

(a). Nothing in this Part or any provision adopted pursuant to this Part shall prohibit the Department of Health from the following:

(i). regulating stored water temperatures through enforcement of the *Sanitary Code*;

(ii). regulating medical gas and medical vacuum systems.

[a]. Exception

[i]. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate

means of egress and their accessory structures shall comply with the *International Residential Code*.

B. Amend Chapter 2, 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.

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 inside 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—Building Drain*—"See *building drain, combined*".

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 Building Sewer*—"See *Building sewer, combined*".

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 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.

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 upstream water supply pressure for a period of 12 hours or more.

Day Care Centers—includes adult and child day care centers.

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.

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.

Grade (G)—normally, this references the location of some object in relation to either the floor or ground level elevation.

Gravity Grease Interceptor—plumbing appurtenances of not less than 125 gallons capacity that are installed in the sanitary drainage system to intercept free-floating fats, oils, and grease from waste water discharge. Separation is accomplished by gravity during a retention time of not less than 30 minutes.

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

Individual Sewerage System—any system of piping (excluding the building drain and building sewer), and/or collection and/or transport system which serves one or more connections, and/or pumping facility, and treatment facility, all located on the property where the sewage originates; and which utilizes the individual sewerage system technology which is set forth in LAC 51:XIII.Chapter 7, Subchapter B, or a commercial treatment facility which is specifically authorized for use by the state health officer.

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 Clause 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.

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.

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.

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. Amend Chapter 3, General Regulations.

1. Amend Section 312.1, Required Tests.

a. The permit holder shall make the applicable tests prescribed in Sections 312.2 through 312.10 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the plumbing work is ready for tests. The code official shall verify the test results. The equipment, material, power and labor necessary for the inspection and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests. All plumbing system piping shall be tested with either water or by air. After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be submitted to final tests. The code official shall require the removal of any cleanouts if necessary to ascertain whether the pressure has reached all parts of the system.

2. Amend Section 312.3, Drainage and Vent Test.

a. An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.5 kPa) or sufficient to balance a 10-inch (254 mm) column of mercury. This pressure shall be held for a test period of not less than 15 minutes. Any adjustments to the test pressure required because of changes in ambient temperatures or the seating of gaskets shall be made prior to the beginning of the test period.

3. Amend Section 312.5, Water Supply System Test.

a. Upon completion of a section of or the entire water supply system, the system, or portion completed, shall be tested and proved tight under a water pressure not less

than 1.5 times the working pressure of the system, but not less than 140 psi; or, for piping systems other than plastic, by an air test of not less than 50 psi (344 kPa). This pressure shall be held for not less than 15 minutes. The water utilized for tests shall be obtained from a potable source of supply. The required tests shall be performed in accordance with this section and Section 107.

4. Amend Section 312.10, Installation, Inspection and Testing of Backflow Prevention Assemblies, Barometric Loops and Air Gaps.

a. Installation, inspection and testing shall comply with Sections 312.10.1 through 312.10.3.

5. Amend Section 312.10.1, Inspections.

a. Annual inspections shall be made of all backflow prevention assemblies, barometric loops and air gaps to determine whether they are operable, properly installed and maintained, and meet testing/code requirements. Inspections of backflow prevention devices including barometric loops and air gaps used to protect high degree of hazard cross connections shall be documented in writing and the report provided to the owner of the backflow prevention device.

6. Amend Section 312.10.2, Testing.

a. Reduced pressure principle, double-check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10.1, USC's FCCC and HR's "Manual of Cross-Connection Control", or UFL's TREEO's "Backflow Prevention—Theory and Practice". Any backflow preventer which is found to be defective shall be repaired.

7. Add Section 312.10.3, Owner Responsibilities.

a. The owner of the backflow prevention assemblies shall comply with the following.

i. It shall be the duty of the owner of the backflow prevention assembly to see that these tests are made in a timely manner in accord with the frequency of field testing specified in 312.10.2 of this code.

ii. The owner shall notify the building official, and/or water supplier (for those devices associated with containment) in advance when the tests are to be undertaken so that the building official and/or water supplier may witness the tests if so desired.

iii. Upon completion, the owner shall provide records of such tests, repairs, overhauls, or replacements to the building official or water supplier (for those devices associated with containment). In addition, all records shall be kept by the owner of the backflow prevention device or method for at least five years and, upon specific request, shall be made available to the building official or water supplier.

iv. All tests, repairs, overhauls or replacements shall be at the expense of the owner of the backflow preventer.

D. Amend Chapter 4.

1. Amend Section 403.3.3, Location of Toilet Facilities in Occupancies other than Malls and Educational Buildings.

a. In occupancies other than covered and open mall buildings, and educational buildings, the required public and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).

2. Add Section 403.3.7, Location of Toilet Facilities in Educational Buildings.

a. For primary schools, and other special types of institutions with classrooms, for children through 12 years of age, separate boys' and girls' toilet room doors shall not be further than 200 feet from any classroom doors. For secondary schools, and other special types of institutions with classrooms, for persons of secondary school age, separate boys' and girls' toilet room doors shall not be further than 400 feet from any classroom door. In multi-storied buildings, there shall be boys' and girls' toilet rooms on each floor, having the number of plumbing fixtures as specified in Table 403.1 of this code for the classroom population of that floor. When new educational buildings are added to an existing campus, the restroom facilities and drinking fountains located in the existing building(s) may be used to serve the occupants of the new educational building(s) only when all of the following provisions are met:

i. covered walkways consisting of a roof designed to protect the students and faculty from precipitation having a minimum width of 6 feet and located above a slip-resistant concrete or other acceptable hard surfaces leading to and from the restrooms shall be provided whenever children or faculty have to walk outside to access the toilet room;

ii. the path of travel from the classroom door to the toilet room doors (boys' or girls') does not exceed the applicable distance specified in this Section; and

iii. the number of occupants of the new building does not cause an increase in the school population that would trigger the need for more fixtures per Table 403.1 (Minimum Number of Required Plumbing Fixtures).

3. Add Section 403.6, Other Fixture Requirements for Licensed Pre-schools, Day Care Centers, and Residential Facilities.

a. Additional plumbing fixtures shall be provided in day care centers and residential facilities as required by this Section.

4. Add Section 403.6.1, Food Preparation.

a. The food preparation area in pre-schools, day cares, and residential facilities shall meet the following requirements. The food preparation, storage and handling where six or less individuals are cared for shall provide a two-compartment sink and an approved domestic type dishwasher. Where the number of individuals cared for is between 7 and 15, either a three-compartment sink, or an approved domestic or commercial type dishwashing machine and a two-compartment sink with hot and cold running water shall be provided. Where 16 or more individuals are cared for, a three-compartment sink must be provided. If a dishwasher is also utilized in these instances (16 or more individuals), it must be a commercial type and it shall be in addition to the required three-compartment sink. One laundry tray, service sink, or curbed cleaning facility with floor drain shall also be provided on the premises for

cleaning of mops and mop water disposal (for facilities caring for 16 or more individuals).

5. Add Section 403.6.2, Caring for Children between 0 and 4 Years of Age.

a. In child day care facilities, a hand washing sink shall be in or adjacent to each diaper changing area. In addition, one extra laundry tray, service sink, or similar fixture is required to clean and sanitize toilet training potties immediately after each use. Such fixture shall be dedicated solely for this purpose and shall not be in the food preparation/storage, utensil washing, or dining areas. Training potties shall not be counted as toilets in determining the minimum fixture requirements of Table 403.1. Fixtures shall be size appropriate for the age of the children being cared for (toilets 11 inches maximum height and lavatories 22 inches maximum height), or if standard size fixtures are used, safe, cleanable step aids shall be provided.

6. Add Section 410.6, Minimum Required Separation from Contamination.

a. Drinking fountain fixtures shall provide a minimum requirement of 18 inches of separation from its water outlet (spigot) to any source of contamination. Combination sink/drinking fountain units shall provide a minimum of 18 inches between the drinking fountain water outlet (spigot) and the nearest outside rim of the sink bowl [or other source(s) of contamination].

i. Exception

(a). This 18 inch minimum separation may only be reduced by the use of a vertical shield made of a smooth, easily cleaned surface that is attached flush with the top surface of the unit and extends to a distance at least 18 inches in height above the drinking fountain water outlet (spigot) level.

(b). Prohibited Fixture. Combination sink/drinking fountain units which share the same sink bowl are prohibited except in individual prison cells."

7. Amend Section 412, Floor and Trench Drains.

a. Add Section 412.5, Miscellaneous Areas.

i. A floor drain shall be required in public toilet rooms, excluding hotel/motel guest rooms or patient rooms of a hospital or nursing home.

ii. A floor drain shall be required in the recess room for sterilizers in a medical facility.

iii. Floor drains are not permitted in general food storage areas, unless in accordance with Section 802.1.1 or 802.1.2 of this code.

8. Amend Section 417.3, Shower Water Outlet.

a. Waste outlets serving showers shall be not less than 2 inches (50.8 mm) in diameter and, for other than waster outlets in bathtubs, shall have removable strainers not less than 3 inches (76 mm) in diameter with strainer openings not less than 1/4 inch (6.4 mm) in least dimension. Where each shower space is not provided with an individual waste outlet, the waste outlet shall be located and the floor pitched so that waste from one shower does not flow over the floor area serving another shower. Waste outlets shall be fastened to the waste pipe in an approved manner.

9. Add Section 418.4, Handwash Sinks.

a. Dedicated handwash sinks shall be located to permit convenient use by all employees in food processing, food preparation, and other food handling areas.

b. Each commercial body art (tattoo) facility shall provide a hand washing sink to be used solely for hand washing in body art procedure area for the exclusive use of the operator. A separate instrument sink shall also be provided for the sole purpose of cleaning instruments and equipment prior to sterilization.

c. A hand washing sink may not be used for purposes other than hand washing.

d. Sinks used for food preparation or for washing and sanitizing of equipment and utensils shall not be used for hand washing.

10. Add Section 418.5, Manual Warewashing, Sink Requirements.

a. A sink with at least three compartments constructed of smooth, impervious non-corrosive material such as stainless steel or high density food grade polymer plastic shall be provided in slaughter rooms, packing rooms, retail food establishments, and other food handling areas for manual washing, rinsing and sanitizing equipment and utensils except where there are no utensils or equipment to wash, rinse and sanitize; i.e., such as in a facility with only prepackaged foods.

11. Add Section 422.11, Handwashing Facilities.

a. Medical facilities, including doctor's office and clinics, shall be provided with hand washing facilities within each patient examination and treatment room. The hand wash facility shall be provided with hot and cold water delivered via a mixing faucet.

E. Amend Chapter 5, Water Heaters.

1. Amend Section 504.7.1, Pan Size and Drain.

a. The drain pan shall be a minimum of 2-inches (2") (50.8 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than 1-inch (25.4 mm). Piping for safety pan drains shall be of those materials listed in Table 605.4.

F. Amend Chapter 6, Water Supply and Distribution.

1. Amend Section 602.3, Individual Water Supply.

a. Where a potable public water supply is not available, a private water supply meeting the applicable requirements of LAC 51:XII (Water Supplies) and LAC 56:I (Water Wells) shall be utilized.

i. Delete and remove Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1, Pump Enclosure.

2. Add Section 603.3, Potable Water (Pressure) Lines Near Soil Absorption Trenches, Sand Filter Beds, Oxidation Ponds, and any Effluent Reduction Option (Effluent Reduction Fields, Rock Plant Filters, Spray Irrigation Systems, Overland Flow Systems, Mound Systems, or Subsurface Drip Disposal Systems).

a. Underground potable water (pressure) lines shall not be located within 25 feet (7.6 m) of any soil absorption trenches, sand filter beds, oxidation ponds, or any effluent reduction option including, but not limited to effluent reduction fields, rock plant filters, spray irrigation systems (from the edge of the spray and its drainage), overland flow systems (from the discharge point and field of flow), mound systems, or subsurface drip disposal systems which have been installed for either the disposal of septic tank effluent or mechanical treatment plant effluent.

3. Add Section 603.4, Potable Water (Pressure) Lines Near Septic Tanks, Mechanical Sewage Treatment Plants, and Pump Stations.

a. Underground potable water (pressure) lines shall not be located within 10 feet (3.0 m) of any septic tank, mechanical sewage treatment plant, or sewage pump station.

4. Add Section 603.5, Potable Water (Pressure) Lines Near Seepage Pit, Cesspool, or Sanitary Pit Privy.

a. Underground potable water (pressure) lines shall not be located within 50 feet (15.2m) of any seepage pit, cesspool, or sanitary pit privy.

5. Add 603.6, Reclaimed Water Lines.

a. Reclaimed water lines shall be considered and treated as though they are sewerage lines and shall be installed in accord with the spacing requirements of this Section for the protection of potable water lines.

6. Amend Section 605.2.1, Lead Content of Water Supply Pipe and Fittings used for Human Consumption.

a. Water Piping Quality. All potable water pipes, fittings, valves, and fixtures used to provide water for human consumption shall be lead free and shall be evaluated and listed as conforming with NSF/ANSI 372. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free.

i. Exception. The lead-free requirement above shall not apply to:

(a). leaded joints necessary for the repair of existing cast iron pipes;

(b). fire hydrants, pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

(c). toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

7. Amend Section 605.3, Water Service Pipe with Corresponding Table 605.3.

a. Water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.3. Water service pipe or tubing, installed underground and outside of the structure, shall have a working pressure rating of not less than 160 psi (1100 kPa) at 73.4 degrees F (23 degrees C). Where the water pressure exceeds 160 psi (1100 kPa) piping material shall have a working pressure rating not less than the highest available pressure. Water service piping materials not third-party certified for water distribution shall terminate at or before the full open valve located at the entrance to the structure. All ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104.

i. Table 605.3—Water Service Pipe

Material	Standard
Acrylonitrile butadiene styrene (ABS) plastic pipe	ASTM D 1527; ASTM D 2282
Brass pipe	ASTM B 43
Chlorinated polyvinyl chloride (CPVC) plastic pipe	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6
Copper or copper-alloy pipe	ASTM B 42; ASTM B 302
Copper or copper-alloy tubing (Type K, WK, L, or WL only. i.e., Type M and WM copper is prohibited.)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447
Cross-linked polyethylene (PEX) plastic pipe and tubing	ASTM F 876; ASTM F 877; AWWA C904; CSA B137.5
Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; ASTM F 2262; CSA B137.10M
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Ductile iron water pipe	AWWA C151/A21.51; AWWA C115/A21.15
Galvanized steel pipe	ASTM A 53
Polyethylene (PE) plastic pipe	ASTM D 2239; ASTM D 3035; AWWA C901; CSA B137.1
Polyethylene (PE) plastic tubing	ASTM D 2737; AWWA C901; CSA B137.1
Polyethylene/aluminum/polyethylene (PE-AL-PE) pipe	ASTM F 1282; CSA B137.9
Polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 2769
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11
Polyvinyl chloride (PVC) plastic pipe	ASTM D 1785; ASTM D 2241; ASTM D 2672; CSA B137.3
Stainless steel pipe (Type 304/304L)	ASTM A 312; ASTM A 778
Stainless steel pipe (Type 316/316L)	ASTM A 312; ASTM A 778

8. Amend Section 605.3.1, Dual Check-Valve-Type Backflow Preventer.

a. Dual check-valve backflow preventers installed on the water supply system shall comply with ASSE 1024 or CSA B64.6. These devices, which are commonly installed immediately downstream of water meters by water suppliers, are not approved backflow prevention devices and are only allowed to be installed when no cross connections exist downstream of the device or when all downstream cross connections are properly protected by approved backflow prevention devices, assemblies, or methods in accordance with Section 608 of this code.

9. Amend Table 605.4, Water Distribution Pipe.

a. Table 605.4—Water Distribution Pipe

Material	Standard
Brass pipe	ASTM B 43
Chlorinated polyvinyl chloride (CPVC) plastic pipe and tubing	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6
Copper or copper-alloy pipe	ASTM B 42; ASTM B 302

Material	Standard
Copper or copper-alloy tubing (Type K, WK, L, or WL only. i.e., Type M and WM copper is prohibited.)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447
Cross-linked polyethylene (PEX) plastic tubing	ASTM F 876; ASTM F 877; CSA B137.5
Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; ASTM F 2262; CSA B137.10M
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Ductile iron pipe	AWWA C151/A21.51; AWWA C115/A21.15
Galvanized steel pipe	ASTM A 53
Polyethylene/aluminum/polyethylene (PE-AL-PE) composite pipe	ASTM F 1282
Polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 2769
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11
Stainless steel pipe (Type 304/304L)	ASTM A 312; ASTM A 778
Stainless steel pipe (Type 316/316L)	ASTM A 312; ASTM A 778

10. Amend Section 606.5.5, Low-Pressure Cutoff Required on Booster Pumps.

a. A low-pressure cutoff shall be installed on all booster pumps in a water pressure booster system to prevent creation of a vacuum or negative pressure on the suction side of the pump when a positive pressure of 20 psi (137.9 kPa) or less occurs on the suction side of the pump.

11. Amend Section 608.1, General.

a. A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from non-potable liquids, solids or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system. Backflow preventers shall conform to the applicable standard referenced in Table 608.1. Backflow preventer applications shall conform to Table 608.1, except as specifically stated in Sections 608.2 through 608.16.27 and Sections 608.18 through 608.18.2.

12. Amend Section 608.8, Identification of Nonpotable Water.

a. Where nonpotable water systems are installed, the piping conveying the nonpotable water shall be identified either by color marking, metal tags or tape in accordance with Sections 608.8.1 through 608.8.3.

i. Exception

(a). Overall Exception to this Section (§608.8 of this code). Pursuant to R.S. 40:4.12, industrial-type facilities listed therein shall not be required to comply with this section (§608.8 of this code) provided that such facilities have a potable water distribution identification plan in conformity with the requirements of R.S. 40:4.12. The required formal cross-connection control survey of the facility referenced in R.S. 40:4.12 shall be performed by an individual holding a valid cross-connection control surveyor certificate issued under the requirements of ASSE 5120, or other individuals holding a surveyor certificate from a nationally recognized backflow certification organization approved by the state health officer.

13. Amend Section 608.14, Location of Backflow Preventers.

a. Access shall be provided to backflow preventers as specified by the manufacturer's instructions for the required testing, maintenance and repair. A minimum of 1 foot of clearance shall be provided between the lowest portion of the assembly and grade or platform. Elevated installations exceeding 5-feet above grade (g) shall be provided with a suitably located permanent platform capable of supporting the installer, tester, or repairer. Reduced pressure principal type backflow preventers, and other types of backflow preventers with atmospheric ports and/or test cocks (e.g., atmospheric type vacuum breakers, double check valve assemblies, pressure type vacuum breaker assemblies, etc.), shall not be installed below grade (in vaults or pits) where the potential for a relief valve, an atmospheric port, or a test cock being submerged exists.

14. Amend Section 608.15.4, Protection by a Vacuum Breaker.

a. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of atmospheric type vacuum breakers shall be installed not less than 6 inches (152 mm) above all downstream piping and not less than 6 inches (152 mm) above the flood-level rim of the fixture receptor or device served. Shutoff or control valves shall not be installed downstream from an atmospheric vacuum breaker. Atmospheric vacuum breakers including, but not limited to, hose bibb vacuum breakers shall not be subjected to continuous water pressure. The critical level of pressure type vacuum breakers shall be installed not less than 12 inches (305 mm) above all downstream piping and not less than 12 inches (305 mm) above the flood-level rim of the fixture receptor or device served. Fill valves shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors.

15. Amend Section 608.16, Connections to the Potable Water System.

a. Connections to the potable water system shall conform to Sections 608.16.1 through 608.16.27. These Sections (608.16.1-608.16.27) are not inclusive of all potential contamination sources which may need fixture isolation protection. For potential contamination sources not listed in Sections 608.16.1 through 608.16.27, backflow prevention methods or devices shall be utilized in accordance with Table B1 of CAN/CSA B64.10-1994. When a potential contamination source and its associated backflow prevention method or device is not identified in this code or Table B1 of CAN/CSA B64.10-1994, backflow prevention methods or devices shall be utilized as directed by the building official.

16. Amend Section 608.16.5, Connections to Lawn/Landscape Irrigation Systems.

a. The potable water supply to lawn/landscape irrigation systems shall be protected against backflow by an atmospheric vacuum breaker, a pressure vacuum breaker assembly or a reduced pressure principle backflow prevention assembly. Shutoff or control valves shall not be installed downstream from an atmospheric vacuum breaker. When a lawn/landscape sprinkler system is provided with separate zones, the potable water supply shall be protected

by a pressure vacuum breaker or reduced pressure principal backflow prevention assembly. Atmospheric vacuum breakers shall be installed at least 6 inches (152 mm) above the highest point of usage (i.e., 6 inches (152 mm) above all downstream piping and highest sprinkler head). Pressure type vacuum breakers shall be installed at least 12 inches (305 mm) above the highest point of usage (i.e., 12 inches (305 mm) above all downstream piping and the highest sprinkler head). Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow prevention assembly.

17. Amend Section 608.16.8, Portable Cleaning Equipment.

a. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, 608.13.2, 608.13.3, 608.13.5, 608.13.6, or 608.13.8. The type of backflow preventer shall be selected based upon the application in accordance with Table 608.1.

18. Add Section 608.16.11, Cooling Towers.

a. The potable water supply to cooling towers shall be protected against backflow by an air gap.

19. Add Section 608.16.12, Chemical Tanks.

a. The potable water supply to chemical tanks shall be protected against backflow by an air gap.

20. Add Section 608.16.13, Commercial Dishwashers in Commercial Establishments.

a. The potable water supply to commercial dishwashers in commercial establishments shall be protected against backflow by an air gap, atmospheric vacuum breaker, or pressure vacuum breaker. Vacuum breakers shall meet the requirements of Section 608.15.4.

21. Add Section 608.16.14, Ornamental Fountains.

a. The potable water supply to ornamental fountains shall be protected against backflow by an air gap.

22. Add Section 608.16.15, Swimming Pools, Spas, Hot Tubs.

a. The potable water supply to swimming pools, spas, or hot tubs shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly.

23. Add Section 608.16.16, Baptismal Fonts.

a. The potable water supply to baptismal fonts shall be protected against backflow by an air gap.

24. Add Section 608.16.17, Animal Watering Troughs.

a. The potable water supply to animal watering troughs shall be protected against backflow by an air gap.

25. Add Section 608.16.18, Agricultural Chemical Mixing Tanks.

a. The potable water supply to agricultural chemical mixing tanks shall be protected against backflow by an air gap.

26. Add Section 608.16.19, Water Hauling Trucks.

a. The potable water supply to water hauling trucks/tankers shall be protected against backflow by an air gap when filled from above. When allowed to be filled from below, they shall be protected by a reduced pressure principle backflow prevention assembly. When a tanker truck is designated for the hauling of food grade products (and has been cleaned utilizing food grade cleaning procedures) and is allowed to be filled from below, a double check valve assembly shall be acceptable.

27. Add Section 608.16.20, Air Conditioning Chilled Water Systems and/or Condenser Water Systems.

a. The potable water supply to air conditioning chilled water systems and condenser water systems shall be protected against backflow by a reduced pressure principal backflow prevention assembly.

28. Add Section 608.16.21, Pot-Type Chemical Feeders.

a. The potable water supply to pot-type chemical feeders shall be protected against backflow by a reduced pressure principal backflow prevention assembly.

29. Add Section 608.16.22, Food Processing Steam Kettles.

a. The potable water supply to food processing steam kettles shall be protected against backflow by a double check valve backflow prevention assembly.

30. Add Section 608.16.23, Individual Travel Trailer Pads.

a. The potable water supply to individual travel trailer pads shall be protected against backflow by a dual check valve backflow prevention assembly.

31. Add Section 608.16.24, Laboratory and/or Medical Aspirators.

a. The potable water supply to laboratory and/or medical aspirators shall be protected against backflow by an atmospheric or pressure vacuum breaker installed in accordance with Sections 608.3.1 and 608.15.4.

32. Add Section 608.16.25, Laboratory or other Sinks with Threaded or Serrated Nozzles.

a. The potable water supply to laboratory sinks or other sinks with threaded or serrated nozzles shall be protected against backflow by an atmospheric or pressure vacuum breaker installed in accordance with Sections 608.3.1 and 608.15.4.

33. Add Section 608.16.26, Mortuary/Embalming Aspirators.

a. The potable water supply to mortuary/embalming aspirators shall be protected against backflow by a pressure vacuum breaker installed in the supply line serving the aspirator. The critical level of the vacuum breaker shall be installed a minimum of 12 inches higher than the aspirator. The aspirator shall be installed at least 6 inches above the highest level at which suction may be taken. An air gap shall be provided between the outlet of the discharge pipe and the overflow rim of the receiving fixture.

34. Add Section 608.16.27, Room(s) or other Sub-Unit(s) of a Premise or Facility Receiving Water where Access is Prohibited.

a. When access is prohibited to particular areas, rooms, or other sub-units of a premise or facility which is receiving water, the potable water supply serving those areas shall be protected against backflow by a reduced pressure principal backflow protection assembly.

35. Amend Section 608.17, Protection of Individual Water Supplies.

a. An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with the applicable requirements of LAC 51:XII (Water Supplies) and LAC 56:I (Water Wells).

36. Remove and delete Sections 608.17.1 through 608.17.8 including Table 608.17.1.

37. Add Section 608.18, Containment Practices.

a. Backflow prevention methods or devices shall be utilized as directed by the water supplier or code official to isolate specific water supply system customers from the water supply system's mains when such action is deemed necessary to protect the water supply system against potential contamination caused by backflow of water from that part of the water system owned and maintained by the customer (for example, the piping downstream of the water meter, if provided). Minimum requirements shall be in accordance with Section 608.18.1 through 608.18.2.

38. Add Section 608.18.1, Containment Requirements.

a. As a minimum, the following types of backflow prevention assemblies or methods shall be installed and maintained by water supply system customers immediately downstream of the water meter (if provided) or on the water service pipe prior to any branch line or connections serving the listed customer types and categories.

39. Add Table 608.18.1, Containment Requirements.

a. Table 608.18.1—Containment Requirements

Air Gap
1. Fire Protection/Sprinkler System utilizing non-potable water as an alternative or primary source of water
Reduced Pressure Principle Backflow Prevention Assembly
1. Hospitals, Out-Patient Surgical Facilities, Renal Dialysis Facilities, Veterinary Clinics
2. Funeral Homes, Mortuaries
3. Car Wash Systems
4. Sewage Facilities
5. Chemical or Petroleum Processing Plants
6. Animal/Poultry Feedlots or Brooding Facilities
7. Meat Processing Plants
8. Metal Plating Plants
9. Food Processing Plants, Beverage Processing Plants
10. Fire Protection/Sprinkler Systems using antifreeze in such system (a detector type assembly is recommended on unmetered fire lines)
11. Irrigation/Lawn Sprinkler Systems with Fertilizer Injection
12. Marinas/Docks
13. Radiator Shops
14. Commercial Pesticide/Herbicide Application
15. Photo/X-ray/Film Processing Laboratories
16. Multiple Commercial Units served by a master meter
17. Any type of occupancy type or any other facility having one or more Single-walled Heat Exchangers which uses any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium
18. Any type of occupancy type or any other facility having one or more Double-walled Heat Exchangers which use any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium and which does not have a path to atmosphere with a readily visible discharge
19. Premises where access/entry is prohibited
Pressure Vacuum Breaker Assembly/Spill Resistant Vacuum Breaker Assembly
1. Irrigation/Lawn Sprinkler Systems
Double Check Valve Assembly
1. Fire Protection/Sprinkler Systems (a detector type double check valve assembly is recommended on unmetered fire lines)
2. Two residential dwelling units served by a master meter, unless both units are located on a parcel or contiguous parcels of land having the same ownership and neither unit is used for commercial purposes. As used herein, the term "commercial purposes" means any use other than residential.
3. Three or more residential dwelling units served by a master meter
4. Multistoried Office/Commercial Buildings (over 3 floors)
5. Jails, Prisons, and Other Places of Detention or Incarceration

40. Add Section 608.18.2, Other Containment Requirements.

a. Table 608.18.1 of this code above is not inclusive of all potential contamination sources which may need containment protection. For potential contamination sources not listed in this table, backflow prevention methods or devices shall be utilized in accordance with Table B1 of CAN/CSA B64.10-1994. When a potential contamination source and its associated backflow prevention method or device is not identified in Table 608.18.1 of this code above or Table B1 of CAN/CSA B64.10-1994, backflow prevention methods or devices shall be utilized:

i. as directed by the building code official; or

ii. as directed by the water supplier;

iii. in cases of a discrepancy regarding the particular backflow prevention assembly or method required, the assembly or method providing the higher level of protection shall be required.

G. Amend Chapter 7, Sanitary Drainage.

1. Amend Section 701.2, Sewer Required.

a. Buildings in which plumbing fixtures are installed and premises having sanitary drainage system piping shall be connected to a community sewerage system, where available, or an approved commercial treatment facility or individual sewerage meeting the requirements of LAC 51:XIII (Sewage Disposal).

2. Add Section 701.9, Repairs to Drainage System via Re-Route.

a. 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 and 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.

3. Add Section 703.6, Minimum Size Building Sewer.

a. No building sewer shall be less than 4 inches in size with the exception of force lines.

4. Amend Section 710.1, Maximum Fixture Unit Load.

a. The maximum number of drainage fixture units connected to a given size of building sewer, building drain or horizontal branch of the building drain shall be determined using Table 710.1(1). The maximum number of drainage fixture units connected to a given size vertical soil or waste stack, or horizontal branch connecting to a vertical soil or waste stack, shall be determined using Table 710.1(2).

5. Amend Table 710.1(1).

a. Table 710.1(1)—Building Drains and Sewers

Diameter of Pipe (Inches)	Maximum Number of Drainage Fixture Units Connected to Any Portion of the Building Drain or the Building Sewer, Including Branches of the Building Drain[a]			
	Slope Per Foot			
	1/16 inch	1/8 inch	1/4 inch	1/2 inch
1 1/4			1	1
1 1/2			3	3
2			21	26
2 1/2			24	31

Diameter of Pipe (Inches)	Maximum Number of Drainage Fixture Units Connected to Any Portion of the Building Drain or the Building Sewer, Including Branches of the Building Drain[a]			
	Slope Per Foot			
3		20 (not over two water closets)	27 (not over two water closets)	36 (not over two water closets)
4	—	180	216	250
5	—	390	480	575
6	—	700	840	1,000
8	1,400	1,600	1,920	2,300
10	2,500	2,900	3,500	4,200
12	3,900	4,600	5,600	6,700
15	7,000	8,300	10,000	12,000

For SI: 1 inch = 25.4 mm, 1 inch per foot = 83.3 mm/m.

[a] The minimum size of any building drain serving a water closet shall be 3 inches.

6. Amend Table 710.1(2).

a. Table 710.1(2)—Horizontal Fixture Branches and Soil Stacks[a].

Diameter of Pipe (inches) (The minimum size of any branch or soil stack serving a water closet shall be 3".)	Maximum Number of Drainage Fixture Units (dfu)			
	Total for horizontal branch (Does not include branches of the building drain. Use 50 percent less dfu's for any circuit or battery vented fixture branches, no size reduction permitted for circuit or battery vented branches throughout the entire branch length.)	Soil Stacks[b]		
		Total discharge into one branch interval when greater than three branch intervals	Total for soil stack when three branch intervals or less	Total for soil stack when greater than three branch intervals
1 1/2	3	2	4	8
2	6	6	10	24
2 1/2	12	9	20	42
3	20 (not over two water closets)	16 (not over two water closets)	30 (not over six water closets)	60 (not over six water closets)
4	160	90	240	500
5	360	200	540	1,100
6	620	350	960	1,900
8	1,400	600	2,200	3,600
10	2,500	1,000	3,800	5,600
12	3,900	1,500	6,000	8,400
15	7,000	Note c	Note c	Note c

For SI: 1 inch = 25.4 mm.

[a] Does not include branches of the building drain. Refer to Table 710.1(1).

[b] Soil stacks shall be sized based on the total accumulated connected load at each story or branch interval. As the total accumulated connected load decreases, stacks are permitted to be reduced in size. Stack diameters shall not be reduced to less than one-half of the diameter of the largest stack size required.

[c] Sizing load based on design criteria.

7. Add Section 710.3, Underground Drainage Piping.

a. Any portion of the drainage system installed underground or below a basement or cellar shall not be less than 2-inch diameter. In addition, any portion of the drainage system installed underground which is located upstream from a grease trap or grease interceptor as well as the underground horizontal branch receiving the discharge there from shall not be less than 3-inch diameter.

H. Chapter 8, Indirect/Special Waste

1. Amend Section 802.1.1, Food Handling.

a. Equipment and fixtures utilized for the storage, preparation and handling of food shall discharge through an indirect waste pipe by means of an air gap. Food handling equipment includes, but is not limited to, the following: any sink where food is cleaned, peeled, cut up, rinsed, battered, defrosted or otherwise prepared or handled; potato peelers; ice cream dipper wells; refrigerators; freezers; walk-in coolers or freezers; ice boxes; ice making machines; fountain-type drink dispensers; rinse sinks; cooling or refrigerating coils; laundry washers; extractors; steam tables; steam kettles; egg boilers; coffee urns; steam jackets or other food handling or cooking equipment wherein the indirect waste pipe may come under a vacuum; or similar equipment.

I. Delete Section 918, Air Admittance Valves in its entirety and all referring sections of the 2015 IPC. In accordance with the requirements of Act 836 of the 2014 Regular Session, air admittance valves are prohibited from use on all plumbing systems.

J. Amend Chapter 10, Traps, Interceptors and Separators.

1. Amend Section 1003.2, Approval.

a. Interceptors and 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).

2. Add Section 1003.2.1, Grease Interceptor Sizing.

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. The minimum capacity 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.

i. Exception

(a). At the discretion of the 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 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 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; fats, oils and greases disposal system or automatic grease removal device shall be determined in accordance with the requirements of Section 1003.3.4 of this code. 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.

3. Amend Section 1003.3.4, Hydromechanical Grease Interceptors, Fats, Oils and Greases Disposal Systems and Automatic Grease Removal Devices.

a. When specifically allowed under the exception of Section 1003.2.1 of this code, hydromechanical grease interceptors; fats, oils, and greases disposal systems and automatic grease removal devices shall be sized in accordance with ASME A112.14.3, ASME A112.14.4, ASME A112.14.6, CSA B481.3 or PDI-G101. Hydromechanical grease interceptors; fats, oils, and grease disposal systems and automatic grease removal devices shall be designed and tested in accordance with ASME A112.14.3, ASME A112.14.4, CSA B481.1, PDI G101 or PDI G102. Hydromechanical grease interceptors; fats, oils, and greases disposal systems and automatic grease removal devices shall be installed in accordance with the manufacturer's instructions. Where manufacturer's instructions are not provided, hydromechanical grease interceptors; fats, oils, and greases disposal systems and automatic grease removal devices shall be installed in compliance with ASME A112.14.3, ASME A112.14.4, ASME A112.14.6, CSA B481.3 or PDI-G101.

4. Amend Section 1003.3.46, Gravity Grease Interceptors/Grease Traps.

a. Gravity grease interceptors shall comply with the requirements of Sections 1003.3.46.1 through 1003.3.46.8 and shall be sized in accordance with Section 1003.2.1 of this code.

5. Add Section 1003.3.6.1, 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.

6. Add Section 1003.3.6.2, 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.

7. Add Section 1003.3.6.3, 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.

8. Add Section 1003.3.6.4, Air Space.

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

9. Add Section 1003.3.6.5, 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.

10. Add Section 1003.3.6.6, Water Seal.

a. On unbaffled single compartment gravity grease interceptors, a 90 degree 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.

11. Add Section 1003.3.6.7, Minimum Horizontal Distance.

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

12. Add Section 1003.3.6.8, 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.

13. 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. Amend Chapter 11, Storm Drainage.

1. Amend Section 1101.3, Prohibited Drainage.

a. Storm water shall not be drained into sewers intended for sewage only.

i. Exception

(a). Liquid waste from the cleaning operation and from the leakage of garbage containers and dumpsters holding putrescible wastes shall be disposed of as sewage. Methods used for this disposal shall prevent rainwater and runoff from adjacent areas from entering the sanitary sewerage system (i.e., dumpster pads may be elevated or curbed, enclosed or covered). When determined by the code official that liquid wastes or putrescible wastes contain fats, oils or grease (or, for new establishments, will likely contain fats, oils, or grease in the future), an approved grease interceptor shall be installed in the waste line in accordance with Section 1003 of this code.

2. Delete Section 1103.1.

3. Delete Section 1103.2.

4. Delete Section 1103.3.

5. Delete Section 1103.4.

6. Delete Section 1109.1.

L. Amend Chapter 13, Gray Water Recycling Systems.

1. Amend Section 1301.4, Permits.

a. Permits shall be required for the construction, installation, alteration and repair of nonpotable water systems. Construction documents, engineering calculations, diagrams and other such data pertaining to the nonpotable water system shall be submitted with each permit application. Such plans and specifications shall be appropriately sealed and signed by a Louisiana registered professional engineer.

2. Amend Section 1301.5, Potable Water Connections.

a. Where a potable system is connected to a nonpotable water system, the potable water supply shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly.

3. Amend Section 1301.9.5, Makeup Water.

a. Where an uninterrupted supply is required for the intended application, potable or reclaimed water shall be provided as a source of makeup water for the storage tank. The makeup water supply shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly. A full-open valve located on the makeup water supply line to the storage tank shall be provided. Inlets to the storage tank shall be controlled by fill valves or other automatic supply valves installed to prevent the tank form overflowing and to prevent the water level from dropping below a predetermined point. Where makeup water is provided, the water level shall not be permitted to drop below the source water inlet or the intake of any attached pump.

M. Amend Chapter 15, Referenced Standards.

1. Amend CSA Referenced Standard.

a. B64.10-94 Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices (not including Part 6 (Maintenance and Field Testing) Section 608.16 and Section 618.2

N. Add Chapter 16, Travel Trailer and Mobile/Manufactured Home Parks.

1. Add the following definitions.

Dependent Travel Trailer—a travel trailer not equipped with a water closet.

Drain Hose—the approved type hose, flexible and easily detachable, used for connecting the drain outlet on a travel trailer to a sewer inlet connection.

Drain Outlet—the lowest end of the main drain of a travel trailer itself to which a drain hose is connected.

Independent Travel Trailer—a travel trailer equipped with a water closet and a bath or shower.

Inlet Coupling—the terminal end of the branch water line to which the mobile/manufactured home or travel trailer's water service connection is made. It may be a swivel fitting or threaded pipe end.

Intermediate Waste Holding Tank (travel trailers only)—an enclosed tank for the temporary retention of water-borne waste.

Mobile/Manufactured Home—a prefabricated home built on a permanent chassis which can be transported in one or more sections and is typically used as a permanent dwelling. Manufactured homes built since 1976 are built to the *Manufactured Home Construction and Safety Standards (HUD Code)* and display a HUD certification label on the exterior of each transportable section.

Park or *Mobile/Manufactured Home Park* or *Travel Trailer Park*—any lot, tract, parcel or plot of land upon which more than one travel trailer and/or mobile/manufactured homes parked for the temporary or permanent use of a person or persons for living, working or congregating.

Park Drainage System—the entire system of drainage piping within the park which is used to convey sewage or other wastes from the mobile/manufactured home or travel trailer drain outlet connection, beginning at its sewer inlet connection at the mobile/manufactured home or travel trailer site, to a community sewerage system, a commercial treatment facility, or an individual sewerage system.

Park Water Distribution System—all of the water distribution piping within the park, extending from the water supply system or other source of supply to, but not including, the mobile/manufactured home or travel trailer's water service connection, and including branch service lines, fixture devices, service buildings and appurtenances thereto.

Service Building—a building housing toilet and bathing facilities for men and women, with laundry facilities.

Sewer Inlet—a sewer pipe connection permanently provided at the travel trailer or mobile/manufactured home site which is designed to receive sewage when a travel trailer or a mobile/manufactured home is parked on such site. It is considered the upstream terminus of the park drainage system.

Travel Trailer—a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use.

Travel Trailer Sanitary Service Station—a sewage inlet with cover, surrounded by a concrete apron sloped inward to the drain, and watering facilities to permit periodic wash down of the immediately adjacent area, to be used as a disposal point for the contents of intermediate waste holding tanks of travel trailers.

Water Service Connection—as used in conjunction with mobile/manufactured homes and travel trailers, the water pipe connected between the inlet coupling of the park water distribution system and the water supply fitting provided on the mobile/manufactured home or travel trailer itself.

2. Add Section 1601, General.

a. Add Section 1601.1, Scope.

i. The requirements set forth in this Chapter shall apply specifically to all new travel trailer and mobile/manufactured home parks, and to additions to existing parks as herein defined, and are to provide minimum standards for sanitation and plumbing installation within these parks, for the accommodations, use and parking of travel trailers and/or mobile/manufactured homes.

b. Add Section 1601.2, Governing Provisions.

i. Other general provisions of this code shall govern the installation of plumbing systems in travel trailer and mobile/manufactured home parks, except where special conditions or construction are specifically defined in this Chapter.

c. Add Section 1601.3, Sewage Collection, Disposal, Treatment.

i. Travel trailers or mobile/manufactured homes shall not hereafter be parked in any park unless there are provided plumbing and sanitation facilities installed and maintained in conformity with this code. Every travel trailer and mobile/manufactured home shall provide a gastight and watertight connection for sewage disposal which shall be connected to an underground sewage collection system discharging into a community sewerage system, a commercial treatment facility, or an individual sewerage system which has been approved by the state health officer.

d. Add Section 1601.4, Travel Trailer Sanitary Service Station.

i. At least one travel trailer sanitary service station shall be provided in all travel trailer parks that accept any travel trailers having an intermediate waste holding tank. The water supply serving the sanitary service station shall be protected against backflow by a reduced pressure principle backflow prevention assembly meeting the requirements of Section 608 of this code.

e. Add Section 1601.5, Materials.

i. Unless otherwise provided for in this Chapter, all piping fixtures or devices used in the installation of drainage and water distribution systems for travel trailer parks and mobile/manufactured home parks shall conform to the quality and weights of materials prescribed by this code.

f. Add Section 1601.6, Installation.

i. Unless otherwise provided for in this Chapter, all plumbing fixtures, piping drains, appurtenances and appliances designed and used in the park drainage, water distribution system, and service connections shall be installed in conformance with the requirements of this code.

g. Add Section 1601.7, Maintenance.

i. All devices or safeguards required by this Chapter shall be maintained in good working order by the owner, operator, or lessee of the travel trailer park or his designated agent.

3. Add Section 1602, Service Buildings.

a. Add Section 1602.1, Service Buildings for Independent Travel Trailers.

i. Each travel trailer park which serves only independent travel trailers shall have at least one service building to provide necessary sanitation and laundry facilities. Each mobile/manufactured home park which also serves one or more independent travel trailers (in addition to mobile/manufactured homes) shall have at least one service building to provide necessary sanitation and laundry facilities. When a service building is required under this Section, it shall have a minimum of one water closet, one lavatory, one shower or bathtub for females and one water closet, one lavatory, and one shower or bathtub for males. In addition, at least one laundry tray or clothes washing machine and one drinking fountain located in a common area shall be provided.

(a). Exception

(i). Temporary (six months) travel trailers residing in mobile home parks and or where more than one travel trailer resides for the purpose of employment and or hardships, may be exempted by the local jurisdiction building official from section.

b. Add Section 1602.2, Service Building for Dependent Travel Trailers.

i. The service building(s) in travel trailer or mobile/manufactured home parks that also accommodate dependent travel trailers shall have a minimum of two water closets, one lavatory, one shower or bathtub for females, and one water closet, one lavatory, one urinal, and one shower or bathtub for males. In addition, at least one laundry tray or clothes washing machine and one drinking fountain located in a common area shall be provided. The above facilities are for a maximum of ten dependent travel trailers. For every ten

additional dependent travel trailers (or any fraction thereof) the following additional fixtures shall be provided: one laundry tray or clothes washing machine, one shower or bathtub for each sex, and one water closet for females. Also, one additional water closet for males shall be provided for every 15 additional dependent travel trailers (or any fraction thereof).

c. Add Section 1602.3, Service Building Design Requirements.

i. Each service building shall conform to Sections 1302.3.1 through 1302.3.3 of this code.

d. Add Section 1302.3.1, Construction.

i. Every service building shall be of permanent construction with an interior finish of moisture resistant material which will stand frequent washing and cleaning and the building shall be well-lighted and ventilated at all times.

e. Add Section 1602.3.2, Fixture Separation.

i. The laundry tray(s) and/or clothes washing machine(s) and drinking fountain(s) shall be located in a common area. None of these fixtures shall be located within any toilet room. Each water closet, tub and/or shower shall be in separate compartments with self-closing doors on all water closet compartments. The shower stall shall be a minimum of 3 x 3 feet (914 x 914 mm) in area, with a dressing compartment.

f. Add Section 1602.3.3, Floor Drains.

i. A minimum 2-inch floor drain protected by and approved trap primer shall be installed in each toilet room and laundry room.

4. Add Section 1603, Park Drainage System.

a. Add Section 1603.1, Separation of water and sewer lines.

i. The sewer main and sewer laterals shall be separated from the park water service and distribution system in accordance with Section 603.2 of this code.

b. Add Section 1603.2, Minimum Size Pipe.

i. The minimum size pipe in any mobile/manufactured home park or travel trailer park drainage system shall be 4 inches. This includes branch lines or sewer laterals to individual travel trailers and mobile/manufactured homes.

c. Add Section 1603.3, Fixture Units.

i. Each mobile/manufactured home and travel trailer shall be considered as 6 fixture units in determining discharge requirements in the design of park drainage and sewage disposal systems.

d. Add Section 1603.4, Sewage Disposal/Treatment.

i. The discharge of a park drainage system shall be connected to a community sewerage system. Where a community sewerage system is not available, an approved commercial treatment facility or individual sewerage system shall be installed in accord with the requirements of LAC 51:XIII (Sewage Disposal).

e. Add Section 1603.5, Manholes and Cleanouts.

i. Manholes and/or cleanouts shall be provided and constructed as required in Chapter 7 of this code. Manholes and/or cleanouts shall be accessible and brought to grade.

f. Add Section 1603.6, Sewer Inlets.

i. Sewer inlets shall be 4-inch diameter and extend above Grade (G) 3 to 6 inches (76 to 152 mm). Each inlet shall be provided with a gas-tight seal when connected to a travel trailer or mobile/manufactured home and have a gas-tight seal plug for use when not in service.

g. Add Section 1603.7, Drain Connections.

i. Drain connections shall slope continuously downward and form no traps. All pipe joints and connections shall be installed and maintained gastight and watertight.

h. Add Section 1603.8, Waste.

i. No sewage, waste water, or any other effluent shall be allowed to be deposited on the surface of the ground.

i. Add Section 1603.9, Testing the Park Drainage System.

i. Upon completion and before covering, the park drainage system shall be subjected to a static water test performed in accordance with Section 312 of this code.

5. Add Section 1604, Water Supply and Distribution System.

a. Add Section 1604.1, General.

i. Every mobile/manufactured home and travel trailer site shall be provided with an individual branch water service line delivering potable water.

b. Add Section 1604.2, Water Service Lines.

i. Water service lines to each travel trailer site shall be sized to provide a minimum of 8 gpm (0.505 L/s) at the point of connection with the trailer's water distribution system. Water service lines to each mobile/manufactured home site shall be sized to provide a minimum of 17 gpm (1.1 L/s) at the point of connection with the mobile/manufactured home's water distribution system. All water service lines shall be a minimum of 3/4 inch. A separate service shutoff valve shall be installed on each water service line. In instances where a backflow prevention device or assembly is installed on the water service line (see Section 608.16.23), the shutoff valve shall be located on the supply side of the device or assembly.

c. Add Section 1604.3, Water Service Connections.

i. The water service connection from the water service line to the mobile/manufactured home or travel trailer site shall be not less than 1/2-inch diameter.

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, Office of the State Fire Marshal, Uniform Construction Code Council, LR 42:1672 (October 2016), LR 44:81 (January 2018).

§113. International Fuel Gas Code (Formerly LAC 55:VI.301.A.6)

A. *International Fuel Gas Code* (IFCG), 2015 Edition, and the standards referenced in that code for regulation of construction within this state.

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 the State Fire Marshall, LR 41:2387 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:94 (January 2018).

§115. National Electric Code
(Formerly LAC 55:VI.301.A.7)

A. *National Electric Code* (NEC), 2014 Edition, and the standards referenced in that code for regulation of construction in this state.

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 the State Fire Marshall, LR 41:2387 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:95 (January 2018).

LTC Jason Starnes
Chief Administrative Officer

1801#042

RULE

Department of Public Safety and Corrections
Office of State Police

Breath and Blood Alcohol Analysis Methods and Techniques and Collection, Submission, Receipt, Identification, Storage and Disposal of DNA Samples
(LAC 55:I.Chapters 5 and 27)

In accordance with the provisions of R.S. 32:663 relative to the authority of Louisiana Department of Public Safety to promulgate and enforce rules pursuant to approval of testing methods, the Louisiana Department of Public Safety, Louisiana State Police has amended rules under LAC 55:I.553, 555, 557, 559, 563, 579 and 581 in relation to breath and blood alcohol analysis to remove individual instrument and analyst certification and responsibility of crime lab certification from the Louisiana State Police crime lab because now all crime labs are accredited and the certification program is no longer necessary. It also removes individual certification, adds two blood alcohol instruments to approved methods, removes specific blood collection kit manufacturers and item numbers, allows testing kits to be stored at room temperature or under refrigeration, removes written approval for permitted crime lab procedures, removes certification applications to Louisiana State Police, removes requirement of test samples, removes housing proficiency testing records at Louisiana State Police crime lab, removes individual certifications for analysts, and addresses the storage duration. Also to amend rules under LAC 55:I.2702, 2703, 2721, 2722, and 2725 in relation to collection of DNA samples adding a definition, allows the use of an AFIS printout, allows for DDIC completion, provides collections be obtained in accordance with kit instructions, and provides for a specimen envelope. Modification is needed to these rules to keep up with overall processing changes in the AFIS booking process. It clarifies the different DNA collection processes for arrestees and convicted offenders.

Title 55
PUBLIC SAFETY
Part I. State Police
Chapter 5. Breath and Blood Alcohol Analysis Methods and Techniques
Subchapter B. Analysis of Blood
§553. Certification; Renewal of Certification; Suspension, Revocation or Cancellation

A. - C. …

D. All persons deemed qualified to conduct blood alcohol analysis by their respective laboratory when that laboratory has been accredited and permitted in blood alcohol analysis by the terms set forth in the Louisiana statutory criminal law and procedure, R.S. 32:663, are not required to seek individual certification.

E. Failure to adhere to any of the rules and regulations set forth herein upon establishment of said failure may result in suspension, revocation or cancellation of the certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 6:660 (November 1980), amended by the Department of Public Safety and Corrections, Office of State Police, LR 11:259 (March 1985), LR 14:360 (June 1988), LR 17:675 (July 1991), repromulgated LR 17:798 (August 1991), amended LR 44:95 (January 2018).

§555. Certified Techniques of Analyst

A. - B.1. …

2. gas chromatography—direct injection with internal standard;

3. gas chromatography/mass spectrometry-headspace sampling with internal standard;

4. gas chromatography/mass spectrometry-direct injection with internal standard.

C. - F.4. …

G. Blood drawn for the purposes of determining the alcoholic content therein shall have been taken with the contents of a sealed blood collection kit approved by the Louisiana State Police crime laboratory. Such kits will be made available to all law enforcement agencies by the Louisiana State Police.

1. All kits approved by the Louisiana State Police crime laboratory contain the necessary preservative to insure stability of the sample as provided by the manufacturer and contain no ethyl alcohol. Each approved kit must be manufactured specifically for blood alcohol determinations in living or post-mortem subjects.

2. Following analysis, the evidence will be stored for a period of one year at room temperature or under refrigeration by either the testing facility or the submitting agency and then may be destroyed. Evidence collected subsequent to law enforcement investigations and/or search warrant executions are subject to the aforementioned storage period and destruction policy. Additional storage duration and/or destruction criteria may be implemented by the testing facility or submitting agency.

3. …

H. Each laboratory performing blood alcohol analysis must either be permitted by terms set forth in the Louisiana statutory criminal law and procedure, R.S. 32:663, or submit to the Louisiana State Police crime laboratory for approval of written procedures with regard to the following minimum standards.

1. Analysis must be performed on a gas chromatograph with or without a mass spectrometer.

2. - 3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 6:663 (November 1980), amended by the Department of Public Safety and Corrections, Office of State Police, LR 11:259 (March 1985), LR 14:360 (June 1988), LR 17:675 (July 1991), repromulgated LR 17:798 (August 1991), amended LR 26:2624 (November 2000), LR 37:1416 (May 2011), LR 44:95 (January 2018).

§557. Maintenance, Repair and Inspection

A. Maintenance, repair and inspection of a gas chromatograph with or without a mass spectrometer may be performed by certified blood alcohol analysts. This may include but not be limited to cleaning, replacing septums, changing columns, checking gases and flow rates, checking "O" rings and air filters, adjusting temperature settings and any other routine checks that are deemed necessary for accurate performance. A certified blood alcohol analyst may perform diagnostic testing, as instructed by a service engineer from the manufacturer. Following each maintenance or repair, inspection of the instrument shall include running a known alcohol standard to insure that the instrument is in proper working order. The gas chromatograph shall be inspected and certified by the department at least every 180 days and the certificate issued shall be proof as to the certification and accuracy of the instrument unless the laboratory is permitted by the terms set forth in the Louisiana statutory criminal law and procedure, R.S. 32:663. A log shall be maintained on each gas chromatograph and all inspections and certifications noted therein.

B. - C. …

D. the department shall formulate a program for the inspection and certification of all gas chromotographs with or without a mass spectrometer being used for blood alcohol analyses in this state by laboratories not permitted by terms set forth in the Louisiana statutory criminal law and procedure, R.S. 32:663. The completion of the initial inspection and certification shall be on or before January 20, 1992; however, the lack of certification prior to January 20, 1992 shall not be grounds for the disqualification of the accuracy or authenticity of the results obtained from the use of any such gas chromatograph with or without a mass spectrometer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14:361 (June 1988), amended LR 17:676 (July 1991), repromulgated LR 17:799 (August 1991), amended LR 44:96 (January 2018).

§559. Certification Testing

A. Certification testing is not required for any persons deemed qualified to conduct blood alcohol analysis by their respective laboratory when the laboratory has been accredited and permitted in blood alcohol analysis by the terms set forth in the Louisiana statutory criminal law and procedure, R.S. 32:663.

B. An applicant for certification to perform blood alcohol analysis shall submit for certification testing conducted by the Louisiana State Police crime laboratory.

1. Applicant shall perform analysis on four unknown samples of whole blood at least three of which shall contain ethyl alcohol percentages of between 0.01 grams and 0.40 grams percent. The fourth sample may contain ethyl alcohol within previously stated values, other volatile compounds or a sample free of any volatile compounds.

2. If samples are prepared in-house, the stock solution used to prepare certification testing shall be from a sealed bottle of 200 proof pure anhydrous grade ethyl alcohol diluted to a concentration of 5g/100ml with deionized water. This will then be diluted further with alcohol-free blood to obtain concentrations within the range listed in the previous Section.

3. A sample of each unknown shall be tested and retained by the Louisiana State Police crime laboratory until applicant is certified.

4. The samples will then be sent to each applicant for alcohol analysis.

5. In lieu of Paragraphs 2-4, the applicant may utilize unknown samples purchased from an approved proficiency test provider. The individual laboratory shall possess approval criteria based on their individual laboratory's accreditation requirements.

6. The applicant shall submit the results of analysis, the completed application, the procedure used for analysis, and all paperwork generated in the process of determining the blood alcohol values to the Louisiana State Police crime laboratory.

7. Results must be within a value of +10 percent of known values. In addition, paperwork will be reviewed to determine that all procedures were in compliance with these rules and regulations.

8. After review of all paperwork and if results are within accepted ranges, the applicant will be certified as a blood alcohol analyst and will be issued a blood alcohol analyst certificate. This certificate will be valid for a period of two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14:361

(June 1988), amended LR 17:676 (July 1991), repromulgated LR 17:799 (August 1991), amended LR 44:96 (January 2018).

§563. Proficiency Testing

A. Each laboratory providing blood alcohol analysis is to participate in a regional or national proficiency testing program at least twice a year or a proficiency testing program conducted by the State Police crime laboratory, which participation shall be certified for each such laboratory. A copy of the results shall either be forwarded to the State Police crime laboratory in Baton Rouge, Louisiana within 30 days of receipt by each laboratory or be retained in the proficiency test records for each authorized person by their respective laboratory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14:361 (June 1988), amended LR 17:677 (July 1991), repromulgated LR 17:800 (August 1991), amended LR 44:97 (January 2018).

Subchapter C. Analysis of Blood and Urine for Controlled Dangerous Substances

§579. Certification

A. - C. …

D. All persons deemed authorized to conduct toxicological analysis on bodily fluids by their respective laboratory when that laboratory has been accredited and permitted in toxicological analysis by the terms set forth in the Louisiana statutory criminal law and procedure, R.S. 32:663, are not required to seek individual certification.

E. Failure to adhere to any of the rules and regulations set forth herein or to maintain any qualification, as determined by the director of the crime laboratory, may result in suspension, revocation, or cancellation of the certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:2625 (November 2000), amended LR 44:97 (January 2018).

§581. Receiving and Sampling of Evidence

A. Evidence submitted for toxicological examination shall be labeled for identification, securely sealed, and submitted in a container appropriate for shipping and maintaining security. They shall have been taken with the contents of a blood and/or urine collection kit approved by the Louisiana State Police crime laboratory. Such kits shall be made available to all law enforcement agencies through the Louisiana State Police.

B. - D. …

E. Following analysis, the evidence will be stored for a period of one year under refrigeration either at the testing facility or by the submitting agency. After the one-year storage period, the evidence may be destroyed. Evidence collected subsequent to law enforcement investigations and/or search warrant executions are subject to the aforementioned storage period and destruction policy. Additional storage duration and/or destruction criteria may be implemented by the testing facility or submitting agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:2625 (November 2000), amended LR 37:1416 (May 2011), LR 44:97 (January 2018).

Chapter 27. Collection, Submission, Receipt, Identification, Storage and Disposal of DNA Samples

Subchapter A. Collection of DNA Samples

§2702. Definitions

* * *

Biological Sample—biological evidence of any nature that is utilized to conduct DNA analysis.

CAJUN—the Corrections and Justice Unified Network operated by the Department of Public Safety and Corrections.

* * *

DNA Database—the DNA identification record system maintained and administered by the state CODIS administrator.

* * *

DNA Database Buccal Collection Kit—the kit approved by the department for the collection of DNA buccal samples.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:205 (February 2001), repromulgated LR 27:1701 (October 2001), amended LR 37:1417 (May 2011), LR 44:97 (January 2018).

§2703. Collection, Submission, and Identification of DNA Samples for Convicted Offenders

A. - A.3. …

4. The collector may utilize an AFIS printout (livescan generated), which contains the identifying information of the convicted offender when obtaining a sample.

5. In the event that a manual collection is completed (non-livescan process), the collector shall complete the DDIC which contains the identifying information of the collected offender when obtaining a sample. All information shall be provided. Printed name, date and signature of the person collecting the sample are required. A fingerprint is obtained as positive identification of the offender. Samples submitted with incomplete information may require recollection.

6. Biological samples shall be obtained according to the instructions contained in the kit.

7. The specimen envelope containing the biological sample and the DDIC or AFIS printout shall be placed in the mailing envelope provided. The mailing envelope flap shall be sealed.

8. If a blood collection kit is used, finger stick blood samples shall be obtained using recognized and approved medical procedures.

9. In the event a convicted offender resists the taking of the DNA sample and the collector may use reasonable force in accordance with R.S. 15:601-620, the collector may collect any type of biological sample approved by the Louisiana State Police crime laboratory. The following types of biological sample collections are hereby approved for these instances:

i. blood stain from finger prick on FTA card;

ii. buccal swab;

iii. phlebotomy draw.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:206

(February 2001), repromulgated LR 27:1702 (October 2001), amended LR 30:271 (February 2004), LR 37:1418 (May 2011), LR 44:97 (January 2018).

§2705. Record Keeping of DNA Samples for Convicted Offenders

A. The individual who collects each DNA sample for a submitting agency shall complete a list of every DNA sample collected for each day of collection. Any failed attempts to collect blood from an offender and the reason for the failure (e.g., refusal of offender to submit, failure to keep scheduled appointment) shall also be indicated. The list will include the following information: the kit number, the offender's name, the name of the person collecting the sample and the submitting agency together with any additional data which the crime laboratory deems necessary. This information shall be retained for record within a designated area at the submitting agency location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:207 (February 2001), repromulgated LR 27:1703 (October 2001), amended LR 30:271 (February 2004), LR 37:1419 (May 2011), LR 44:98 (January 2018).

Subchapter B. Arrestees

§2721. Definitions

* * *

DNA Database—the DNA identification record system maintained and administered by the state CODIS administrator.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 28:2369 (November 2002), amended LR 37:1419 (May 2011), LR 44:98 (January 2018).

§2722. Collection, Submission, and Identification of DNA Samples for Arrestees

A. - A.4.d. …

5. In the event that a manual collection form is used, all information shall be provided. Printed name, date and signature of the person collecting the sample is required. A fingerprint is obtained as positive identification of the offender. Samples submitted with incomplete information may require recollection.

6. Buccal biological samples shall be obtained according to the instructions contained in the kit.

7. The specimen envelope containing the biological sample and the AFIS printout shall be placed in the mailing envelope provided. The mailing envelope flap shall be sealed.

8. In the event an arrestee resists the taking of the DNA sample, the collector may use reasonable force in accordance with R.S. 15:601-620.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 28:2369 (November 2002), amended LR 37:1419 (May 2011), LR 44:98 (January 2018).

§2725. Record Keeping of DNA Samples for Arrestees

A. The individual who collects each DNA sample for a submitting agency shall complete a list of every DNA sample collected for each day of collection. Any failed attempts to collect a sample from an arrestee and the reason for the failure (e.g., refusal of arrestee to submit) shall also be indicated. The list will include the following information: the kit number, the arrestee's name, the name of the person collecting the sample and the submitting agency together with any additional data which the crime laboratory deems necessary. This information shall be retained for record within a designated area at the submitting agency location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 28:2370 (November 2002), amended LR 30:271 (February 2004), LR 37:1420 (May 2011), LR 44:98 (January 2018).

Jason Starnes
Chief Administrative Officer

1801#021

RULE

Department of Revenue
Policy Services Division

Criminal History Record Checks for Access to Federal Tax Information (LAC 61:I.103)

Under the authority of and in accordance with R.S. 15:587.5, 47:1504.1, 47:1511, and the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division has adopted LAC 61:I.103 to provide for the principles and procedures to be utilized in the fingerprinting and criminal history record checks of current and prospective employees, contractors and subcontractors with access to federal tax information. Fingerprinting and criminal history record checks have been mandated by Act 147 of the 2017 Regular Session, which is now R.S. 15:587.5.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 1. Office of the Secretary

§103. Criminal History Records Checks for Access to Federal Tax Information

A. Introduction and Purpose

1. Safeguarding federal tax information (FTI) is critically important to the continuous protection of taxpayer confidentiality as required by the IRS statute found at 26 USCS 6103(p)(4) and its supplemental publication 1075. The Department of Revenue will conduct fingerprinting, along with national, state and local criminal history record checks on all individuals handling and those who may handle FTI in order to ensure the Department of Revenue is making a complete effort to protect the sensitive information of all taxpayers and complying with federal confidentiality laws and background investigation standards. The criminal history record checks will be used to determine the suitability of individuals to access FTI in performance of their job duties or services for the Department of Revenue. In determining suitability, the Department of Revenue will use information obtained through the criminal history record

check to identify trends of behavior that may not rise to the criteria for reporting to the FBI or state database, but are a good source of information about the individual.

B. Applicability

1. This regulation applies to all current employees, prospective employees, contractors and subcontractors of the Department of Revenue.

C. Definitions

Criminal History Record Check—a review of an individual's criminal history on the national level through the use of fingerprints sent to the Federal Bureau of Investigation (FBI), the state level, through the use of fingerprints sent to the Louisiana Bureau of Criminal Identification and Information and the local level, through various local law enforcement agencies.

Department—the Louisiana Department of Revenue.

Federal Tax Information (*FTI*)—consists of federal tax returns and return information (and information derived from it) that is in the department's possession or control which is covered by the confidentiality protections of the *Internal Revenue Code* and subject to its safeguarding requirements, including IRS oversight.

FTI Suitable (no reports)—an employee, contractor or subcontractor who is suitable to access federal tax information in the performance of his duties, function or service at the department.

FTI Suitable (with reports)—an employee, contractor or subcontractor where information was received during the criminal history record check process that indicated there were criminal cases, convictions, arrests or serious misconduct but a determination was made based upon compelling reasons, to allow access to FTI in the performance of his duties, function or service at the department.

FTI Unsuitable—an employee, contractor or subcontractor who is not suitable to access federal tax information in the performance of his duties, function or service at the department.

D. General Provisions for Criminal History Record Checks

1. Every current employee, prospective employee, contractor or subcontractor identified as having or who will have access to FTI, shall sign a written authorization to have the fingerprinting and criminal history record check performed.

2. Criminal history record checks will include, at minimum, a national check through the use of fingerprints that are sent to the FBI, a state check, through the use of fingerprints sent to the Louisiana Bureau of Criminal Identification and Information along with a local check, through various local law enforcement agencies.

3. Criminal history record checks will be completed, at minimum, every 10 years.

4. Criminal history record checks will only be done on prospective employees after a conditional offer of employment is signed by the prospective employee.

5. Background checks on prospective contractors must be done prior to the contractor beginning work on the contract.

E. Suitability Standards

1. Whether a current or prospective employee, contractor or subcontractor is deemed to be "FTI suitable (no reports)," "FTI suitable (with reports)," or "FTI unsuitable" is determined by the factors contained in the following table.

Designation	Criminal History Record Check Results
FTI Suitable (No Reports)	No reports of open criminal cases, convictions, arrests or serious misconduct
FTI Suitable (With Reports)	• No reports of open criminal cases, convictions, arrests or serious misconduct with relevance to the duties of the position or access to FTI • Reports of open criminal cases, convictions, arrests or serious misconduct relevant to the duties of the position or access to FTI; but, compelling mitigating documentation has been provided • Reports of criminal cases, convictions, arrests or serious misconduct that occurred 10 or more years prior to the date of the criminal history record check - The criminal case, conviction, arrest or serious misconduct cannot be one or of the nature discussed in the FTI Unsuitable category. - The current or prospective employee, contractor and/or subcontractor shall submit a detailed explanation. - The detailed explanation will be reviewed to determine FTI suitability.
FTI Unsuitable	Reports of criminal cases, convictions, arrests or serious misconduct that includes but is not limited to: • Misappropriation Crimes* • Computer Related Crimes* • Offenses Affecting Organized Government, subparts B through F* • Tax, Alcohol Beverage, Tobacco or Charitable Gaming offenses where the federal or state statute exposes the offender to a penalty of imprisonment, with or without hard labor - The asterisk (*) indicates a specific category of various related crimes that are listed in Title 14 of the Louisiana Revised Statutes. - Compelling or mitigating documentation must be provided to show the offense is irrelevant to FTI suitability.

2. Any criminal history record check that does not result in a determination of FTI suitable (no reports) will be reviewed on a case by case basis.

3. The case by case assessment of all open criminal cases, convictions, arrests, or reports of misconduct shall take into consideration all the items/factors below:

a. the nature of the offense;

b. the relation of the offense to the duties of the employee, contractor or subcontractor;

c. any aggravating or mitigating circumstances, including the passage of time; and

d. any evidence of rehabilitation of the subject or the lack thereof.

F. Impact of Suitability Determination

1. Prospective and current employees as well as contractors and subcontractors who have been deemed FTI suitable (no reports) or FTI suitable (with reports) will be able to exercise one of the options below that is applicable to their status:

a. continue to or be allowed to access FTI in the performance of job duties;

b. continue to or be allowed to access FTI in the performance of job duties with special restrictions or caveats; or

c. be considered for a vacant position with FTI access.

2. If a current or prospective employee, contractor or subcontractor has been deemed FTI unsuitable, the department will exercise one of the options below:

a. access or use of FTI will immediately be denied, suspended or prevented;

b. the job offer may be rescinded;

c. the contract may be terminated; or

d. the contractor or subcontractor's employee may be removed or prohibited from performing work on the contract.

3. A determination of FTI unsuitable may be appealed using the procedures outlined in Subsection G of this Section.

4. A successful appeal is the only mechanism in which the impact of a FTI unsuitable determination can be avoided.

G. Appeal Procedures

1. In the event the criminal history record check reveals information that leads to a determination of FTI unsuitable for a current or prospective department employee, contractor or subcontractor, the impacted person will be notified. This notification will also inform the impacted person of their right to challenge the accuracy of the criminal history record check.

2. The impacted person will have 30 days to present documentation to refute or mitigate the determination.

3. The department will review the documentation and notify the impacted person of its determination. The department may also use this information to request a new or updated criminal history record check, if allowed by the national, state and/or local law enforcement agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.5, R.S. 47:1504.1 and R.S. 47:1511

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 44:98 (January 2018).

Kimberly Lewis Robinson
Secretary

1801#040

RULE

Department of Wildlife and Fisheries
Office of Fisheries
and
Wildlife and Fisheries Commission

Removal of Abandoned Crab Traps (LAC 76:VII.367)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:322(N), the Wildlife and Fisheries Commission has amended LAC 76:VII.367 to temporarily close a portion of state inside waters to the use of crab traps in order to facilitate the removal of abandoned crab traps in these waters.

The Wildlife and Fisheries Commission has amended the provisions in LAC 76:VII.367 governing the locations of temporary crab trap closures to address problems in portions of state waters resulting from large numbers of abandoned and derelict crab traps (*Louisiana Register*: Volume 30, Number 1; Volume 31, Number 1; Volume 32, Number 2; Volume 33, Number 1; Volume 34, Number 1; Volume 36; Number 1; Volume 38, Number 1; Volume 38, Number 12; Volume 40, Number 1; Volume 41, Number 1; Volume 42, Number 1; Volume 42, Number 12). The Wildlife and Fisheries Commission amends the provisions to describe a new portion of state waters to be temporarily closed to the use of crab traps for the purpose of conducting a crab trap cleanup.

Title 76
WILDLIFE AND FISHERIES
Part VII. Fish and Other Aquatic Life
Chapter 3. Saltwater Sport and Commercial Fishery
§367. Removal of Abandoned Crab Traps

A. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 1, 2018 through 11:59 p.m. February 14, 2018 within portions of Plaquemines and Jefferson Parishes as described below:

1. from a point originating on the western boundary of the Barataria Waterway (latitude 29 degrees 34' 54.52" north, longitude 90 degrees 3' 41.24" west), thence easterly to the intersection of Highway 23 and Reddick Lane (latitude 29 degrees 34' 53.36" north, longitude 89 degrees 49' 38.29" west), thence southerly on Highway 23 to the intersection of Caroline Avenue and Highway 23, thence southwesterly to a point where Little Pass and the southern bank of the Freeport Sulphur Canal intersect (latitude 29 degrees 27' 19.15" north, longitude 89 degrees 42' 25.96" west), thence southwesterly following the southern bank of the Freeport Sulphur Canal to a point located at latitude 29 degrees 23' 51.08" north, longitude 89 degrees 46' 30.00" west, thence westerly to a point located on the western shore of the Barataria Waterway at latitude 29 degrees 24' 17.19" north, longitude 89 degrees 59' 24.00" west, thence northerly following the western shore of the Barataria Waterway and terminating at the origin.

B. The use of crab traps shall be prohibited for a 10-day period from 12 a.m. February 1, 2018 through 11:59 p.m. February 10, 2018 within the parishes of St. John the Baptist, St. Charles, Jefferson Parish, St. Tammany, as described below:

1. from a point of origin where I-55 intersects Pass Manchac (latitude 30 degrees 17' 7.08" north, longitude 90 degrees 24' 6.07" west), thence easterly following the northern bank of Pass Manchac to the point where Pass Manchac exits at the northwest bank of Lake Pontchartrain, thence northerly following the bank of Lake Pontchartrain to the south bound lane of the Lake Pontchartrain Causeway (latitude 30 degrees 21' 51.75" north, longitude 90 degrees 5' 38.59" west), thence southerly to a point where the Lake Pontchartrain Causeway crosses the Lakefront Trail located at latitude 30 degrees 1' 10.06" north, longitude 90 degrees 9' 17.28" west, thence westerly following the Lakefront Trail along the south bank of Lake Pontchartrain until it intersects the Duncan Canal (latitude 30 degrees 2' 50.56" north, longitude 90 degrees 16' 45.21" west), thence westerly past the Duncan Canal continuing to follow the south bank of Lake Pontchartrain to a point where I-10 passes over the southern bank of Lake Pontchartrain (latitude 30 degrees 3' 21.43" north, longitude 90 degrees 22' 17.79" west), thence

westerly on I-10 to the intersection of I-55, thence northerly on I-55 and terminating at the origin.

C. The use of crab traps shall be prohibited for a 10-day period from 12 a.m. February 16, 2018 through 11:59 p.m. February 25, 2018 to coincide with the Texas closure of Sabine Lake. This closure will take place within that portion of Cameron Parish as described below:

1. from a point originating from the intersection of the southern side of LA Highway 82 and the eastern shore of Sabine Lake, thence northerly along the eastern shoreline of Sabine Lake to its intersection with East Pass, thence due north to Sabine Island, thence westerly along the southern shoreline of Sabine Island to its westward most point, thence due west to the Texas state line, thence southerly along the Louisiana/Texas state line to its intersection with LA Highway 82, thence easterly along the southern side of LA Highway 82 and terminating at its origin.

D. The use of crab traps shall be prohibited for a 16-day period from 12 a.m. February 16, 2018 through 11:59 p.m. March 3, 2018 within St. Bernard Parish as described below:

1. from a point of origin located at the most northeastern corner of Proctor Point in Lake Borgne (latitude 29 degrees 56' 47.47" north, longitude 89 degrees 42' 54.25" west), thence easterly to the most northwestern point in Lake Eugenie (latitude 29 degrees 55' 42.99" north, longitude 89 degrees 26' 32.41" west), thence southerly past Coon Nest Island to a point located on the western bank of the Mississippi River Gulf Outlet (MRGO) (latitude 29 degrees 42' 29.25" north, longitude 89 degrees 26' 16.56" west), thence northwesterly following the western bank of the MRGO to the intersection of Bayou La Loutre, thence westerly following the southern bank of Bayou La Loutre until Bayou La Loutre intersects with and the Shell Beach Cut (latitude 29 degrees 50' 28.27" north, longitude 89 degrees 41' 23.38" west), thence following the western bank of the Shell Beach cut northerly to its entry point at Lake Borgne (latitude 29 degrees 51' 54.53" north, longitude 89 degrees 40' 32.52" west), thence westerly following the southern bank of Lake Borgne as it makes its northern turn at Proctor Point and terminating at the origin.

E. The use of crab traps shall be prohibited for a 16-day period from 12 a.m. March 4, 2018 through 11:59 p.m. March 19, 2018 within those portions of Jefferson and Plaquemines Parishes as described below:

1. from a point located where Bayou La Loutre crosses under Highway 300 (latitude 29 degrees 50' 40.41" north, longitude 89 degrees 45' 32.18" west), thence southerly on Highway 300 to Sweetwater Marina in Delacroix, thence southerly following the western bank of Bayou Terre aux Boeufs to its point of exit into Black Bay (latitude 29 degrees 39' 14.73" north, longitude 89 degrees 32' 54.19" west), thence southeasterly to a point located at the southern tip of Mozambique Point (latitude 29 degrees 38' 2.27" north, longitude 89 degrees 30' 2.80" west), thence easterly to a point located on the western bank of the MRGO, across from Grace Point (latitude 29 degrees 41' 1.11" north, longitude 89 degrees 24' 2.54" west), thence northwesterly following the western bank of the MRGO to the intersection of Bayou La Loutre, thence westerly following the northern bank of Bayou La Loutre and terminating at the origin.

F. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. March 16, 2018 through 11:59 p.m. March 29, 2018 within that portion of Terrebonne Parish as described below:

1. from a point originating from the intersection of LA Highway 57 and Dulac Canal, thence easterly along LA Highway 57 to its intersection with LA 56, thence due east to the western shoreline of Bayou Little Caillou, thence northerly along the western shoreline of Bayou Little Caillou to its intersection with Lapeyrouse Canal, thence easterly along the northern shoreline of Lapeyrouse Canal to its intersection with Bayou Terrebonne, thence southerly along the eastern shoreline of Bayou Terrebonne to its intersection with Seabreeze Pass, thence southwesterly to channel marker number 17 of the Houma Navigation Canal (latitude 29 degrees 11' 11.3" north, longitude 90 degrees 36' 44.5" west), thence southwesterly to the northern most point on Pass la Poule Island (latitude 29 degrees 08' 33.5" north, longitude 90 degrees 39' 01.3" west), thence westerly to Bayou Sale channel marker (latitude 29 degrees 06' 31.8" north, longitude 90 degrees 44' 34.2" west), thence northerly to the western shoreline of Bayou Sale, thence northerly along the western shoreline of Bayou Sale to its intersection with Four Point Bayou, thence northerly along the western shoreline of Four Point Bayou to its intersection with the Houma Navigation Canal, thence northerly along the western shoreline of the Houma Navigation Canal to its intersection with Bayou Grand Caillou, thence northerly along the western shoreline of Bayou Grand Caillou to its intersection with Dulac Canal, thence easterly along the northern shoreline of Dulac Canal and terminating at its origin.

G. The use of crab traps shall be prohibited for a 14-day period beginning at 12 a.m. on March 18, 2018 and end on March 31, 2018 at 11:59 p.m. for portions located in Iberia and St. Mary Parishes as described below:

1. from a point originating from the intersection of the Gulf Intracoastal Waterway and the Acadiana Navigational Channel, thence southwesterly along the Acadiana Navigational Channel red buoy line to the red navigational marker number 12 on the Marsh Island shoreline near Southwest Pass, thence easterly along the northern shoreline of Marsh Island to longitude 91 degrees 43’ 00” west, thence north along longitude 91 degrees 43’ 00” west to the shoreline of West Cote Blanche Bay, thence westerly along the northern shoreline of West Cote Blanche Bay to its intersection with the Ivanhoe Canal, thence northerly along the eastern shoreline of the Ivanhoe Canal to its intersection with the Gulf Intracoastal Waterway, thence westerly along the northern shoreline of the Gulf Intracoastal Waterway and terminating at the origin.

H. All crab traps remaining in the closed area during the specified period shall be considered abandoned. These trap removal regulations do not provide authorization for access to private property; authorization to access private property can only be provided by individual landowners. Crab traps may be removed only between one-half hour before sunrise to one-half hour after sunset. Department of Wildlife and Fisheries personnel or its designees are authorized to remove these abandoned crab traps within the closed area. All traps removed during a closed area are to be brought to the

designated disposal area. No person removing crab traps from the designated closed areas during the closure periods shall possess these traps outside of the closed area. The Wildlife and Fisheries Commission authorizes the secretary of the Department of Wildlife and Fisheries to designate disposal sites.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(N).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 30:101 (January 2004), amended LR 31:108 (January 2005), LR 32:266 (February 2006), LR 33:113 (January 2007), LR 34:97 (January 2008), LR 36:77 (January, 2010), LR 38:146 (January 2012), LR 38:3250 (December 2012), LR 40:96 (January 2014), LR 41:155 (January 2015), LR 42:70 (January 2016), amended by the Department of Wildlife and Fisheries, Office of Fisheries and the Wildlife and Fisheries Commission LR 42:2196 (December 2016), LR 44:100 (January 2018).

Jack Montoucet
Secretary

1801#052

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Blue Crab Harvest—Female Crabs (LAC 76:VII.346)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:6(25)(a), the Wildlife and Fisheries Commission has amended the blue crab harvest regulations. The changes address the current state of the stock of blue crab and still allow a limited harvest during March and April without having a full closure of the fishery.

Title 76
WILDLIFE AND FISHERIES
Part VII. Fish and Other Aquatic Life
Chapter 3. Saltwater Sport and Commercial Fishery
§346. Restriction of Mature and Immature Female Blue Crab Harvest

A. The commercial harvest of female blue crabs is prohibited during the months of March and April for the years 2018 and 2019.

B. - C. …

D. However, a legally licensed commercial crab fisherman may have in his possession an incidental take of immature female crabs, and/or mature female blue crabs during the prohibited months, in an amount not to exceed 2 percent of the total number of crabs in his possession.

1. To determine whether the total number of crabs in possession violates this Subsection, the enforcement agent shall take:
   a. a random sample of 50 crabs from each crate; or
   b. group of crabs equivalent to one crate.
2. If more than 2 percent of the crabs in that 50-crab random sample are immature female crabs, and/or mature female crabs during the prohibited months, the entire number of crabs in that crate or group of crabs equivalent to one crate shall be considered to be in violation.

E. - G. …

AUTHORITY NOTE: Promulgated in accordance with R.S.56:6(25) (a), R.S. 56:8, R.S. 56:32, R.S. 56:56(A)(5), R.S. 56:320(B)(3), R.S. 56:326(A)(2), R.S. 56:315, R.S. 56:332(E)(1) and R.S. 56:355.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 42:1962 (November 2016), amended LR 44:102 (January 2018).

Jack Montoucet
Secretary

1801#051

RULE

Workforce Commission
Office of Workers' Compensation Administration

Fees and Forms (LAC 40:I.Chapter 66 and 40:III.501)

The Louisiana Workforce Commission has amended certain portions of the *Louisiana Administrative Code*, Title 40, *Labor and Employment*, Part I, Workers' Compensation Administration, Subpart 3, Hearing Rules, Chapter 66, as well as Part III, Workers' Compensation Second Injury Board, Chapter 5, regarding fees and forms. 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).

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 of or final judgment in the docket number, or on demand by the clerk:

1. filing of LWC-WC-1008—$50;
2. filing of LWC-WC-1011 when no LWC-WC-1008 for the same parties, same accident, and same issue(s) is pending—$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 per page;
6. filing by facsimile or electronic transmission—$5 transmission fee per hearing rule, §5701.C.1.c, in addition to $5 for the first 5 pages and $2.50 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—$8 per service;
9. subpoenas/subpoenas *duces tecum*—$5;
10. privilege of litigating without prior payment of costs.
    a. If a requestor is unable to pay the costs of court in advance because of his or her poverty and lack of means, the requestor shall fully execute an *in forma pauperis*

request on the LWC request for waiver of advance costs form, and file the form with the Office of Workers' Compensation Administration. If the form is deemed proper and the relief sought appropriate, a workers' compensation judge shall execute the pauper order, and the filing fee will not be due in advance or as they accrue. If the request is denied by a workers' compensation judge, all costs shall be pre-paid in full before any documents may be filed.

b. In the event any person seeks to prosecute a suit in a workers' compensation court while incarcerated or imprisoned for the commission of a felony without paying the costs in advance as they accrue or furnishing security thereof, the court shall require such person to advance costs in accordance with *Louisiana Code of Civil Procedure*, article 5181(B) and (C).

B. The Office of Workers' Compensation Administration shall be entitled to demand and receive the following fees which shall be pre-paid in full before any records are produced, unless otherwise ordered by a workers' compensation judge or otherwise provided by law:

1. record request—$25 per request per docket number;

2. certification fee—$25 per request per docket number;

3. if a requestor is indigent and seeks to have the fee waived, the requestor shall fully execute an *in forma pauperis* request on the LWC request for waiver of advance costs form, and file the form with the Office of Workers' Compensation Administration. If the form is deemed proper and the relief sought appropriate, a workers' compensation judge shall execute the pauper order, and the records request will be produced without pre-payment. If the request is denied by a workers' compensation judge, all costs shall be pre-paid in full before any records are produced.

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 Louisiana 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), LR 44:102 (January 2018).

Subchapter C. Waiver of Costs for Indigent Party

§6613. General

A. Waiver of costs for indigent party shall be governed by *Code of Civil Procedure*, articles 5181 et seq. The request for waiver of costs shall be made on LWC request for waiver of payment of advance costs form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:282 (February 1999), amended LR 25:1872 (October 1999), LR 33:660 (April 2007), amended by the Workforce Commission, Office of Workers' Compensation Administration, LR 44: LR 44:103 (January 2018).

Subchapter E. Forms

§6665. Workers' Compensation Records Request Form; LWC-WC-1150

WORKERS' COMPENSATION RECORDS REQUEST FORM

Mail completed form to:
Louisiana Workforce Commission
OWCA Records Management Section
1001 N. 23rd Street
P.O Box 94040
Baton Rouge, LA 70804-9040
Telephone No.: 225-342-7565

Status of your records request: (Office use only.)

- ☐ **Will be processed.**
- ☐ **Is being returned.** ***See Section III, Page 2.***
- ☐ **Has been processed. You owe a copying fee,** ***See Section III, Page 2.***
- ☐ **Is complete.** ***See Section III, Page 2.***

Note: Copies of documents provided through this request shall adhere to the provisions of La. R.S. 23:1020.1, *et seq.* and La. R.S. 44:1, *et seq*., which limits the inspection and copying of workers' compensation records. ***A $25.00 fee is required per employee search. (Exception: Requests for LWC-WC-1002 will NOT be assessed a $25.00 search fee.) Copying fees are $0.25 per page.** Make all checks payable to the ***OWCA Administrative Fund***.

SECTION I: TO BE COMPLETED BY REQUESTOR

1. Select all that apply:

☐ I am the Employee **OR** Legal Representative of the Employee. (*Attach letter of representation*.)

☐ I am the Employer/Insurer **OR** Legal Representative of the Employer/Insurer. (*Attach letter of representation*.)

☐ I am NOT a party to a workers' compensation claim. (*Attach employee authorization, LWC-WC- 1051*.)

☐ I am a Prospective Employer. (*Attach employee authorization, LWC-WC- 1051*.)

2. Name of Requestor (Please Print)	**3. Phone Number**
4. Company Name (If Applicable)	**5. Fax Number**
6. Address, City, State ZIP	**7. Email**
SECTION II: RECORDS REQUESTED	
1. Employee's Name (*Please use a separate form for each employee*.)	**2. Employee's Social Security Number**
3. Identify the workers' compensation claim you are requesting: ☐ Workers' Compensation Claim Docket # _____ Date of Injury _____ ☐ **ALL** cases for this injured worker. - If known, list the Docket # and Date of Injury for each claim in the Additional Comments Section, see right. *You will be assessed a $25.00 search fee for each workers' compensation docket number.*	**Additional Comments:**
4. Additional records I am requesting: ☐ Notice Of Payment, Modification, Suspension, Termination or Controversion of Compensation or Medical Benefits (LWC-WC-1002). *Only available to Employee or Employee Representative per La. R.S. 23:1201.1. *You will **NOT** be assessed a $25.00 search fee for this records request.* ☐ Other documents requested. *Please specify in the Additional Comments section*.	
5. Need records certified? (If certified, you will be assessed $25.00.) ☐ Yes ☐ No	

I have read and understand this form and the accompanying instructions. I certify that all information provided by me to the Office of Workers' Compensation Administration is accurate and correct to the best of my knowledge. I understand that providing false or misleading information may subject me to prosecution.

Signature of Requestor _____ **Date** _____

SECTION III: TO BE COMPLETED BY OWCA RECORDS MANAGEMENT SECTION

☐ **1. This records request will NOT be processed due to the following:**

☐ $25.00 Search fee not received.
☐ No Social Security Number/incomplete number.
☐ Employee Authorization form required.
☐ Incomplete information. Please provide: _____
*Your request will NOT be processed until the information is provided.

☐ **2. Your request has been processed.**

_____ Pages of responsive records have been found. Please submit a check in the amount of $_____ to the OWCA Administrative Fund. ***No** records will be sent until the check is received by the OWCA.

Your request has produced more than one employee claim. _____ claims have been found. Please submit a check in the amount of $_____ to the OWCA Administrative Fund. ***No** records will be sent until the check is received by the OWCA.

☐ **3. Your request is complete. The records search has:** ☐ No Records Found ☐ See Attached records.

Records request completed by _____ Date: _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1 and R.S. 23:1293.

HISTORICAL NOTE: Promulgated by the Workforce Commission, Office of Workers' Compensation Administration, LR 44:103 (January 2018).

§6667. Employee Authorization for OWCA to Release Confidential Workers' Compensation Records; LWC-WC-1150

EMPLOYEE AUTHORIZATION FOR OWCA TO RELEASE CONFIDENTIAL WORKERS' COMPENSATION RECORDS

EMPLOYEE: Please be aware that you **DO NOT** have to release all of your confidential information and you have a right to refuse to sign this document. You can choose to release only your public records, which includes: any final decision, award, or order of a workers' compensation judge. However, if you choose to release all of your confidential workers' compensation information, you **MUST** authorize the Office of Workers' Compensation Administration to release your confidential records information to anyone not a party to your workers' compensation claim. ***This release must be attached to the Employee Workers' Compensation Records Request Form.**

SECTION I: TO BE COMPLETED BY EMPLOYEE	
1. Employee's Full Name (Please Print)	**2. Social Security Number**
3. Street Address	**4. Date of Birth**
5. City, State, Zip	**6. Phone Number**
7. **What records do you want to release?** ☐ Only my workers' compensation claim(s) information that is considered public record under La. R.S. 23:1293(B)(1) which only includes: final decision(s), award(s), or order(s) of a workers' compensation judge. **OR** ☐ Any and all of my workers' compensation claim(s) information, including confidential information, medical records, wage information, etc. in the possession of the Office of Workers' Compensation Administration, Records Management.	

I understand that the Louisiana Workers' Compensation Act, La. R.S. 23:1020.1, *et seq*., provides that certain information regarding prior work related injuries may be released to a requesting party. By signing this authorization, I hereby voluntarily authorize the State of Louisiana, Office of Workers' Compensation Administration, Records Management Section to release only the information selected above in Section I and contained in my workers' compensation records, if any, to the Recipient named in Section II. This release may contain public and non-public records in my workers' compensation file(s) depending on my selection in Section I. This release is only for the recipient named in Section II and shall not be released to any third parties or any party not specifically named on this authorization.

This authorization will expire thirty (30) days from the date of signature.

Employee's Signature _____ **Date** _____

SECTION II: RECORDS TO BE DISCLOSED TO	
1. Name of Recipient (Please Print)	**2. Company Name (if applicable)**
3. Street Address	**4. Phone Number**
5. City, State, Zip	**6. Please state Recipient's relationship to the employee: **See Section III, Page 2.***

SECTION III: IF THE RECIPIENT IS A PROSPECTIVE EMPLOYER**

You must certify and sign the following:

I hereby certify the information sought by this authorization is made on an applicant for employment only after a conditional job offer has been made and accepted, or on a current employee for a purpose which is job related and consistent with business necessity. I further certify the information obtained in the authorization will **NOT** be used to discriminate in any manner against the individual who is the subject of this authorization on any basis, in violation of the Americans with Disabilities Act of 1990, 42 U.S.C. §12101, *et seq*., or any other state or federal law, as applicable.

I am aware of the confidential and privileged nature of an employee's Workers' Compensation records, pursuant to La. R.S. 23: 1293.

Employer's Signature _____ **Date** _____

****MUST BE NOTARIZED PRIOR TO RECORDS REQUEST**

Sworn and subscribed before me this _____ day of _____, 20____ at _____, Louisiana.

_____
Notary Public's Signature
Print Name: _____
Notary ID: _____
My commission expires: _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1 and R.S. 23:1293.

HISTORICAL NOTE: Promulgated by the Workforce Commission, Office of Workers' Compensation Administration, LR 44:105 (January 2018).

Part III. Workers' Compensation Second Injury Board
Chapter 5. Forms
§501. Request for Reimbursement; Form B

LOUISIANA SECOND INJURY BOARD
REQUEST FOR REIMBURSEMENT—FORM B

			SIF CLAIM #	
EMPLOYEE:			DATE OF ACCIDENT:	
CARRIER/SELF-INS			CARRIER'S CLAIM#:	
EMPLOYER:			JCN #:	
	AMOUNT WEEKLY	FROM-TO DATES THIS SUBMISSION	TOTAL WEEKS	TOTAL AMOUNT PAID
TTD				
PTD				
SEB				
DEATH				
TOTAL INDEMNITY PAID THIS SUBMISSION				$
TOTAL MEDICAL BENEFITS PAID THIS SUBMISSION				$
TOTAL SETTLEMENT (INDEMNITY + MEDICAL) PAID THIS SUBMISSION				$
TOTAL WC BENEFITS PAID THIS SUBMISSION				$

THE FOLLOWING DOCUMENTATION MUST BE INCLUDED WITH THE FORM B SUBMISSION

INDEMNITY REIMBURSEMENT REQUEST

Electronic print-out of indemnity payments shall include: date of payment, payee, benefit dates (from/thru), amount paid, and check or ACH number

MEDICAL REIMBURSEMENT REQUEST

A. Electronic print-out of medical payments shall include: date of payment, payee, service dates (from/thru), amount paid, and check or ACH number

B. Copies of all medical bills or EOBs ordered and numbered to correspond with electronic print-out (shall include patient info, provider info, date of service, CPT codes, ICD codes, and amount charged)

SETTLEMENT REIMBURSEMENT REQUEST

Signed petition, Judgement, Receipt and Release, Order from OWCA and a copy of the check or electronic print-out of payment which shall include: date of payment, payee, amount paid, and check or ACH number

THIRD PARTY RECOVERY

IS THERE ANY POTENTIAL TO RECOVER ALL OR A PORTION OF THE BENEFITS PAID TO THE INJURED EMPLOYEE FROM A THIRD PARTY? ☐ YES ☐ NO

I HEREBY CERTIFY THAT I AM AUTHORIZED TO SUBMIT THIS REQUEST AND THE INFORMATION PROVIDED ON THIS FORM IS CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE:

_____	_____	_____
Signature	Print Name	Date

Company: _____ Telephone: _____

SIB Form B 9/17

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1 and R.S. 23:1293.

HISTORICAL NOTE: Promulgated by the Workforce Commission, Office of Workers' Compensation Administration, LR 44:106 (January 2018).

Sheral Kellar
Director

1801#055

Notices of Intent

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 139—Louisiana Child Care and Development Fund Programs (LAC 28:CLXV.103, 511, 512, 515, and 519)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement to amend *Bulletin 139—Louisiana Child Care and Development Fund Programs*: §103, Definitions; §511, Household Certification Period; §512, Redetermination of Household Certification for Non-Categorically Eligible Households; §515, Payments Made on Behalf of Households; and §519, Termination or Refusal of Renewal of Household Certification and Ineligibility Periods for Households. The proposed revisions ensure that the childcare assistance program is federally compliant while meeting the needs of low-income, working families.

Title 28
EDUCATION
Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs
Chapter 1. Child Care Assistance Program
§103. Definitions

* * *

Back Scans—attendance scans by head of household or household designee utilizing tracking of time services (TOTS) point-of-service machine (POS) or interactive voice response (IVR) that are made at a time other than the actual times of arrival and departure of the child.

* * *

Excessive Back Scans—four or more back scans in a seven consecutive day period or ten or more back scans in one calendar month.

Excessive Unexplained Absences—six or more unexplained absences from the child care provider during any certification month.

* * *

Head of Household—an individual who is over the age of 18 or under the age of 18 and emancipated by law with whom the child customarily resides more than half the time. The head of household is either the child's parent or an adult household member with primary responsibility for the child's financial support and care, if the parent is not living in the home or is living in the home but is under age 18 and not emancipated by law, or is disabled and is unable to care for himself and his child(ren).

* * *

Unexplained Absence—an absence for which the head of household has not provided verbal or written notification to the provider or the department about the absence.

* * *

AUTHORITY NOTE: Promulgated in accordance with 45 CFR part 98 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2109 (October 2015), amended LR 42:42 (January 2016), LR 42:1870 (November 2016), LR 43:1279 (July 2017), LR 44:

Chapter 5. CCAP Household Eligibility
§511. Household Certification Period

A. Eligible households may be certified for up to 24 months except as provided in Subsection B of this Section.

B. Households relying on the exception to eligibility requirements for parents and persons acting as parents who are experiencing homelessness, as provided in §509.A.5.b, and that have the 20-hours-per-week employment and training requirement waived, may be certified for up to one year.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR parts 98 and 99 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:44 (January 2016), amended LR 42:2176 (December 2016), LR 44:

§512. Redetermination of Household Certification for Non-Categorically Eligible Households

A. A redetermination of eligibility for child care services shall be made prior to the expiration of certification period, but no sooner than 12 months following the initial determination or most recent redetermination.

B. Graduated Phase-Out. At the time of redetermination, households whose income has risen above the initial state threshold for eligibility but remain below the federal threshold for eligibility of 85 percent of state medium income, shall be eligible for 12 additional months of child care services as part of a graduated phase-out.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR parts 98 and 99 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:

§515. Payments Made on Behalf of Households

A. - F.5. …

G. Registration Fees. Payments for registration fees will be made to providers on behalf of all households once per certification period. Allowable registration fees are based on the amount recorded in the provider certification agreement or the current market rate, whichever is lower.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR parts 98 and 99 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2116 (October 2015), amended LR 42:44 (January 2016), LR 42:1870 (November 2016), LR 44:

§519. Termination or Refusal of Renewal of Household Certification and Ineligibility Periods for Households

A. The department may terminate or refuse renewal of a household's certification and impose a period of ineligibility on the household for program violations, which include but are not limited to the following acts by a member of the household:

1. - 4. …

5. excessive unexplained absences;

6. excessive back scanning.

B. - C. …

AUTHORITY NOTE: Promulgated in accordance with 45 CFR parts 98 and 99 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:45 (January 2016), amended LR 44:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, February 8, 2018, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 139—Louisiana Child Care and Development Fund Programs

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

There will be an indeterminable impact to Department of Education (LDE) expenditures of federal Child Care Development Funds (CCDF) as a result of the proposed changes to the Child Care Assistance Program (CCAP). The net impact of cost increases and potential reductions in the program are indeterminable.

The revised definitions provide clarity on the practices often investigated by federal and state auditors, and are used by quality specialists to assess the integrity of the Child Care Assistance Program. These changes expand the type of violations that may result in a termination of certification, or a period of ineligibility for providers. This could result in a reduction in program expenditures if participant enrollment is not shifted to an alternate provider.

Further, the revisions relative to redetermination of eligibility for child care services, procedures for graduated phased out, and procedures for processing payments for registration fees are proposed. These changes extend the graduated phase-out period for participant eligibility from two months to twelve months. Additionally, in accordance with federal guidelines, the LDE is required to pay reasonable mandatory fees that providers charge to private paying parents. These changes will increase participant subsidy payments, and the cost of the program.

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. These changes do not impact the state allocation of federal Child Care Development Funds which has not been increased; therefore any new expenditure

obligations will have to be offset by spending reductions to other program expenses.

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

There will be an indeterminable impact to child care providers who participate in the CCAP program and to families who are recipients of CCAP subsidies. To the extent providers are determined to be in violation of guidelines as defined in the proposed changes, there could be a reduction in payments. The payment of registration fees by LDE will benefit parents who are currently assessed these fees by providers. Furthermore, in order to accommodate the increase in program costs, the LDE has instituted a wait list as cases are closed naturally, reducing the number of available slots and the number of children that will be served.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

To the extent providers are determined to be in violation of program guidelines, and are permanently or temporarily terminated from participation, other providers may see an increase in enrollment. Furthermore, provider employment needs will shift based on participation and enrollment, impacting existing and prospective employees in the child care industry.

Beth Scioneaux	Evan Brasseaux
Executive Director	Staff Director
1801#069	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.305 and 311)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement the amendment of *Bulletin 746—Louisiana Standards for State Certification of School Personnel*: §305, Professional Level Certificates; and §311, World Language Certificate (WLC) PK-12. Proposed revisions allow the LDE to accept evaluations of foreign credentials from any agency that follows the evaluation standards promulgated by the American Association of Collegiate Registrars and Admissions Officers (AACRAO).

Title 28
EDUCATION
Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel
Chapter 3. Teaching Authorizations and Certifications
Subchapter A. Standard Teaching Authorizations
§305. Professional Level Certificates

A. - A.1.c.i.(a). …

(b). credentials may be submitted to a credentialing agency that follows the standards of the American Association of Collegiate Registrars and Admissions Officers (AACRAO) for evaluation. The original course-by-course evaluation must be submitted directly from the agency on "safe script" paper and must include a statement verifying the comparability of the baccalaureate degree in the field of education.

A.1.d. - E.4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 33:433 (March 2007), LR 34:233 (February 2008), LR 34:1611 (August 2008), LR 35:222 (February 2009), LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 40:279 (February 2014), LR 41:2128 (October 2015), LR 43:1304 (July 2017), LR 44:

§311. World Language Certificate (WLC) PK-12

A. - B. …

C. Eligibility guidelines:

1. a bachelor's degree in education or equivalent preparation in education from a foreign country. The status of this degree will be determined by the LDE. If LDE staff cannot make a degree equivalent determination, the candidate's credentials must be evaluated by a credentialing agency that follows the standards of the American Association of Collegiate Registrars and Admissions Officers (AACRAO). The original course-by-course evaluation for certification must come directly from the evaluating agency on "safe script" paper and must include a course-by-course evaluation;

C.2. - E. …

AUTHORITY NOTE:Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1800 (October 2006), amended LR 33:1618 (August 2007), LR 34:233 (February 2008), LR 35:642 (April 2009), LR 36:486 (March 2010), LR 38:1952 (August 2012), LR 40:280 (February 2014), LR 43:1307 (July 2017), LR 44:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable

provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, February 8, 2018, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel

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

The proposed policy revisions relative to teacher credentialing agencies will have no effect on costs or savings to the Department of Education or local school districts. The changes will allow the Department of Education (LDE) to accept evaluations of foreign credentials from any agency that follows evaluation standards promulgated by the American Association of Collegiate Registrars and Admissions Officers (AACRAO).

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

This policy change will have no effect on revenue collections of state or local governmental units.

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

There will be an indeterminable impact to teachers seeking to obtain credentials/documentation to present to the LDE. Credential evaluations are not free and the cost varies across evaluation service providers and the complexity of the case and the amount of documentation provided. The expanded list of Credentials Evaluators provides individuals with more options for selecting a provider.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
1801#070

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Advisory Councils; Minimum Foundation Program; Rulemaking (LAC 28:I.503, 1107, and 1303)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement to revise Part I, BESE/8(g) Operations, Subpart 1, Board of Elementary and Secondary Education: §503, Advisory Councils; §1107, Minimum Foundation Program; and §1303, Rulemaking. As part of regular compliance and management activities, a review of the BESE code was conducted to identify any needed updates, technical edits, and revisions as a result of changes in practice/procedure, legislation, or other regulations. The proposed revisions clarify that proxies designated by persons serving on an advisory council shall not retain voting privileges and adjust agenda timelines; update the Minimum Foundation Program (MFP) membership definition related to the at-risk student count to ensure alignment with state law; and make technical updates to current policy.

Title 28
EDUCATION
Part I. BESE/8(g) Operations
Chapter 5. Organization
§503. Advisory Councils

A. - F.4. ...

5. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as that member's proxy if the appointing authority does not object. To receive reimbursement for travel and other expenses, a proxy must be properly designated by the active member and recorded in the minutes as being present. If the proxy is representing an advisory council member who is prohibited by board policy

from receiving reimbursement for travel expenses, the proxy is likewise prohibited from receiving reimbursement.

F.6. - G.2. ...

3. Agendas of council meetings shall be distributed to council members by the board staff at least 7 days in advance of a meeting, calendar permitting. All council meetings shall be conducted in accordance with the Louisiana open meetings law (R.S. 42:11). In the event that no items have been referred by the board to an advisory council for consideration, there are no items pending on an advisory council agenda, and the LDE has no items to bring forward to the advisory council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled and the members shall be notified of the cancellation.

4. - 8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:6(A)(15), R.S. 17:24.4, and R.S. 17:11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:416 (March 2008), amended LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2140 (July 2011), LR 38:772 (March 2012), LR 38:3152 (December 2012), LR 39:3263 (December 2013), LR 42:563 (April 2016), LR 44:

Chapter 11. Finance and Property

§1107. Minimum Foundation Program

A. - A.1.b. …

2. Local Responsibility

a. It shall be the responsibility of city, parish, or other local school systems; recovery school district schools; and LSU and Southern Lab schools to submit to the LDE in a timely manner all necessary and required information for the computation of an individual allocation from the minimum foundation formula. This information shall be submitted to the LDE in the form required by the LDE. It shall also be the responsibility of all city, parish, or other local school systems; recovery school district schools; and LSU and Southern Lab schools to follow all circulars issued by the LDE providing instructions for the preparation of the required data and other instructions regarding the computation of an allotment from the formula.

B. - C. …

1. Definition. For state reporting for public education for the purpose of establishing the base student count for state funding, city, parish, or other local school systems; approved charter schools; recovery school district schools; LSU and Southern Lab schools; Office of Juvenile Justice schools; New Orleans Center for Creative Arts (NOCCA); and Louisiana School for Math, Science, and the Arts (LSMSA) shall adhere to the following:

C.1.a. - C.b.x. …

D. MFP—Add-on Students/Units

1. Required Data. For purposes of establishing the data sets used in determining the add-on students/units, the following will be adhered to.

a. Low income and English language learner student count, also referred to as economically disadvantaged, shall be determined by the number of students with the following characteristics:

i. is eligible for Louisiana's food assistance program for low-income families;

ii. is eligible for Louisiana's disaster food assistance program;

iii. is eligible for Louisiana's program for assistance to needy families with children to assist parents in becoming self-sufficient;

iv. is eligible for Louisiana's healthcare program for families and individuals with limited financial resources;

v. is eligible for reduced price meals based on the latest available data;

vi. is an English language learner;

vii. is identified as homeless or migrant pursuant to the McKinney-Vento Homeless Children and Youth Assistance Act and the Migrant Education Program within the Elementary and Secondary Education Act;

viii. is incarcerated with the Office of Juvenile Justice or in an adult facility;

ix. has been placed into custody of the state.

b. Career and technical education unit count shall be determined by the number of secondary career and technical education courses per student as reported by the school districts through the Louisiana education accountability data system (LEADS) for the prior year.

c. Special Education—other exceptionalities student count shall be determined by the number of special education students identified as having "other exceptionalities" in the special education reporting (SER) database as of the student count date(s) including:

i. infants and toddlers ages 0-2, who have a current individual family service plan (IFSP) and are currently receiving services; and

ii. both public and nonpublic special education students ages 3-21 identified as having a disability, as defined by R.S. 17:1943, who have a current individual education plan (IEP) and are currently receiving services from any local public school system or school. (Students serviced by SSD #1 and certain correctional facilities are excluded.)

d. Special Education—gifted and talented student count shall be determined by the number of special education students in the SER database as of the student count date(s), which includes both public and nonpublic special education students ages 3-21, identified as gifted and talented, as defined by R.S. 17:1943, who have a current IEP and are currently receiving services from any local public school system or school.

e. Economy of scale student count shall be determined by the number of students in the base student membership count as defined in LAC 28:I.1107.C.1.

AUTHORITY NOTE: Promulgated in accordance with Art. VIII §13 and R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:425 (March 2008), amended LR 37:1142 (April 2011), LR 37:3219 (November 2011), LR 38:1404 (June, 2012), LR 38:3155 (December 2012), LR 39:3266 (December 2013), LR 44:

Chapter 13. Regulatory Documents

§1303. Rulemaking

A. - C.1. ...

2. Following approval of a proposed Rule to be advertised as a Notice of Intent:

a. The appropriate LDE/BESE staff is requested to submit proposed policy language, a Family Impact Statement, a Poverty Statement, a Small Business Statement, a Provider Impact Statement, a Public Comments paragraph,

a Fiscal and Economic Impact Statement (FEIS), and comparison language (if applicable) to the board recorder for processing.

b. ...

c. After the FEIS is approved by the LFO, the board recorder prepares the Notice of Intent in compliance with statutory specifications and submits it to the *Louisiana Register* for publication. A report regarding the Rule is also submitted to the appropriate legislative committees.

2.d. - 3. ...

D. Due to the board meeting schedule, the FEIS approval process, and the *Louisiana Register* deadlines, the entire process takes a minimum of five months to complete.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10)and R.S. 49:951 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:426 (March 2008), amended LR 37:3220 (November 2011), LR 38:3156 (December 2012), LR 39:3267 (December 2013), LR 44:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this Section, the word "poverty" means living at or below one hundred percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, February 8, 2018, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Advisory Councils; Minimum Foundation Program; Rulemaking

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

There may be increased costs in the Minimum Foundation Program (MFP) as a result of the expanded definition of "economically disadvantaged" used to determine the number of students eligible for a weighted student count. While such increases are indeterminable at this time, the Department of Education (LDE) does not expect a significant increase in the number of students defined as economically disadvantaged under the new definition. Further, any such increases potentially could be offset by other factors in the MFP calculations. Other revisions are technical in nature and have no fiscal implications.

The MFP formula determines allocations for city, parish, and other public school systems and schools. The formula recognizes special characteristics or needs which are assigned a

numerical value referred to as a weight. Currently, the Low Income and English Language Learner weight of 22% is defined as students who qualify for free or reduced meals under the U.S. Department of Agriculture School Food Service Program Guidelines. Act 136 of 2017 created a definition for "economically disadvantaged" students as determined by multiple eligibility criteria other than participation in the federal school lunch program for use in determining teacher evaluations and requirements for enrollment of at-risk students in certain charter schools. The proposed rule change adopts these definitions for use in the MFP.

Under the provisions of the National School Lunch Program children may be determined categorically eligible through participation in certain Federal Assistance Programs, which are included in the new definition (Supplemental Nutrition Assistance Program, Temporary Assistance to Needy Families, and status as a homeless, migrant, or foster child). It is unknown whether all eligible students currently participate and are weighted accordingly in the MFP. However, the proposed definition also includes criteria which do not categorically qualify students under federal regulations, (eligibility for disaster food assistance, eligibility for state healthcare programs, and incarceration with the Office of Juvenile Justice). It is unknown the extent to which additional students will meet these proposed criteria and qualify for the additional weights in future MFP calculations. However, as an example, as a result of flooding in the state in 2016, an additional 419,000 individuals were awarded disaster food assistance; assuming 1% of those were children in public schools would have increased the number of at-risk students by over 4,100; requiring approximately $3.6 M in additional state and local funding.

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

To the extent the expanded definition results in an increase in the number of students identified as economically disadvantaged, districts will receive additional funding for those students in their annual MFP allocations.

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

Students who meet the definition of economically disadvantaged should benefit from additional instructional resources and programs, which will be provided as a result of the additional revenues generated to the districts through the MFP.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
1801#071

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Regents
Office of Student Financial Assistance

Scholarship/Grant Programs—TOPS Core Curriculum
(LAC 28:IV.703)

The Louisiana Board of Regents announces its intention to amend its scholarship/grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6).

This rulemaking adds Korean as an equivalent to foreign language in the TOPS Core Curriculum beginning with 2018 graduates. (SG18180NI)

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).(iii). …

* * *

(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
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
Biology II	Human Anatomy and Physiology
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	AP Psychology
Foreign Language, both units in the same language, which may include: AP Chinese Language and Culture, AP French Language and Culture, AP German Language and Culture, AP Italian Language and Culture, AP Japanese Language and Culture, AP Latin, AP Spanish Language and Culture, French IV IB,	Mandarin Chinese I, II, III, IV Hindi I, II, III, IV Portuguese I, II, III, IV Vietnamese I, II, III, IV Korean I, II, III, IV

Core Curriculum Course(s)	Equivalent (Substitute) Course
French V IB, Spanish IV IB, and Spanish V IB	
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 41:2596, 2599 (Dec. 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1657 (October 2016), LR 42:1882 (November 2016), LR 43:518 (March 2017), LR 44:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in LSA-R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (SG18180NI) until 4:30 p.m., February 12, 2018, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Scholarship/Grant Programs
TOPS Core Curriculum

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

The proposed rule change will have no impact on state or local governmental expenditures. In accordance with the requirements of R.S. 17:5062(C)(1), the proposed rule change has prior approval of BESE and receipt of comments and recommendations from Regents. The proposed rule change modifies the Scholarship and Grant Program rules to add the Korean I, II, II and IV courses as an equivalent (substitute) course for the purpose of meeting the TOPS core curriculum foreign language requirements effective for students graduating during the 2017-2018 high school academic year and thereafter.

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

There is no impact on state or local governmental revenues.

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

The proposed rule provides students with applicable substitute courses for the TOPS core curriculum requirements. Thus, students will have more options to fulfill the core courses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment resulting from these measures.

Robyn Rhea Lively
Senior Attorney
1801#011

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division

2017 Incorporation by Reference—Air Quality
(LAC 33:III.506, 507, 2160, 3003,
5116, 5122, 5311 and 5901)(AQ370ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.506, 507, 2160, 3003, 5116, 5122, 5311, and 5901 (Log #AQ370ft).

This Rule is identical to federal regulations found in July 1, 2017, 40 CFR part 51, appendix M; July 1, 2017, 40 CFR

part 60; July 1, 2017, 40 CFR part 61; July 1, 2017, 40 CFR part 63; July 1, 2017, 40 CFR part 68; July 1, 2017, 40 CFR part 70.6 and July 1, 2017, 40 CFR part 96, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or P.O. Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule incorporates by reference (IBR) into the *Louisiana Administrative Code* (LAC), Title 33, Part III, Air, the following federal regulations included in the July 1, 2017 edition of the *Code of Federal Regulations* (CFR): 40 CFR parts 51, appendix M, 60, 61, 63, 68, 70.6(a) and 96. Any exception to the IBR is explicitly listed in the Rule.

The Rule updates the references to July 1, 2017, for standard of performance for new stationary sources, 40 CFR part 60. It also updates the references to July 1, 2017, for the national emission standards for hazardous air pollutants (NESHAP) and for NESHAP for source categories, 40 CFR part 61 and 63.

In order for Louisiana to maintain equivalency with federal regulations, certain regulations in the most current *Code of Federal Regulations*, July 1, 2017, must be adopted into the *Louisiana Administrative Code* (LAC). This rulemaking is also necessary to maintain delegation authority granted to Louisiana by the Environmental Protection Agency. The basis and rationale for this Rule are to mirror the federal regulations as they apply to Louisiana's affected sources. 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 III. Air

Chapter 5. Permit Procedures

§505. Acid Rain Program Permitting Requirements

A. The Acid Rain Program regulations, published in the *Code of Federal Regulations* at 40 CFR part 72, July 1, 2017, are hereby incorporated by reference.

B. - C. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 21:678 (July 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2446 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2429, 2436 (October 2005), LR 32:1598 (September 2006), LR 33:2083 (October 2007) amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§507. Part 70 Operating Permits Program

A. - B.1. …

2. No part 70 source may operate after the time that the owner or operator of such source is required to submit a permit application under Subsection C of this Section, unless an application has been submitted by the submittal deadline and such application provides information addressing all applicable sections of the application form and has been certified as complete in accordance with LAC 33:III.517.B.1. No part 70 source may operate after the deadline provided for supplying additional information requested by the permitting authority under LAC 33:III.519, unless such additional information has been submitted within the time specified by the permitting authority. Permits issued to the part 70 source under this Section shall include the elements required by 40 CFR 70.6. The department hereby adopts and incorporates by reference the provisions of 40 CFR 70.6(a), July 1, 2017. Upon issuance of the permit, the part 70 source shall be operated in compliance with all terms and conditions of the permit. Noncompliance with any federally applicable term or condition of the permit shall constitute a violation of the Clean Air Act and shall be grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.

C. - J.5. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 20:1375 (December 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:1008 (May 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005), LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 32:808 (May 2006), LR 33:1619 (August 2007), LR 33:2083 (October 2007), LR 33:2630 (December 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 36:2272 (October 2010), LR 37:2990 (October 2011), LR 38:1229 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1276 (May 2013), LR 40:1334 (July 2014), LR 41:1274 (July 2015), LR:42:1085 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

Chapter 21. Control of Emission of Organic Compounds

Subchapter N. Method 43—Capture Efficiency Test Procedures

Editor's Note: This Subchapter was moved and renumbered from Chapter 61 (December 1996).

§2160. Procedures

A. Except as provided in Subsection C of this Section, the regulations at 40 CFR 51, appendix M, July 1, 2017, are hereby incorporated by reference.

B. - C.2.b.iv. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1224 (August 2001), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:809 (May 2006), LR 33:1620 (August 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 36:2272 (October 2010), LR 37:2990 (October 2011), LR 38:1230 (May 2012), amended by the Office of the Secretary, Legal Division, LR

39:1277 (May 2013), LR 40:1334 (July 2014), LR 41:1274 (July 2015), LR 42:1085 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

Chapter 30. Standards of Performance for New Stationary Sources (NSPS)

Subchapter A. Incorporation by Reference

§3003. Incorporation by Reference of 40 *Code of Federal Regulations* (CFR) Part 60

A. Except for 40 CFR 60, subpart AAA, and as modified in this Section, standards of performance for new stationary sources, published in the *Code of Federal Regulations* at 40 CFR 60, July 1, 2017, are hereby incorporated by reference as they apply to the state of Louisiana.

B. - C. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:1212 (December 1996), amended LR 23:1681 (December 1997), LR 24:1287 (July 1998), LR 24:2238 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1239 (July 1999), LR 25:1797 (October 1999), LR 26:1607 (August 2000), LR 26:2460, 2608 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 28:2179 (October 2002), LR 29:316 (March 2003), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2446 (October 2005), LR 32:809 (May 2006), LR 32:1596 (September 2006), LR 33:1620 (August 2007), LR 33:2092 (October 2007), LR 33:2626 (December 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 36:2273 (October 2010), LR 37:2990 (October 2011), LR 38:1230 (May 2012), amended by the Office of the Secretary, Legal Division, LR 38:2754 (November 2012), LR 39:1039 (April 2013), LR 39:1277 (May 2013), LR 40:1335 (July 2014), LR 40:2540 (December 2014), LR:41:1274 (July 2015), LR 42:1086 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter B. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

§5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

A. Except as modified in this Section and specified below, national emission standards for hazardous air pollutants, published in the *Code of Federal Regulations* at 40 CFR 61, July 1, 2017, and specifically listed in the following table, are hereby incorporated by reference as they apply to sources in the state of Louisiana.

* * *

B. - C. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1658 (December 1997), LR 24:1278 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1797 (October 1999), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2179 (October 2002), LR 29:699 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2448 (October 2005), LR 32:809 (May 2006), LR 33:1620 (August 2007), LR 33:2094 (October 2007), LR 34:1391 (July 2008), LR 35:1108 (June 2009), LR 36:2273 (October 2010), LR 37:2990 (October 2011), LR 38:1230 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1277 (May 2013), LR 40:1335 (July 2014), LR 41:1274 (July 2015), LR 42:1086 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

Subchapter C. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

§5122. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

A. Except as modified in this Section and specified below, national emission standards for hazardous air pollutants for source categories, published in the *Code of Federal Regulations* at 40 CFR 63, July 1, 2017, are hereby incorporated by reference as they apply to major sources in the state of Louisiana.

B. - C.3. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:1278 (July 1998), LR 24:2240 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1798 (October 1999), LR 26:690 (April 2000), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 29:1474 (August 2003), LR 30:1010 (May 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2449 (October 2005), LR 31:3115 (December 2005), LR 32:810 (May 2006), LR 33:1620 (August 2007), LR 33:2095 (October 2007), LR 33:2627 (December 2007), LR 34:1392 (July 2008), LR 35:1108 (June 2009), LR 36:2273 (October 2010), LR 37:2991 (October 2011), LR 38:1231 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1278 (May 2013), LR 40:1335 (July 2014), LR:41:1275 (July 2015), LR 42:1086 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

Chapter 53. Area Sources of Toxic Air Pollutants

Subchapter B. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources

§5311. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources

A. Except as modified in this Section and specified below, national emission standards for hazardous air pollutants for source categories, published in the *Code of Federal Regulations* at 40 CFR 63, July 1, 2017, are hereby incorporated by reference as they apply to area sources in the state of Louisiana.

B. - C. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:63 (January 1997), amended LR 23:1660 (December 1997), LR 24:1279 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:810 (May 2006), LR 33:1620 (August 2007), LR 33:2096 (October 2007), LR 34:1392 (July 2008), LR 35:1108 (June 2009), LR 36:2274 (October 2010), LR 37:2991 (October 2011), LR 38:1231 (May 2012), amended by the Office of the Secretary, Legal Division, LR 38:2756 (November 2012), LR 39:1278 (May 2013), LR 40:1336 (July 2014), LR 41:1275 (July 2015), LR 42:1086 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

Chapter 59. Chemical Accident Prevention and Minimization of Consequences

Subchapter A. General Provisions

§5901. Incorporation by Reference of Federal Regulations

A. Except as provided in Subsection C of this Section, the department incorporates by reference 40 CFR 68, July 1, 2017.

B. - C.6. …

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:421 (April 1994), amended LR 22:1124 (November 1996), repromulgated LR 22:1212 (December 1996), amended LR 24:652 (April 1998), LR 25:425 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:70 (January 2000), LR 26:2272 (October 2000), LR 28:463 (March 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), LR 31:1570 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:810 (May 2006), LR 33:1621 (August 2007), LR 34:1392 (July 2008), LR 35:1109 (June 2009), LR 36:2274 (October 2010), LR 37:2991 (October 2011), LR 38:1231 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1278 (May 2013), LR 40:1336 (July 2014), LR 41:1275 (July 2015), LR 42:1086 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ370ft. Such comments must be received no later than February 28, 2018, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or by fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. The comment period for this Rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ370ft. This regulation is available on the internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on February 28, 2018, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson
General Counsel

1801#025

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division

Major Sources (LAC 33:III.502)(AQ376ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.502.A (Log #AQ376ft).

This Rule is identical to federal regulations found in 40 CFR 70.2, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or P.O. Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule will revise the definition of "major source" in LAC 33:III.502.A to parallel the federal definition of the term at 40 CFR 70.2.

A "major source" is a stationary source or group of stationary sources that are located on one or more

contiguous or adjacent properties, that are under common control of the same person (or persons under common control), and that meet certain additional criteria, such as having the potential to emit air pollutants at or above prescribed thresholds. On June 3, 2016, the U.S. Environmental Protection Agency (EPA) promulgated a Rule entitled "Source Determination for Certain Emission Units in the Oil and Natural Gas Sector" (81 FR 35622). This Rule amended the definition of "major source" in 40 CFR 70.2 to stipulate the circumstances under which EPA would consider two or more nominally separate onshore crude oil and natural gas production operations to be "adjacent."

Although adoption of the amended definition is not mandatory, LDEQ published a Potpourri notice (1607Pot2) in the July 20, 2016, *Louisiana Register* explaining that the department will "now interpret the term adjacent consistent with the definitions of major source under 40 CFR 70.2 and building, structure, facility, or installation under 40 CFR 51.165(a)(1)(ii) and 40 CFR 51.166(b)(6) in order to be consistent with federal regulations." The basis and rationale for this Rule are to revise the definition of "major source" in LAC 33:III.502.A to parallel the federal definition of the term at 40 CFR 70.2. 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 III. Air

Chapter 5. Permit Procedures

§502. Definitions

A. Except where specifically provided in another Section herein, the following definitions apply to terms used in this Chapter. Except as provided in this Chapter, terms used in this Chapter retain the definition provided them in LAC 33:III.111 or the Louisiana air quality regulations. Wherever provisions related to the Acid Rain Program are concerned, the definitions provided in 40 CFR part 72 shall apply.

* * *

Major Source—for the purposes of determining the applicability of 40 CFR part 70 or of LAC 33:III.507, any stationary source or any group of stationary sources that are located on one or more contiguous or adjacent properties, that are under common control of the same person (or persons under common control) that belong to a single major industrial grouping, and that are described in Subparagraph a, b, or c of this definition. For the purposes of defining *major source*, a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code), as described in the *Standard Industrial Classification* (SIC) *Manual*, 1987. For onshore activities belonging to SIC major group 13: oil and gas extraction, pollutant emitting activities shall be considered adjacent if they are located on the same surface site as defined in 40 CFR 63.761, or if they are located on surface sites that are located within 0.25 miles of one another (measured from the center of the equipment on the surface site) and they share equipment. Shared equipment includes, but is not limited to, produced fluids storage tanks, phase separators, natural gas dehydrators, or emissions control devices.

a. - c. …

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 28:1950 (September 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 36:2553 (November 2010), LR 37:1148 (April 2011), LR 37:1391 (May 2011), amended by the Office of the Secretary, Legal Division, LR 41:2608 (December 2015), LR 42:564 (April 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ376ft. Such comments must be received no later than February 28, 2018, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or by fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. The comment period for this Rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ376ft. This regulation is available on the internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on February 28, 2018, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street,

Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson
General Counsel

1801#026

NOTICE OF INTENT

Office of the Governor
Division of Administration
Office of State Procurement

Procurement (LAC 34:V.Chapters 1-33)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of the Governor, Division of Administration, Office of State Procurement, has amended Chapters 1, 3, 5, 9, 11, 13, 15, 17, 18, 19, 20-23, 25, 27, 31 and 33, Procurement, of LAC 34:V. The rules were revised to further align with Act 864 of the 2014 Regular Legislative Session, effective January 1, 2015. The restructuring of the laws governing procurement and the consolidation of the Office of Contractual Review and the Office of State Purchasing into the Office of State Procurement and the subsequent restructuring of both offices' LAC rules in December 2014, highlighted some redundancies that could be eliminated by margining into one section of the LAC. These changes also correct administrative errors, correct authority references to the Office of State Procurement, as applicable, provide additional information to clarify regulations as appropriate, amend requirements to allow for electronic transmission and/or signatures allowed by law; and, enhance efficiencies and maximize the use of the e-procurement system used for purchasing and contracting transactions.

Title 34
GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY CONTROL
Part V. Procurement

Chapter 1. Procurement of Supplies, Services, and Major Repairs

§101. General Purpose and Policies [Formerly LAC 34:I.301]

A. Definition and Purpose

1. *Specification*—any description of the physical functional, or performance characteristics, or of the nature of a supply, service, or major repair item. The specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply, service, or major repair item for delivery. Unless the context requires otherwise, the terms *specification* and *purchase description* are used interchangeably throughout these regulations.

2. …

3. All definitions whether listed here or elsewhere within Part V of these regulations; or, as listed in R.S. 39:1556 shall apply.

a. *Invitation for Bids*—all documents, whether attached or incorporated by reference, utilized for soliciting bids in accordance with the procedures set forth in R.S. 39:1594. Unless the context requires otherwise, invitation for bids (IFBs) and invitation to bid (ITB) are used interchangeably herein.

b. *Proposer*—a firm, venture or individual who responds to the competitive sealed proposal.

B. - C. …

D. Escalation and De-Escalation Clauses. Solicitation specifications may contemplate a fixed escalation or de-escalation in accordance with a recognized escalation index.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 21:566 (June 1995), repromulgated LR 40:1347 (July 2014), LR 40:2547 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§105. Authority to Prepare Specifications [Formerly LAC 34:I.305]

A. - B. …

C. Authority to Contract for Preparation of Specifications

1. A contract to prepare specifications for state use in procurement of supplies, services, or major repairs may be entered into when a written determination is made by the chief procurement officer, or the head of a purchasing agency authorized to prepare such specifications, that there will be no substantial conflict of interest involved and it is otherwise in the best interest of the state.

2. Whenever specifications are prepared by other than state personnel, the contract for the preparation of specifications shall require the specification writer to adhere to the requirements of the Louisiana procurement code and of this regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 21:566 (June 1995), repromulgated LR 40:1347 (July 2014), LR 40:2547 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§109. Definitions and Use [Formerly LAC 34:I.309]

A. Proprietary Specifications

1. *Proprietary Specification*—a specification that cites brand name, model number, and some other designation as permitted by R.S. 39:1655, that identifies a specific product to be offered exclusive of others.

2. Use

a. Since use of a proprietary specification is restrictive, it may be used only when the chief procurement officer or his designee, or a governmental body delegated authority under R.S. 39:1566, makes a written determination that only the identified brand name item or items will satisfy the state's needs.

b. Some examples of circumstances which could necessitate proprietary procurement(s) are:

A.2.b.i. - B.2.d. …

e. Repealed.

3. Competition

a. Specifications shall seek to designate as many different brands as are practicable as "or equal" references and shall state that substantially equivalent products to those designated will be considered for award.

b. Where a brand name or equal specification is used in a solicitation, the solicitation shall contain

explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.

c. Unless the chief procurement officer or the head of a purchasing or using agency authorized to finally approve specifications determines that the essential characteristics of the brand name included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics which are required.

C. Qualified Products List

1. *Qualified Products List*—a specification developed by evaluating brands and models of various manufacturers of an item and listing those determined to be acceptable as eligible to be offered on the next solicitation; on approved brands list.

2. - 4.b. …

D. Common or General Use Item

1. Definition. *Specification for a Common or General Use Item*—a specification which has been developed and approved for repeated use in procurement in accordance with the provisions of R.S. 39:1651.

2. - 3.a.iii. …

b. In the event a using agency requests the preparations of a specification for a common or general use item, the chief procurement officer, his designee, or a governmental body delegated authority under R.S. 39:1566, shall prepare such a specification if such officer determines the conditions in Clauses 3.a.i-iii have been met.

c. Comments on the Draft. The chief procurement officer, his designee, or the head of a purchasing or using agency preparing a specification for a common or general use item, shall provide an opportunity to appropriate parties to comment on the draft specification including, as reasonable, a number of manufacturers and suppliers as such officer deems appropriate.

d. Final Approval. Final approval of a proposed specification for a common or general use item shall be given only by the chief procurement officer, or his designee, or a governmental body delegated authority under R.S. 39:1566.

e. - f. …

E. Use of Functional or Performance Descriptions. State agencies should emphasize functional or performance criteria while limiting design or other detailed physical descriptions to those necessary to meet the needs of the state to the extent practicable.

1. *Functional* or *Performance Specifications*—terms used interchangeably to designate an approach to specifications that is less interested in dimensions and materials and configurations and more interested in what a product does. These specifications describe the characteristics and capabilities that are pertinent to the intended use of the article and, at a minimum, would include an explanation of the results required, testing methods, and characteristics that the goods or service must perform.

2. *Design Specifications*—a term that customarily employs dimensional and other physical requirements of the item being purchased.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 21:566 (June 1995), repromulgated LR 40:1347 (July 2014), LR 40:2548 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1281 (July 2015), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§111. Major Repairs and Labor and Material Service Projects

A. *Major repairs* is as defined in R.S. 39:1556 (32).

1. Major repairs may include, but are not limited to the following:

a. repair or replacement projects, such as painting, flooring installation, etc.;

b. roof repairs which do not require specialty contractors or designers, or architects or engineers;

c. repair or replacement of minor building components, such as fixtures;

B. *Services* is as defined in R.S. 39: 1556 (51). For purposes of this Part, "services" and "labor and material services" shall be used interchangeably.

1. Services does not include those items listed in R.S. 39:1556(51)(b); but, does include, though not limited to, the following:

a. maintenance, overhaul, repair, servicing, rehabilitation, salvage, modernization, or modification of supplies, systems, or equipment;

b. routine recurring maintenance of immovable property;

c. housekeeping services;

d. operation of government owned equipment, immovable property, and systems;

e. information technology services.

When in doubt about what may be identified as a major repair or services, the final determination will be made by the chief procurement officer or his designee in collaboration with the Office of Facility Planning and Control, where applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

Chapter 3. Competitive Sealed Bidding

§301. Content of the Invitation To Bid (ITB) [Formerly LAC 34:I.501]

A. Invitation to Bid

1. Purchases where the estimated cost is over $25,000 shall provide adequate public notice in accordance with R.S. 39:1594. Determination of "adequate public notice" shall take into consideration the nature and complexity of the solicitation. All advertisements, written invitations to bid, or other forms of solicitations allowed by law posted through a secure centralized electronic interactive environment pursuant to the Louisiana Uniform Electronic Transaction Act (R.S. 9:2601-2621) and applicable rules and regulations (i.e. LAC 4:XV.701 et seq.) shall contain general descriptions of the classes of commodities on which bids are solicited and shall state:

a. - c. …

2. The invitation to bid shall be on the state's standard forms containing all pertinent information and shall be

B. Content. The invitation to bid shall include the following:

1. - 2. …

C. Incorporation by Reference. The invitation to bid may incorporate documents by reference provided that the invitation to bid specifies where such documents can be obtained.

D. Special Conditions. If any special conditions are to apply to a particular contract, they shall be included in the invitation to bid.

E. - F. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:328 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1349 (July 2014), LR 40:2549 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1281 (July 2015), LR 44:

§303. Bidding Time
[Formerly LAC 34:I.503]

A. Bidding time is the period of time between the date of distribution of the invitation to bid and the date set for opening of bids. In each case, bidding time will be set to provide bidders a reasonable time to prepare their bids. For bids over $25,000, a minimum of 10 days shall be provided unless the chief procurement officer or his designee deems that a shorter time is necessary for a particular procurement. However, in no case shall the bidding time be less than 10 days, except as provided in R.S. 39:1598 and Chapter 11 of these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:328 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1349 (July 2014), amended LR 40:2550 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1281 (July 2015), LR 44:

§305. Addenda Modifying Invitation To Bid
[Formerly LAC 34:I.505]

A. Addenda modifying invitation to bid shall not be issued within a period of 72 hours prior to the advertised time for the opening of bids, excluding Saturdays, Sundays and any other legal holidays. If the necessity arises to issue an addendum modifying an invitation to bid within the 72 hours excluding Saturdays, Sundays and any other legal holiday(s), prior to the advertised time for the opening of bids, then the opening of bids shall be extended a minimum of 7 calendar days, without the requirement of re-advertising. Addenda shall be sent to all prospective bidders known to have received an invitation to bid

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:328 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1349 (July 2014), LR 40:2550 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§307. Bidder Submissions
[Formerly LAC 34:I.507]

A. Bid Forms. All written bids, unless otherwise provided for, must be submitted on, and in accordance with forms provided, properly signed, including electronic signature, when applicable, and in the manner specified including receipt by mail, direct delivery, or through any secure electronic interactive environment permitted pursuant to the Louisiana Uniform Electronic Transaction Act and applicable rules and regulations. Bids submitted in the following manner will not be accepted:

1. bid submittal contains no signature indicating an intent to be bound as noted in LAC 34:V.321.B.2;

2. …

3. bids not received as specified in the invitation to bid, prior to bid opening time.

B. Bid Samples and Descriptive Literature

1. - 3. …

4. The invitation to bid shall state whether bid samples or descriptive literature are required and state the deadline for submittal. Unsolicited bid samples may not be returned.

5. …

C. Conditional Bids. Conditional bids are subject to rejection in whole or in part. A conditional bid may be accepted if the condition is not a substantial deviation from the invitation to bid.

D. - E. …

F. Net Prices. Bid prices, unless otherwise specified, must be net including any and all transportation and handling charges prepaid by contractor to destination.

G. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:328 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1350 (July 2014), LR 40:2550 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§309. Bidder Lists
[Formerly LAC 34:I.509]

A. …

B. Where feasible, use should be made of the Office of State Procurement's computerized vendor list. It shall be the responsibility of the bidder to confirm that his company is in the appropriate bid category.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:329 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1350 (July 2014), LR 40:2551 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§311. Pre-Bid Conferences
[Formerly LAC 34:I.511]

A. Pre-bid conferences may be conducted to explain the procurement requirements. They shall be announced to all prospective bidders known to have received an invitation to bid and shall be advertised and/or electronically posted if over $25,000 and attendance is mandatory. The conference should be held long enough after the invitation to bid has been issued to allow bidders to become familiar with it, but

sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the invitation to bid unless a change is made by written addenda as provided in §305.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:329 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1350 (July 2014), LR 40:2551 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§315. Pre-Opening Modification or Withdrawal of Bids
[Formerly LAC 34:I.515]

A. Procedure. Bids may be modified or withdrawn in accordance with R.S. 39:1594(G). Method for submittal of bids, modifications, or withdrawals may be by written, telegraphic, fax notice, direct delivery or electronic transmission through a secure centralized interactive environment and received at the address designated in the invitation to bid prior to the time set for bid opening. Receipt shall be as recorded by date stamp or, received electronically in accordance with R.S. 9:2615(B) or applicable regulations, at the purchasing agency. Acceptable method of delivery of modification or withdrawal shall be as stated within the invitation to bid.

B. Withdrawal of Bids. A written request for the withdrawal of a bid or any part thereof will be granted if the request is received prior to the specified time of opening. If a bidder withdraws a bid, all bid documents shall remain the property of the state.

C. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:329 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1350 (July 2014), LR 40:2551 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§317. Late Bids
[Formerly LAC 34:I.517]

A. Formal bids and addenda thereto, received at the designated place in the invitation to bid after time specified for bid opening will not be considered, whether delayed in the mail, in transmission or for any cause whatsoever. If receipt of a bid is delayed by actions of the Office of State Procurement or the using agency handling the solicitation, and this delay prejudices a vendor, then the Office of State Procurement or using agency shall cancel the solicitation and re-bid. In no case will late bids be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:329 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1351 (July 2014), LR 40:2551 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§319. Receipt, Opening and Recording of Bids
[Formerly LAC 34:I.519]

A. Receipt. Upon receipt, all bids and modifications will be time-stamped, if received other than electronically, but not opened. All bids received shall be secured until bid opening time.

1. Electronically received bids receipt time shall be determined in accordance with R.S. 9:2615(B).

B. Opening and Recording

1. Bids and modifications shall be opened publicly, in the presence of one or more witnesses, at the time and place designated in the invitation to bid. The names of the bidders and the bid price shall be read aloud or otherwise made available and shall be recorded.

2. …

C. Postponed Openings Exceptions. In the event that bids are scheduled to be opened on a day that is a federal holiday, or if the governor by proclamation creates an unscheduled holiday, or for any cause that exists that creates a nonworking day, bids scheduled to be opened on that day shall be opened on the next working day at the same address and time specified in the invitation to bid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:329 (July 1992), amended LR 21:566 (June 1995), repromulgated LR 40:1351 (July 2014), LR 40:2551 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§321. Mistakes in Bids
[Formerly LAC 34:I.521]

A. Correction or Withdrawal of Bids. Patent errors in bids or errors in bids supported by clear and convincing evidence may be corrected, or bids may be withdrawn, if such correction or withdrawal does not prejudice other bidders, and such actions may be taken only to the extent permitted under these regulations. A request to withdraw a bid after the bid opening must be made in accordance with R.S. 39:1594(G). If it is determined that the error is patently obvious, then the bid may be withdrawn, and if a bid guaranty was required it shall be returned to the bidder.

B. …

1. return the number of signed bids required by the invitation to bid;

B.2. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:329 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1351 (July 2014), LR 40:2551 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§323. Bid Guaranty and Bond
[Formerly LAC 34:I.523]

A. Bid Guaranty

1. When specified in the invitation to bid, a bid bond, cashier's check, or certified check, made payable to the Department of the Treasury of the state of Louisiana, for the amount specified, must accompany each bid.

A.2. - B.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:330 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1351 (July 2014), LR 40:2552 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§325. General Guaranty
[Formerly LAC 34:I.525]

A. - A.3. …

4. Pay for all necessary permits, licenses and fees and give all notices and comply with all laws, ordinances, rules and regulations of the city or town in which the installation is to be made or the contract to be performed, and of the state of Louisiana including, when applicable, registration with the Secretary of State office.

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:330 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1352 (July 2014), LR 40:2552 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§327. Bid Evaluation and Award
[Formerly LAC 34:I.527]

A. General. The contract is to be awarded "to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation to bid." See R.S. 39:1594(H) (competitive sealed bidding, award) of the Louisiana procurement code. The invitation to bid shall set forth the requirements and criteria which will be used to determine the lowest responsive bidder. No bid shall be evaluated for any requirements or criteria that are not disclosed in the invitation to bid.

B. Responsiveness and Responsibility

Responsive Bidder—a person who has submitted a bid under R.S. 39:1594 which conforms in all substantive respects to the invitation to bid including the specifications set forth in the invitation.

Responsible Bidder or Proposer—a person who has the capability in all respects to perform the contract requirements and the integrity and reliability which will assure good faith performance

a. The Office of State Procurement, or using agency, whichever is applicable, may request suitable evidence that a vendor is a responsible bidder or proposer.

C. Product Acceptability

1. The invitation to bid shall set forth the evaluation criteria to be used in determining product acceptability. It may require the submission of bid samples, descriptive literature, technical data, or other material. It may also provide for:

a. - c. …

2. The acceptability evaluation is not conducted for the purpose of determining whether one bidder's item is superior to another but only to determine that a bidder's offering is acceptable as set forth in the invitation to bid. Any bidder's offering which does not meet the acceptability requirements shall be rejected.

D. Determination of Lowest Bidder

1. Following determination of product acceptability as set forth in Subsection C of this Section, if any is required, bids will be evaluated to determine which bidder offers the lowest cost to the state in accordance with the evaluation criteria set forth in the invitation to bid. Only objectively measurable criteria which are set forth in the invitation to bid shall be applied in determining the lowest bidder. Examples of such criteria include but are not limited to transportation cost, and ownership or life-cycle cost formula. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible, such evaluation factors shall:

a. - b. …

E. Restrictions. A contract may not be awarded to a bidder submitting a higher quality item than that required by the invitation to bid unless the bid is also the lowest bid as determined under Subsection D of this Section. Further, this Section does not permit negotiation with any bidder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:330 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1352 (July 2014), LR 40:2553 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§329. Tie Bids
[Formerly LAC 34:I.529]

A. Definition

Tie Bids—low responsive bids from responsible bidders that are identical in price and which meet all requirements and criteria set forth in the invitation to bid.

B. Resident Business Preference

1. …

2. *Resident Business*—one authorized to do and doing business under the laws of this state, which either:

a. maintains its principal place of business in the state; or

B.2.b. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:330 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1353 (July 2014), LR 40:2553 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§331. Awarding of Bids
[Formerly LAC 34:I.531]

A. …

B. Information on Bid Results. Information pertaining to results of bids may be secured by visiting the agency, except weekends and holidays, during normal working hours, or by complying with §335.

C. - C.2. …

D. Increase or Decrease in Quantities. Unless otherwise specified in the invitation to bid, the state reserves the right to increase or decrease the quantities of any item or items shown in the bid by 10 percent.

E. - F.2.b. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:330 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1353 (July 2014), LR 40:2553 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§337. Assignments

[Formerly LAC 34:I.537]

A. No contract or purchase order or proceeds thereof may be assigned, sublet or transferred without prior written approval of the commissioner. This does not include agencies exempt in R.S. 39:1572.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:330 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1353 (July 2014), LR 40:2554 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§339. Deliveries

[Formerly LAC 34:I.539]

A. - D. …

E. Contracts—Reduction in Prices. All state agencies will receive the benefit of any reduction in price on any unshipped portion of any commodity contract. In the event the contractor reduces his price to any one state agency or political subdivision of the state, or makes a general reduction in price, all state agencies being supplied under these contracts are automatically entitled to the lower price; and the contractor shall rebate to all state agencies in a proportional amount. Also, in the event the total purchases of all state agencies of any items covered by the contract entitle the state to a greater quantity discount, the state shall receive the quantity discount appropriated to the total amount of actual purchases made by all state agencies. All price reductions made by any supplier under these contracts, designed for the benefit of any state agency, shall be made directly to the Office of State Procurement, Division of Administration. Also, the state agencies shall report any offer of a reduction in contract price to the Office of State Procurement, and the right is reserved to accept or reject such offers; but the best interest of the state as a whole will always be considered.

F. - G.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 21:566 (June 1995), repromulgated LR 40:1354 (July 2014), LR 40:2554 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

Chapter 5. Reverse Auctions

§503. Application

[Formerly LAC 34:I.603]

A. Notwithstanding the provisions of subpart A of R.S. 39:1600, with the approval of the state chief procurement officer that the best interests of the state would be served, a reverse auction may be utilized for the acquisition of materials, supplies, services of any type, products, or equipment of any monetary amount, including small purchases.

B. Prior to the use of any reverse auction, the state chief procurement may require in the solicitation language that:

1. vendors shall register before the opening date and time, and as part of the registration, require that the vendors agree to any terms and conditions and other requirements of the solicitation;

2. vendors shall be prequalified prior to placing bids and allow only bidders who are prequalified to submit bids.

3. the solicitation shall designate an opening date and time and the closing date and time. The closing date and time may be fixed or remain open depending on the nature of the item being bid;

4. at the opening date and time, the using agency shall begin accepting online bids and continue accepting bids until the bid is officially closed. Registered bidders shall be allowed to lower the price of their bid below the lowest bid posted on the Internet until the closing date and time;

5. bidders' identities shall not be revealed during the bidding process; only, the successively lower prices, ranks, scores, and related bid details shall be revealed;

6. all bids shall be posted electronically and updated on a real-time basis;

7. the using agency shall retain the right to cancel the solicitation if it determines that it is in the agency's or the state's best interest;

8. the using agency shall retain its existing authority to determine the criteria that shall be used as a basis for making awards.

C. Adequate public notice for the purchase of materials, supplies, services, or equipment using a reverse auction shall be given. The advertisement or notice shall conform to the requirements for public notice of sealed bidding or small purchases as applicable, pursuant respectively to R.S. 39:1594 or 1596, such that the extent, timing, location, form, and duration of public notice activities for the reverse auction process shall be fully consistent with the public notice activities required for a sealed bid or small purchase of equivalent value.

D. The Office of State Procurement shall report annually to the legislature by September first, on the use of reverse auctions and any savings achieved.

AUTHORITY NOTE: Promulgated in accordance with R.S.39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 38:1406 (June 2012), repromulgated LR 40:1354 (July 2014), LR 40:2555 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:51 (January 2016), LR 44:

§505. Addenda Modifying a Reverse Auction

[Formerly LAC 34:I.605]

A. Addenda will be issued in accordance with §305 of these rules.

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 38:1406 (June 2012), repromulgated LR 40:1355 (July 2014), LR 40:2555 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§507. Price Submittals
[Formerly LAC 34:I.607]

A. …

B. The preference provisions of R.S. 39:1604-1604.7 shall apply to the reverse auction process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 38:1407 (June 2012), repromulgated LR 40:1355 (July 2014), LR 40:2555 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§509. Withdrawal of Bids
[Formerly LAC 34:I.609]

A. Withdrawal of bids will be handled in accordance with §321 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 38:1407 (June 2012), repromulgated LR 40:1355 (July 2014), LR 40:25560 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§517. Security
[Formerly LAC 34:I.617]

A. All reverse auctions shall be conducted in accordance with the electronic security requirements of R.S. 9:2615(B) of the Office of Technology Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 38:1407 (June 2012), repromulgated LR 40:1355 (July 2014), LR 40:2556 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 42:52 (January 2016), LR 44:

Chapter 9. Sole Source Procurement

§905. Conditions for Use of Sole Source Procurement
[Formerly LAC 34:I.905]

A. Determination

1. The determination as to whether a procurement of a supply, service, or major repair item or a professional, personal, consulting, or social services contract award shall be made as a sole source shall be made by the state chief procurement officer, a chief procurement officer or either officer's designee upon sufficient factors and cause, and shall be in the best interests of the state. Such determination shall be in writing. Such officer may specify the application of such determination and its duration. In cases of reasonable doubt, competition should be solicited. Any request by a using agency that a procurement be restricted to one potential contractor shall be in writing and accompanied by an explanation as to why no other will be suitable or acceptable to meet the need.

2. Sole source procurement is permissible only if a requirement is available from a single supplier. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or proposer for that item. Examples of circumstances which could necessitate sole source procurement are:

a. - c. …

d. procurement of public utility and services;

e. registered breeding stock may be purchased on a selective basis without use of a competitive process, after approval as to price and quality of such stock by the commissioner of agriculture and a specialist of Louisiana State University to be designated by the head of the College of Agriculture;

f. other livestock may be purchased on a selective basis without use of a competitive process after approval as to health by the commissioner of agriculture, provided that the cost per head does not exceed $1,500. Any livestock purchases above this amount must have prior approval of the chief procurement officer.

B. Purchase of Antiques, Used or Demonstrator Equipment

1. Any agency may procure any equipment which is used, rebuilt/remanufactured/refurbished or preowned by an individual or corporation and where the procurement officer has determined that the procurement of said equipment is cost effective to the state.

2. The used equipment shall be purchased by the head of the agency within the price range set by the director of the Office of State Procurement in his statement of written approval for the purchase which must be obtained by the head of the agency prior to the purchase.

3. The head of the agency shall certify in writing to the director of the Office of State Procurement all of the following:

a. - d. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:331 (July 1982) amended LR 21:566 (June 1995), repromulgated LR 40:1356 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1281 (July 2015), LR 44:

Chapter 11. Emergency Procurement

§1109. Source Selection Methods
[Formerly LAC 34:I.1109]

A. …

B. After Unsuccessful Competitive Sealed Bidding. Competitive sealed bidding is unsuccessful when bids received pursuant to an invitation to bid are unreasonable, noncompetitive, or the low bid exceeds available funds as certified by the appropriate fiscal officer, and time or other circumstances will not permit the delay required to resolicit competitive sealed bids. If emergency conditions exist after or are brought about by an unsuccessful attempt to use competitive sealed bidding, an emergency procurement may be made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:332 (July 1982), repromulgated LR 21:566 (June 1995), LR 40:1357 (July 2014), LR 44:

§1111. Determination and Record of Emergency Procurement
[Formerly LAC 34:I.1111]

A. Determination. The procurement officer or the head of a purchasing agency shall make a written determination stating the basis for any emergency procurement or award of a professional, personal, consulting or social services

contract, and for the selection of a particular contractor. Such determination shall be sent promptly to the state chief procurement officer or chief procurement officer as appropriate for approval or rejection.

B. Record

1. A record of emergency procurement shall be maintained in a form/format determined by the director of the Office of State Procurement that lists, for those entities under its jurisdiction, at a minimum, the following:

1.a. - 2.…

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:332 (July 1982), repromulgated LR 21:566 (June 1995), LR 40:1357 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1282 (July 2015), LR 44:

Chapter 13. Cancellation of Solicitations; Rejection of Bids or Proposals

§1309. Rejection of Individual Bids or Proposals [Formerly LAC 34:I.1309]

A. General. This Subsection applies to rejections of individual bids or proposals in whole or in part.

1. *Proposals* (as used in this section)—competitive solicitations solicited in accordance with R.S. 39:1595 and §2545 of these regulations.

B. Notice in Solicitation. Each solicitation issued by the state shall provide that any bid or proposal may be rejected in whole or in part when in the best interests of the state as provided in these regulations.

C. Reasons for Rejection. As used in this Section *bid* means any bid or proposal submitted in compliance with competitive sealed bidding requirements and submissions under Chapter 7 (Small Purchases) or competitive sealed proposals governed by R.S. 39:1595. Reasons for rejecting a bid or proposal include but are not limited to:

1. the person that submitted the bid or proposal is nonresponsible as determined under §1511 of these regulations;

2. the bid or proposal is not responsive; or

3. the supply, service, or major repair items is unacceptable, that is, it fails to meet the specifications or permissible alternates or other acceptability criteria set forth in the invitation to bid or request for proposal. See Chapter 3, §327.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:333 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1358 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§1311. Disposition of Bids or Proposals [Formerly LAC 34:I.1311]

A. When bids or proposals are rejected, or a solicitation is canceled after bids/proposals have been opened, the bids/proposals shall be retained in the procurement file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:333 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1358 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

Chapter 15. Responsibility and Prequalification

§1501. Definitions [Formerly LAC 34:I.1501]

Responsible Bidder or *Proposer*—a person who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance. See also R.S. 39:1606 of the Louisiana procurement code. For the purpose of these regulations, "capability" as used in this definition means capability at the time of award of the contract, unless otherwise specified in the invitation to bid.

Solicitation—an invitation to bid, or any other document, such as a request for quotations and requests for proposals issued by the state for the purpose of soliciting offers or proposals to perform a state contract.

Suppliers—as used in R.S. 39:1607 (prequalification of suppliers) of the Louisiana procurement code, means prospective bidders or proposers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:333 (July 1982), amended LR 21:566 (June 1995), LR 40:1358 (July 2014), repealed by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§1503. Application [Formerly LAC 34:I.1503]

A. A determination of responsibility or nonresponsibility shall be governed by this Chapter and applicable sections of the procurement code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:333 (July 1982), repromulgated LR 21:566 (June 1995), LR 40:1358 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§1505. Standards of Responsibility [Formerly LAC 34:I.1505]

A. Standards

1. A reasonable inquiry to determine the responsibility of a bidder or proposer may be conducted in accordance with R.S. 39:1606. The following standards, as they relate to the particular procurement under consideration, may be used, but is not limited to the following:

a. has adequate financial resources for performance; or, has the ability to obtain such resources as required during performance;

b. has the necessary experience, organizations, technical qualifications, skills, and facilities, or has the ability to obtain them (including probable subcontractor arrangements);

c. is able to comply with the proposed or required time of delivery or performance schedule;

d. has a satisfactory record of integrity, judgment and performance (contractors who are seriously delinquent in current contract performance, considering the number of contracts and the extent of delinquencies of each, shall in the absence of evidence to the contrary or evidence of compelling circumstances, be presumed to be unable to fulfill the requirement);

e. is otherwise qualified and eligible to receive an award under applicable laws and regulations.

2. Before making a determination of responsibility, the Office of State Procurement; or, the head of the using agency, shall have sufficient current information to satisfy himself that the prospective contractor meets the standards in Subsections A and B. Information from the following sources may be utilized before making a determination of responsibility:

a. information from the prospective contractor, including representations and other data contained in proposals, or other written statements or commitments, such as financial assistance and subcontracting arrangements;

b. other existing information within the agency, including financial data, the list of debarred and ineligible bidders and records concerning contractor performance;

c. publications, including credit ratings and trade and financial journals;

d. other sources, including banks, other financial companies, and state departments and agencies.

3. When applicable, to the extent that a prospective contractor cannot meet the standard in Paragraph A.2 except by means of proposed subcontracting, the prospective prime contractor shall not be considered to be responsible unless recent performance history indicates an acceptable subcontracting system or prospective major subcontractors are determined by the Office of State Procurement or the head of the using agency to satisfy that standard.

4. Nothing herein shall prevent the procurement officer from establishing additional responsibility standards, provided that these additional standards are set forth in the solicitation.

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:333 (July 1982), repromulgated LR 21:566 (June 1995), LR 40:1359 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§1511. Written Determination of Nonresponsibility Required
[Formerly LAC 34:I.1511]

A. If a bidder or proposer who otherwise would have been awarded a contract of $5,000 or more is found nonresponsible, a written determination of nonresponsibility setting forth the basis of the finding shall be prepared by the chief procurement officer, or head of a purchasing agency, as applicable. A copy of the determination shall be sent promptly to the nonresponsible bidder or proposer. The determination shall be made part of the procurement file.

1. Factors to be considered in determining whether the standard of responsibility has been met include, but are not limited to, consideration of §§1505 and 2536.

B. Any such bidder or proposer who is proposed to be disqualified shall be given a reasonable opportunity to be heard at an informal hearing at which such bidder is afforded the opportunity to refute the reasons for the disqualification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:333 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1359 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

Chapter 17. Types of Contracts

§1701. Centralization of Contracting Authority
[Formerly LAC 34:I.1701]

A. When a mandatory use statewide competitive contract for supplies or services is established all state governmental bodies, excluding those exempted from the central purchasing agency by R.S. 39:1572(B), shall use such statewide competitive contracts when procuring such supplies or services unless given written exemption by the chief procurement officer. The following exceptions may be considered:

A.1. - B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:334 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1359 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§1709. Use of Brand Name, LaMAS (Louisiana Multiple Award Schedule), and Multi-State Contracts
[Formerly LAC 34:I.1709]

A. - B.3.c. …

d. A listing of all contracts applicable to this Section will be maintained on the website of the Office of State Procurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 33:2650 (December 2007), repromulgated LR 40:1360 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

Chapter 18. Progressive and Multiple Awards

§1801. Progressive Award
[Formerly LAC 34:I.1801]

A. A progressive award is an award of portions of a definite quantity requirement to more than one contractor. Each portion is for a definite quantity and the sum of the portions is the total definite quantity required. A progressive award may be in the state's best interest when awards to more than one bidder or proposer for different amounts of the same item are needed to obtain the total quantity or the time or times of delivery required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 21:566 (June 1995), repromulgated LR 40:1361 (July 2014), amended LR 44:

§1803. Multiple Award
[Formerly LAC 34:I.1803]

A. A multiple award is an award of an indefinite quantity contract for one or more similar supplies or services to more than one bidder or proposer, and the state is obligated to order all of its actual, normal requirements for the specified supplies or services from those contractors. A multiple award may be in the state's best interest when award to two or more bidders or proposers for similar products is needed for

adequate delivery, service, or availability, or for product compatibility. In making a multiple award, care shall be exercised to protect and promote the principles of competitive solicitation. Multiple awards shall not be made when a single award will meet the state's needs without sacrifice of economy or service. Awards shall not be made for the purpose of dividing the business or avoiding the resolution of tie bids. Any such awards shall be limited to the least number of suppliers necessary to meet the valid requirements of using agencies. All eligible users of the contract shall be named in the solicitation, and it shall be mandatory that the requirements of such users that can be met under the contract be obtained in accordance with the contract, provided, that:

1. - 3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 21:566 (June 1995), repromulgated LR 40:1361 (July 2014), amended LR 44:

Chapter 19. Multi-Year Contracts

§1903. Conditions for Purchasing and Contracting Use of Multi-Year Contracts [Formerly LAC 34:I.1903]

A. The multi-year method of contracting may be used as follows:

1. when purchasing supplies, services or major repairs and contract performance requires alteration in the contactor's facilities or operations involving high start-up costs;

2. when contracts for purchases of supplies, services or major repairs require uninterrupted services where the performance of such services involves high start-up costs, or where a changeover of service contractors involves high phase-in/phase-out costs during a transition period;

3. when establishing contracts for the installment purchase of supplies or equipment, including but not limited to data processing equipment and telecommunications equipment, procured in accordance with R.S. 39:1616;

4. when establishing contracts for professional, personal, consulting, or social services after determination in writing by the commissioner of administration or his designee.

B. - B.4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:337 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1361 (July 2014), amended LR 44:

§1905. Multi-Year Contract Procedure [Formerly LAC 34:I.1905]

A. Solicitation. The solicitation shall state:

1. the amount of supplies, services or major repairs required for the proposed contract period;

2. whether a unit price discounted off of established catalog price shall be given for each supply, service or major repair, and that such unit prices or discount shall be the same throughout the contract (except to the extent price adjustments may be provided in the solicitation and resulting contract);

A.3. - C.2. …

D. Multi-Year Contract Regulations Inapplicable. Section 1903 (Conditions for Use of Multi-Year Contracts) and Section 1905 (Multi-Year Contract Procedure) apply only to contracts for supplies or services described in this Section. Additional regulations, applicable to procurement of professional, personal, consulting, social services and energy efficiency contracts are found in Chapter 25 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:337 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1362 (July 2014), amended LR 44:

Chapter 21. Miscellaneous Contract Provisions for Supplies, Services, and Major Repairs

§2101. Contract Provisions [Formerly LAC 34:I.2101]

A. When a contract is to contain an option for renewal, extension, or purchase, notice of such provision shall be included in the solicitation. When such a contract is awarded, exercise of the option shall be at the state's discretion only, and shall be at the mutual agreement of the state and the contractor.

B. Contract Clauses. Contracts for supplies, services and major repairs may permit or require the inclusion of clauses providing for equitable adjustments in prices, time for performance, or other contract provisions identified in R.S. 39:1661 in addition to the following, as appropriate:

1. - 1.f. …

g. maximum compensation to be paid the contractor including due date of the payment(s);

2. - 4. …

C. Additional Contract Clauses. Contracts may permit or require the inclusion of clauses providing for appropriate remedies and covering the following subjects:

1. liquidated damages as appropriate;
2. specified excuses for delay or nonperformance;
3. termination of the contract for default;
4. …
5. an annual appropriation dependency clause;
6. audit language;
7. When a contract requires an original signature as provided by R.S. 9:2601-2621 and LAC 4:I.Chapter 7, Implementation of Electronic Signatures in Global and National Commerce Act—P.I., 106-229, is considered an original signature.

D. Additional contract clauses for contracts awarded from a competitive sealed proposal shall contain as a minimum:

1. description of the work to be performed or objectives to be met, when applicable;
2. amount and time of payments to be made;
3. description of reports or other deliverables to be received, when applicable;
4. date of reports or other deliverables to be received, when applicable;
5. responsibility for payment of taxes, when applicable;
6. circumstances under which the contract can be terminated either with or without cause;
7. remedies for default;
8. a statement giving the legislative auditor the authority to audit records of the individual firm;

9. performance measurement;

10. monitoring plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:337 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1362 (July 2014), amended LR 41:670 (April 2015), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§2103. Exercise of Option
[Formerly LAC 34:I.2103]

A. Before exercising any option for renewal, extension, or purchase, the chief procurement officer shall attempt to ascertain whether a re-solicitation is practical, in terms of current market conditions and trends and cost factors, and would be more advantageous to the state than renewal or extension of the existing contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:337 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1362 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§2105. Goods Manufactured or Services Performed by Sheltered Workshops
[Formerly LAC 34:I.2105]

A. R.S. 39:1604.4 provides in part that a preference shall be given by all governmental bodies in purchasing products and services from state supported sheltered workshops for persons with severe disabilities.

B. Purchases of goods manufactured by or services performed by individuals with severe disabilities in state-operated and state-supported sheltered workshops as defined in R.S. 39:1604.4 shall be exempt from competitive sealed bidding in accordance with the provisions of R.S. 39:1594.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:337 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1363 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

Chapter 22. Inspection of Plant and Supplies; Audit of Records

§2203. Audit of Records
[Formerly LAC 34:I.2203]

A. The state may enter a contractor's or subcontractor's plant or place of business to:

1. audit cost or pricing data or audit the books and records of any contractor or subcontractor pursuant to R.S. 39:1629 and 1629.1; and

2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 21:566 (June 1995), repromulgated LR 40:1363 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

Chapter 23. Reporting of Suspected Collusive Bidding or Negotiations

§2301. Anticompetitive Practices
[Formerly LAC 34:I.2301]

A. For the purposes of this Section, an anticompetitive practice is a practice among bidders or proposers which reduces or eliminates competition or restrains trade. An anticompetitive practice can result from an agreement or understanding among competitors to restrain trade such as submitting collusive bids or proposals, or result from business actions which have the effect of restraining trade, such as controlling the resale price of products. Indications of suspected anticompetitive practices include identical bids or proposals, rotated low bids or proposals, sharing of the business, "tie-in" sales, resale price maintenance, and group boycotts (see Identical Bidding, §2309).

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:338 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1363 (July 2014), amended LR 44:

§2303. Independent Price Determination
[Formerly LAC 34:I.2303]

A. Every solicitation shall provide that by submitting a bid or proposal, the bidder or proposer certifies that the price submitted was independently arrived at without collusion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:338 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1363 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§2307. Detection of Anticompetitive Practices
[Formerly LAC 34:I.2307]

A. In order to ascertain whether or not an anticompetitive practice may have occurred or may be occurring, the procurement officer will often find it necessary to study past procurement including, as appropriate, the following:

1. - 2. …

3. consultation with outside sources of information, such as bidders or proposers who have competed for similar state business in the past but who are no longer competing for such business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:338 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1363 (July 2014), amended LR 44:

§2309. Identical Bidding
[Formerly LAC 34:I.2309]

A. The term *identical bidding* means the submission by bidders or proposers of the same total price or the same price on a particular line item. The submission of identical bids may not signify the existence of collusion. In some instances, price controls imposed by state or federal governments result in the submission of identical bids. Bids may also be identical as a result of chance. Identical bids for supplies are more likely to occur due to chance if:

1. - 4. …

B. In seeking to determine whether collusion has taken place, the procurement officer should view the identical bids or proposals against present and past pricing policies of the bidders or proposers, the structure of the industry involved, including comparisons of prices f.o.b. shipping point and f.o.b. destination, and the nature of the supply, service, or major repair involved, such as whether it is a basic chemical or material. Identical bids or proposals may also result from resale price maintenance agreements which are described in §2311.C of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:338 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1364 (July 2014), amended LR 44:

§2311. Possible Anticompetitive Practices [Formerly LAC 34:I.2311]

A. …

B. Rotated Low Bids or Proposals. Rotated low bids or proposals result where all bidders or proposers participating in the collusive scheme submit bids, but by agreement alternate being the lowest bidder or proposers. In order to determine whether rotation may be occurring, the procurement officer must review similar past procurement in which the same bidders or proposers have participated.

C. …

D. Sharing of the business occurs where potential bidders or proposers allocate business among themselves based on the customers or the territory involved. Thus a procurement officer might discover that a potential bidder or proposer is not participating in a state procurement because a particular state agency, or a particular territory has not been allocated to such bidder or proposer by the producer or manufacturer.

E. "Tie-In" Sales. "Tie-in" sales are those in which a bidder or proposer attempts to sell one supply or service only upon the condition that the procurement officer purchase another particular supply or service.

F. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 8:338 (July 1982), amended LR 21:566 (June 1995), repromulgated LR 40:1364 (July 2014), amended LR 44:

Chapter 25. Procurement of Professional, Personal, Consulting, Social Services, and Energy Efficiency Contracts

Subchapter A. General Provisions

§2501. Delegation of Authority [Formerly LAC 34:V.101]

A. The director of the Office of State Procurement may delegate in writing certain responsibilities set forth herein in accordance with R.S. 39:1566.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 4:495 (December 1978), amended LR 7:179 (April 1981), LR 8:591 (November 1982), LR 10:455 (June 1984), LR 11:1067 (November 1985), repromulgated LR 40:2556 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§2503. Definitions and Classes of Contractual Services [Formerly LAC 34:V.103]

A. The following services shall be contracted out in accordance with these regulations.

1. *Personal Services*—for contracts with individuals who render work which requires use of creative or artistic skills including but not limited to those individual services identified in R.S. 39: 1556 (37) and entertainers, expert speakers and other services satisfying the requirements of the definition for personal services as added by regulation.

2. *Professional Service*—for contracts with a total amount of compensation of $50,000 or more,–the definition of "professional service" shall be limited to lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, accountants, claims adjusters, pharmacists, visiting professors, and scientists and any other profession that may be added by regulations adopted by the Office of State Procurement of the Division of Administration.

3. *Consulting Service*—for contracts as defined in R.S. 39:1556 (10).

4. *Retroactive Claims Recovery Services*—those consulting services where third party coverage identification and verification represent the primary services, and any operations type activities such as information technology and/or claims submission are merely incidental to the total work tasks to be performed, and where such services will result in revenue enhancement to the state through a contingency fee arrangement. The RFP process for this type of consulting service shall require that at least 50 percent of total weighted criteria for evaluation be allocated to cost.

5. *Social Service*—for contracts as defined in R.S. 39:1556 (54).

6.a. - c. …

7. Interagency contracts between governmental entities as defined in R.S. 39:1556 (25) and 1556 (30), respectively, for any of the services enumerated in Paragraphs 1, 2, 3, 4, 5 or 6 above shall be governed by these regulations, except that contracts between boards of higher education and their respective institutions shall be exempt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 7:181 (April 1981), amended LR 8:591 (November 1982), LR 10:455 (June 1984), LR 11:1067 (November 1985), LR 13:652 (November 1987), LR 17:264 (March 1991), LR 20:542 (May 1994), repromulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 41:1669 (September 2015), LR 40:2556 (December 2014), amended LR 40:2544 (December 2014), repromulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1669 (September 2015), amended LR 44:

§2505. Performance-Based Energy Efficiency Contracting [Formerly LAC 34:V.105]

A. Preparation of Requests for Proposals

1. Performance contracts shall be considered to be consulting services contracts under the provisions of Title 39, Chapter 17 of the *Louisiana Revised Statutes* and shall be awarded in accordance with the provisions of that Chapter, the rules and regulations promulgated by the Office

of State Procurement pursuant to that Chapter, and this Section.

2. Prior to its preparation of an RFP, a state agency, as defined in R.S. 39:2 (hereinafter, "user agency") shall perform a needs analysis in accordance with the provisions of title 39, chapter 17 of the *Louisiana Revised Statutes* and the rules and regulations promulgated by the Division of Administration, through its Office of State Procurement ("OSP") pursuant to that chapter. Such needs analysis shall be in a form approved by the Commissioner of the Division of Administration or his designated agent and shall include a detailed audit of energy use.

3. …

4. Upon approval of a user agency's needs analysis pursuant to this Section, such user agency shall prepare an RFP in a form approved by OSP, which form shall require proposers to separately itemize the costs and savings associated with each proposed energy cost savings measure ("ECSM"). In accordance with the provisions of title 39, chapter 17 of the *Louisiana Revised Statutes* and the rules and regulations promulgated by OSP pursuant to that chapter, every RFP shall indicate the relative importance of price and other evaluation factors, shall clearly define the tasks to be performed under the performance contract, the criteria to be used in evaluating the proposals and the time frames within which the work must be completed. Prior to advertising its RFP, a user agency shall submit it to the commissioner of administration or his designated agent and obtain his written consent to the advertisement of the RFP.

5. Upon approval of a user agency's RFP, such user agency shall advertise its RFP in accordance with the provisions of title 39, chapter 17 of the *Louisiana Revised Statutes* and the rules and regulations promulgated by OSP pursuant to that chapter.

B. Evaluation of Submitted Proposals

1. A user agency shall review any proposals it timely receives in response to its RFP and shall submit to the Office of Facility Planning and Control ("FPC") the results of its review, along with each proposal that is responsive and responsible and otherwise in accordance with the provisions of title 39, chapter 17 of the *Louisiana Revised Statutes*, the rules and regulations promulgated by OSP pursuant to that chapter, and this Section. A user agency shall not make a final selection from among the proposals it submits to FPC.

2. …

a. whether proposed ECSMs are in compliance with the provisions of R.S. 39:1622;

2.b. - 3. …

4. Prior to the award of any performance contract, the Commissioner of the Division of Administration or his designated agent may retain an independent consultant in accordance with this Section. Such independent third-party consultant shall evaluate all proposals and written evaluations submitted to the Commissioner of the Division of Administration or his designated agent. Such evaluation shall be in accordance with the provisions of title 39, chapter 17 of the *Louisiana Revised Statutes*, the rules and regulations promulgated by OSP pursuant to that chapter, and this Section. After completing its evaluation, an independent consultant shall submit to the Commissioner of the Division of Administration or his designated agent the written results of such evaluation. An independent consultant shall not make a final selection from among the proposals it evaluates.

5. …

6. After completing his review of the submitted proposals and evaluations prepared by the independent consultant, if any, pursuant to this Section, the Commissioner of the Division of Administration or his designated agent shall provide written notification to a user agency that the Commissioner of the Division of Administration or his designated agent has consented to the award of a performance contract to a specified energy services company ("ESCO") or that he has not consented to the award of a performance contract. Pursuant to the provisions of title 39, chapter 17 of the *Louisiana Revised Statutes*, the rules and regulations promulgated by OSP pursuant to that chapter, and this Section, such consent shall be given to the responsible ESCO whose proposal is determined by the Commissioner of the Division of Administration or his designated agent to be the most advantageous to the state of Louisiana, taking into consideration all of the evaluation factors set forth in the RFP, as well as any evaluations or recommendations provided by the user agency, and the independent consultant, if any. In the event that the Commissioner of the Division of Administration or his designated agent determines that consent to the award of a performance contract would not be advantageous to the state of Louisiana, he shall provide the user agency with written reasons for his decision to withhold his consent.

7. …

C. Negotiation of Performance Contracts

1. A user agency shall negotiate with an approved ESCO a performance contract in a form approved by OSP. The process of such negotiation shall be in accordance with the provisions of title 39, chapter 17 of the *Louisiana Revised Statutes*, the rules and regulations promulgated by OSP pursuant to that chapter, and this Section. The Commissioner of the Division of Administration or his designated agent may require that an independent consultant retained pursuant to this Section participate on behalf of a user agency in the negotiation of a performance contract with an approved ESCO.

1.a. - 3. …

4. A user agency shall submit a negotiated performance contract to OSP for its review and approval. A user agency's submission of a negotiated performance contract shall be in accordance with the provisions of title 39, chapter 17 of the *Louisiana Revised Statutes*, the rules and regulations promulgated by OSP pursuant to that chapter, and this Section.

C.5. - E.4.h. …

i. In accordance with the provisions of R.S. 39:1622(H), if at any time after the execution of a performance-based energy efficiency contract, a state agency makes a unilateral change or modification to the scope of work under the contract, the annual energy cost savings attributable to the services or equipment shall be adjusted to account for any expended costs and any projected savings that can no longer be measured or verified as a result of the change or modification. However, any adjustment that reduces the annual energy cost savings attributable to the services or equipment by twenty percent or more shall

require approval of the Joint Legislative Committee on the Budget prior to the amendment of the contract. This Subsection shall apply to all performance-based energy efficiency contracts in effect on and after January 1, 2010, and all future contracts executed pursuant to this Section.

F. Grandfathered Performance Contracts

1. Notwithstanding any other provision of this Section, where an RFP or a proposed performance contract is exempt from the application of subparagraphs (a) through (d) of R.S. 39:1622(E)3.a.(ii), the selected ESCO shall, at the time a performance contract is executed, submit a certified or cashier's check, payable to the Commissioner of the Division of Administration or his designated agent, in a sum equal to no more than 1 percent of the total value of the proposed performance contract. The percentage of such total value and the means of calculating such total value and the means of calculating such total value shall be determined by the Commissioner of the Division of Administration or his designated agent and shall be set forth in the performance contract.

2. Where an RFP or a proposed performance contract is exempt from the application of subparagraphs (a) through (d) of R.S. 39:1622(E)3.a.(ii), such RFP or proposed performance contract shall not be subject to the application of Subsection A or B of this Section but shall be subject to the remaining provisions of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office Facility Planning and Control, LR 31:640 (March 2005), amended LR 32:2049 (November 2006), repromulgated LR 40:2558 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§2506. Contracts Under Agency Delegation of Authority [Formerly LAC 34:V.106]

A. …

B. The using agency shall submit a report to the Office of State Procurement, as requested. This report shall contain a listing of all delegated contracts to include: the name of contractor, amount of contract, specific nature of services rendered, date of contract, total dollar amount of all delegated contracts entered into by the using agency, and any other information required by Office of State Procurement policy for that requested time period. If no such contracts have been entered into during this period, a report shall still be submitted notifying the Office of State Procurement.

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 7:179 (April 1981), amended LR 8:591 (November 1982), LR 10:455 (June 1984), LR 11:1068 (November 1985), LR 17:265 (March 1991), repromulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 40:2561 (December 2014), amended LR 40:2545 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1282 (July 2015), repromulgated LR 41:1669 (September 2015), amended LR 44:

§2509. Contract Contents [Formerly LAC 34:V.109]

A. Each contract for professional, personal, consulting and social services shall contain the contract provisions set forth in R.S. 39:1625.

B. Contracts funded fully or in part by federal funds, in addition to meeting all the requirements of these guidelines and R.S. 39:1551-1755 shall meet all applicable federal standards and shall contain all necessary clauses required by federal statutes, rules or regulations. The burden of complying with federal regulations shall rest with the using agency.

C. Travel expenses shall be reimbursed in accordance with Division of Administration Policy and Procedure Memorandum 49 (the state general travel regulations, LAC 4, Part V). Persons performing services under contracts approved by the Office of State Procurement shall be considered to be other persons under LAC 4:V.1503.C.3 (the state general travel regulations).

D.1. - E. …

F. Include the right to suspend or terminate a contract based on non-appropriated funds; or for cause or to protect the best interest of the state.

G. An electronic signature as provided by LAC 4:I.Chapter 7 is considered an original signature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 4:496 (December 1978), amended LR 7:182 (April 1981), LR 8:592 (November 1982), LR 10:456 (June 1984), LR 11:1068 (November 1985), repromulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 40:2561 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§2512. Modification of Contract [Formerly LAC 34:V.112]

A. All amendments to contracts for professional, personal, consulting and social services shall be submitted to the Office of State Procurement and shall become effective only upon approval by the director of the Office of State Procurement. If an amendment extends a contract beyond one year, justification for a multi-year contract must be submitted with said amendment in accordance with Chapter 19 herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 4:497 (December 1978), amended LR 7:182 (April 1981), LR 8:592 (November 1982), LR 10:456 (June 1984), LR 11:1068 (November 1985), LR 13:653 (November 1987), repromulgated LR 40:2562 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§2515. Termination of Contract [Formerly LAC 34:V.115]

A. Whenever a contract is terminated prior to the termination date stated in the contract, the Office of State Procurement shall be notified in writing by the using agency of such prior termination, and the reasons therefor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 4:497 (December 1978), amended LR 7:182 (April 1981), LR 8:592 (November 1982), LR 10:456 (June 1984), LR 11:1068 (November 1985), repromulgated LR 40:2562 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§2518. Submission of Contracts
[Formerly LAC 34:V.118]

A. At least one copy of said contract and attachments shall be submitted to the Office of State Procurement. The Office of State Procurement shall submit a list of all contracts for $25,000 or more to the Legislative Fiscal Office. Copies of such contracts shall be forwarded to the Legislative Fiscal Office upon request. The Office of State Procurement will not accept for review and approval any contract that is not accompanied by the necessary attachments and copies as required herein (attachments being submittal letters, R.S. 39:1623 certification, BA-22, etc.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 4:497 (December 1978), amended LR 7:182 (April 1981), LR 8:592 (November 1982), LR 10:456 (June 1984), LR 11:1068 (November 1985), LR 13:653 (November 1987), repromulgated LR 40:2562 (December 2014), amended LR 41:671 (April 2015), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§2521. Contractual Review Process
[Formerly LAC 34:V.121]

A. Contracts arriving in the Office of State Procurement will be date stamped and logged in. Contracts should be submitted prior to their effective dates and no contract shall be approved which has been submitted 60 days after its effective date unless written justification is provided by the using agency and approval granted by the director of the Office of State Procurement or his designee. All Submittals will be required to have a cover letter attached thereto.

B. If a contract does not appear to be out of the ordinary and appears to have the necessary attachments and inclusions, it will be routed as appropriate to the Division of Administration budget analyst for the submitting agency. A BA-22, or its equivalent, shall be submitted with every contract or amendment submitted to the Office of State Procurement, which contains any expenditures or reduction in expenditures.

C. Contracts that are incomplete as to form, or missing an attachment, may be returned to the submitting agency.

D. Contracts Returned from Budget

1. Not Recommended for Approval. If a contract is not recommended for approval, the Office of State Procurement shall discuss the reason with the budget analyst. If the problem cannot be resolved, the contract shall be returned to the submitting agency with an explanation.

2. …

E. Legal and Content Review. There are a number of different types of contracts, and content requirements may vary a little. All contracts shall contain the following:

1. signatures of both the head of the using agency or his designee and the contractor. An electronic signature as provided by LAC 4:I.Chapter 7 shall be considered an original signature;

2. - 3. …

4. beginning and termination dates for the contract. Normally, such contracts should be for a term no longer than one year, although the director of state procurement may approve contracts with terms up to three years. Contracts shall not include a clause permitting automatic renewal or extension of the original beyond a three-year period, unless authorized by the funding statute. Per R.S. 39:1622(C)(1) performance-based energy efficiency contracts shall have a term not to exceed 10 years;

5. …

6. a statement giving the legislative auditor and/or the Office of the Governor, Division of Administration auditors authority to audit the financial records of the contractor relative to work done under the contract;

7. a clause providing that the contractor shall not assign any interest in this contract, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the submitting agency thereto, provided, however, that claims for money due or to become due to the contractor from the using agency under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to both the using agency and the director of the Office of State Procurement;

8. the Office of State Procurement shall notify the using agency in writing when an assignment of proceeds notice has been received from a contractor;

9. …

10. advance payments on all contracts except those for professional services are allowable if limited to less than or equal to 20 percent of the contract amount and if necessary to provide for the lowest cost delivery of service, and as provided by R.S. 39:1613;

a. all such advances shall be approved by the director of the Office of State Procurement. If federal funds are to be advanced, federal guidelines shall prevail on the conditions and amount of the advance. Specific state statutory authority may override the 20 percent limit for certain contracts;

b. - b.ii. …

F. Each contract over $5,000 submitted for approval shall be accompanied by a certification letter as described in R.S. 39:1623, signed by the using agency's representative.

G. - G.3. …

4. If the contractor is a corporation not incorporated under the laws of the state of Louisiana, then the contractor must secure a certificate of authority pursuant to R.S. 12:301-302 from the secretary of the state of Louisiana and verification of such certificate must be made available to the Office of State Procurement.

5. The Office of Information Technology Services shall review and recommend any contract containing elements of telecommunication services before returning it to the Office of State Procurement for completion of the analysis.

H. Consulting Services Contracts for $50,000 or More. If a contract is for services defined as consulting in R.S. 39:1556(10) and is for an amount equal to or exceeding

$50,000 for a 12-month period, it must have been awarded pursuant to the requirements of R.S.39:1595(B), unless exempt by §2542. Failure to so comply shall result in the using agency having to reconduct the process. A statement in accordance with R.S. 39:1595(B) as to why the award was made must be submitted with the contract.

I. Information technology consulting service contracts for more than $100,000 shall be procured in accordance with Subchapter C of these regulations.

J. Social Services Contracts for $250,000 or More During a 12-Month Period. If a contract is for services defined as social services in R.S. 39:1556(54) it must have been awarded pursuant to the requirements of R.S. 39:1595(B) unless exempt by R.S. 39:1619. Failure to so comply shall result in the using agency having to reconduct the process. A statement in accordance with R.S. 39:1595(B) as to why the award was made must be submitted with the contract.

K. …

L. When it has been determined that a contract is complete, the contract shall be returned to the submitting agency with an approval from the Office of State Procurement.

M. A performance evaluation for every personal, professional, consulting or social services contract shall be done by the using agency in accordance with R.S. 39:1569.1. This performance evaluation shall be retained by the using agency for all contracts approved under delegated authority. For all other contracts this performance evaluation shall be submitted to the Office of State Procurement within 120 days after the termination of the contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39: 1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 7:182 (April 1981), amended LR 8:592 (November 1982), LR 10:456 (June 1984), LR 11:1069 (November 1985), LR 13:87 (February 1987), LR 13:653 (November 1987), LR 15:81 (February 1989), repromulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 40:2562 (December 2014), amended LR 40:2545 (December 2014), LR 41:671 (April 2015), repromulgated LR 41:1669 (September 2015), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§2524. Exempt Occupations [Formerly LAC 34:V.124]

A. The following list of occupations shall be construed as falling within the definition of medical, nursing or allied health fields given in R.S. 39:1626. Personnel employed in these fields would therefore be exempt from the prohibition contained in R.S. 39:1624(A)(4) which disallows personal, professional, consulting or social services contracts between the state of Louisiana and state employees:

1. - 30. …

B. Other specialists as may be included later by the Director of the Office of State Procurement by issuance of a policy and procedure memorandum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 8:593 (November 1982), amended LR 10:457 (June 1984), LR 11:1070 (November 1985), LR 15:82 (February 1989), LR 17:266 (March 1991), repromulgated LR 40:2564 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§2527. Delegation of Signature Authority [Formerly LAC 34:V.127]

A. R.S. 39:1595(A)(10)(b)(i), (ii) and 39:1595.1 requires that the head of the using agency or his designee shall sign all contracts for personal, professional, consulting or social services. All delegations of signature authority by the head of the using agency must be in writing and must be approved by the Office of State Procurement. Normally delegations of signature authority to the level of assistant secretary or equivalent will be approved if circumstances warrant the delegation. Delegations of signature authority to a level below that of assistant secretary may be granted in unusual situations, for example, where the volume of contracts is very heavy.

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 8:593 (November 1982), amended LR 10:457 (June 1984), LR 11:1070 (November 1985), repromulgated LR 40:2564 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§2530. Confidentiality of Technical Data or Trade Secrets [Formerly LAC 34:V.130]

A. The using agency shall be responsible for protecting technical data, financial information, overhead rates, and trade secrets which may come into their possession from individuals and businesses doing business with the state. Any such information received by the Office of State Procurement shall be returned to the using agency upon completion of said review.

B. A bidder or proposer who asserts a trade secret or confidentiality over any information contained in its bid or proposal but fails to provide OSP a redacted copy of its bid or proposal upon request of OSP, shall have the option to either waive its assertion of trade secret or confidentiality or have its bid or proposal rejected, subject to applicable law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 7:181 (April 1981), amended LR 8:593 (November 1982), LR 10:457 (June 1984), LR 11:1070 (November 1985), repromulgated LR 40:2564 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§2533. Multi-Year Contracts [Formerly LAC 34:V.133]

A. Contracts in excess of one year shall be submitted to the Office of Contractual Review with written reasons why a multi-year contract is needed. Justification of multi-year contracts shall be submitted in accordance with R.S. 39:1615 in compliance with the delegation of authority from the commissioner of administration.

B. Any contracts which cross fiscal years should contain a funding-out clause in accordance with R.S. 39:1615.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 7:181 (April 1981), amended LR 8:593 (November 1982), LR 10:458 (June 1984), LR 11:1070 (November 1985), LR 17:266 (March 1991), repromulgated LR 40:2564 (December 2014), amended LR 44:

§2534. Cost Reimbursement Contracts [Formerly LAC 34:V.134]

A. - A.3.b. …

c. If a single provider has multiple cost-reimbursement contracts subject to the requirements herein, then the provider may elect to have an audit done using the single audit model. In these instances, a major state contract means any state contract for which expenditures during the year exceed the greater of $100,000 or 3 percent of such total expenditures.

d. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B) and 39:1521.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 15:82 (February 1989), repromulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 40:2565 (December 2014), amended LR 40:2545 (December 2014), repromulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1670 (September 2015), LR 44:

§2536. Determination of Responsibility [Formerly LAC 34:V.136]

A. In order to qualify as responsible, a proposer must meet the following standards as they relate to the particular procurement under consideration:

1. - 5. …

B. A proposer shall present acceptable evidence of financial resources, experience, organization, technical qualifications, skills, and facilities, to perform the service called for by the contract.

C. No contract for consulting services for $50,000 or more, or for social services for $250,000 or more shall be awarded to any person or firm unless the head of the using agency has first determined that such person or firm is responsible within the meaning of Subsections A and B.

D. In any case where a contract for consulting services is for $50,000 or more, or where a contract for social services is for $250,000 or more, the head of the using agency shall prepare, sign, and place in the contract file a statement of the facts on which a determination of responsibility was based. Any supporting documents or reports and any information to support determinations of responsibility of the proposer or potential subcontractors should be kept on file with the agency, subject to inspection upon the request by the director of State Procurement or his designee.

E. - F. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 4:496 (December 1978), amended LR 8:593 (November 1982), LR 10:458 (June 1984), LR 11:1070 (November 1985), LR 13:654 (November 1987), repromulgated LR 40:2565 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§2539. Suspension, Debarment and Reinstatement [Formerly LAC 34:V.139]

A. …

1. The state shall also have the right to suspend or terminate a contract based on the absence of appropriated, funds for the acquisition of goods or services or for cause; or, when in the best interest of the state;

B. - B.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 8:594 (November 1982), amended LR 10:458 (June 1984), LR 11:1071 (November 1985), repromulgated LR 40:2566 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1282 (July 2015), LR 44:

Subchapter B. Contracts Let Via a Request for Proposals Process

§2542. Source Selection Methods [Formerly LAC 34:V.142]

A. Pursuant to R.S. 39:1620-1621, professional or personal services contracts for any amount, consulting services contracts less than $50,000 for a twelve-month period, and social services contracts meeting one of the requirements of R.S. 39:1619(B) may be awarded without competitive negotiation or bidding; therefore this Section shall be applicable to consulting services contracts for $50,000 or more per 12-month period and which are not exempted by R.S. 39:1621, and social services contracts for $250,000 or more per 12-month period which are not exempted by R.S. 39:1619(B).

1. Emergency Awards. An emergency award of a personal, professional, consulting, or social services contract shall be made in accordance with LAC 34:V.

2. Sole Source Awards. A sole source award of a personal, professional, consulting, or social services contract shall be made in accordance with LAC 34:V.

3. - 3.d. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 7:179 (April 1981), amended LR 8:594 (November 1982), LR 10:459 (June 1984), LR 11:1071 (November 1985), LR 13:655 (November 1987), repromulgated LR 40:2566 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1282 (July 2015), LR 44:

§2545. Request for Proposals [Formerly LAC 34:V.145]

A. …

1. In addition to the requirements of R.S. 39:1595 and these regulations, a request for proposals should:

a. - f. …

g. inform the potential contractors that the state reserves the right to use a best and final offer (BAFO) as a part of the competitive negotiation process to clarify the scope of work and/ or to obtain the most cost effective pricing available from the proposer along with the proposers most favorable terms in response to the solicitation. When used, inform the potential contractors of the evaluation criteria and associated weights, if different from the initial scoring criteria and weights.

h. require potential contractors to include the following information in their proposals:

i. a description of the firm's qualifications to include a specific list of personnel to be used in the services and their qualifications (at least list the number and the qualifications of each position). However, a résumé will be required on each of the key personnel. Additionally for consulting services, the contractor must stipulate that these personnel will not be removed from the contract without prior approval of the using agency;

ii. a list of the agencies with names and contact persons, for whom similar work has been done;

iii. if applicable, the length of time needed for the services, broken down by phases, if phasing is necessary;

iv. the proposed methodology for accomplishing the services with a precise statement of what the state will receive as an end product of the services (this is sometimes referred to as the technical section of the proposal);

v. for consulting services only, an itemized cost statement showing various classes of man-hours at appropriate rate, delineated by phases, if phasing is used, and an itemized listing of all other expenses or fees that are expected to be paid by the state and a complete breakdown of consultant overhead rate, if applicable;

vi. for social services only, a detailed budget or other cost breakdown as may be required by the using agency and/or the federal government.

2. - 4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 4:495 (December 1978), amended LR 7:180 (April 1981), LR 8:594 (November 1982), LR 10:459 (June 1984), LR 11:1072 (November 1985), repromulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 40:2567 (December 2014), amended LR 40:2545 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1283 (July 2015), repromulgated LR 41:1670 (September 2015), amended LR 44:

Subchapter C. Contracts for Information Technology Consulting Services in an Amount Greater than $100,000

§2549. Procurement Support Team [Formerly LAC 34:V.149]

A. Unless a procurement support team is formed in accordance with R.S. 39:200(I), a procurement support team shall be formed in accordance with the procedures defined herein for every contract for the procurement of information technology consulting services in an amount greater than $100,000. At the discretion of the director of the Office of State Procurement, all other consulting services anticipated to cost $140,000 or more may require PST review of the RFP, the selection process, and subsequent contract. The formation of a procurement support team shall be accomplished by the Office of State Procurement and shall include one or more representatives from each of the following: the Office of State Procurement, the Attorney General's Office; the using agency initiating the procurement action; and the Legislative Fiscal Office. The procurement support team shall submit a recommendation to the director of the Office of State Procurement concerning the final contract. Where a procurement support team is formed in accordance with R.S. 39:200(I), the requirements of this Section may be met by including a representative from the Attorney General's Office.

B. At least two members of each procurement support team should have formal training in computer contract negotiations. The Legislative Fiscal Office and the Attorney General's Office shall each designate in writing to the Office of State Procurement the names of a primary and an alternate team member, and should insure that at least one of these individuals has received formal training in computer contract negotiations. It shall thereafter be the responsibility of each named agency to keep the Office of State Procurement advised of any changes in designated individuals. At least four members, one from each office designated, must be present to constitute a quorum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:460 (June 1984), amended LR 11:1073 (November 1985), repromulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 40:2568 (December 2014), amended LR 40:2545 (December 2014), repromulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1670 (September 2015), LR 44:

§2551. Procurement Support Team Involvement [Formerly LAC 34:V.151]

A. Procurement support team participation must include, as a minimum, review of the request for proposals, review of using agency evaluation of proposals and award of contract, and review and/or negotiation of contract terms. Procurements requiring a procurement support team will involve the active participation of all of the members of the procurement support team as a unit. There will be at least one joint meeting per phase during the process. The procurement support team will make written evaluations and recommendations as a group; these will not supplant written individual agency approvals as required by statute or regulations. The team leader will be designated by the Office of State Procurement.

B. - C. …

D. The individual agencies represented on procurement support teams will have the following primary responsibilities. The responsibilities may be enlarged or modified as appropriate to each given situation by the procurement support team leader with the concurrence of the Office of State Procurement.

1. - 2. …

3. Office of State Procurement. The Office of State Procurement shall have primary responsibility for insuring compliance with RFP procedures and regulations.

4. …

5. The Office of Information Technology Services shall provide technical staff to the procurement support team. They shall provide advice and support in the area of information technology techniques, negotiation techniques, and reviewing the structure and content of requests for proposals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:460 (June 1984), amended LR 11:1073 (November

1985), repromulgated LR 40:2569 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§2554. Emergency and Sole Source Procurements [Formerly LAC 34:V.154]

A. Notwithstanding the guidelines established in §2542, procurements of information technology consulting services in an amount greater than $100,000 under emergency or sole source conditions shall involve a procurement support team designated by the Office of State Procurement and under the direction of a team leader designated by the Office of State Procurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:461 (June 1984), amended LR 11:1074 (November 1985), repromulgated LR 40:2569 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§2557. Procurement Support Team; Procurement Schedule [Formerly LAC 34:V.157]

A. Each using agency contemplating a contract requiring more than $100,000 of information technology consulting services shall write the director of the Office of State Procurement notifying him prior to the drafting of the request for proposals. The Office of State Procurement shall then contact the appropriate agencies and obtain from those agencies the names of the individuals designated to participate on the particular procurement support team (PST). The Office of State Procurement shall then designate a team leader, insure that at least two members of the procurement support team have received formal training in computer contract negotiations, and forward to the team leader the names of the other team members, along with any information received from the using agency.

B. …

C. At the end of the procurement process one copy of the documentation related to the procurement will be retained on file by the Office of State Procurement. The team leader will make written status reports at the end of each phase to the Office of State Procurement. Such status reports shall be presented to the Office of State Procurement at each regular meeting.

D. - E. …

F. After a procurement process has been completed, PST team members and the using agency are encouraged to submit written evaluations and comments of the process, and suggestions for future improvements. Such evaluations, comments, and suggestions shall be sent to the Office of State Procurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:461 (June 1984), amended LR 11:1074 (November 1985), repromulgated LR 40:2569 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

Subchapter D. Revised Statutes

§2587. Revised Statutes [Formerly LAC 34:V.187]

A. …

B. A rule or regulation shall not change any contract commitment, right, or obligation of the state or of a contractor under a state contract in existence on the effective date of that rule or regulation (R.S. 39:1564).

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 4:497 (December 1978), amended LR 7:183 (April 1981), LR 8:596 (November 1982), LR 10:461 (June 1984), LR 11:1074 (November 1985), repromulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 40:2570 (December 2014), amended LR 40:2546 (December 2014), repromulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1670 (September 2015), amended LR 44:

Chapter 27. Intergovernmental Regulations

§2706. LaMAS (Louisiana Multiple Award Schedule) State Contracts Based on GSA Prices [Formerly LAC 34:I.2506]

A. The State Central Purchasing Agency of the Division of Administration may establish state contracts based on GSA (general service administration) pricing when it has been determined in writing by the director of the Office of State Procurement that certain conditions are met, which shall become part of the procurement file.

B. Materials, supplies, or equipment shall not be purchased on a state contract based on GSA pricing at a price higher than the price of the same item listed on any available statewide competitive contract established by the Office of State Procurement.

C. - D.2. …

E. No use shall be made of a LaMAS contract without the participation of a Louisiana licensed dealer or distributor. Louisiana licensed dealers or distributors must meet the requirement of a resident business defined in R.S. 39:1556(47) Louisiana licensed dealers or distributors shall agree to:

1. - 2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581 and R.S. 39:1702(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 29:2381 (November 2003), repromulgated LR 40:1365 (July 2014), LR 40:2573 (December 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

Chapter 31. Protests and Appeals, Bidder Responsibility, Suspension and Debarment of Bidders, Contract Controversies

§3101. Definitions [Formerly LAC 34:I.3101]

* * *

Interested Person—any person who has submitted a bid in response to an invitation to bid, a request for proposals, or other solicitation issued under the Louisiana procurement code who has or may have a pecuniary or other property interest which may be affected by a determination made in a protest hearing.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 9:210 (April 1983), repromulgated LR 40:1365 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§3103. Application
[Formerly LAC 34:I.3103]

A. The following rules shall only apply to hearings held by boards of higher education and institutions under their jurisdiction in accordance with R.S. 39:1671, 1672, and 1673 of title 39 of the *Louisiana Revised Statutes*, unless the institution is operating under a pilot procurement code in accordance with R.S. 17:3139.5(5)(c)(i) which has adopted rules or procedures that supersede these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of the Commissioner, LR 9:210 (April 1983), amended LR 23:67 (January 1997), repromulgated LR 40:1366 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 40:2546 (December 2014), repromulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 41:1671 (September 2015), LR 44:

§3105. Initiation of Hearing
[Formerly LAC 34:I.3105]

A. Responsibility of Bidders and Proposers. A hearing held to consider the disqualification of a bidder or proposer shall be commenced with the giving of written notice issued by the chief procurement officer, the commissioners or head of a governmental body.

B. Protest of aggrieved person in connection with the solicitation, award, or issuance of written notice of intent to award. Any person who is aggrieved in connection with the solicitation, award, or issuance of written notice of intent to award may protest to the chief procurement officer. Protests with respect to a solicitation shall be submitted in writing at least two days prior to the opening of bids or proposals. Protests with respect to the award of a contract or the issuance of written notice of intent to award a contract shall be submitted in writing within 14 days after contract award.

1. - 2. …

C. Suspensions and Debarments. A hearing for a candidate for suspension or debarment for cause from consideration for award of contracts or a suspension from such consideration during an investigation where there is probable cause for such debarment shall be initiated by issuance of written notice thereof in accordance with the procurement code.

D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 9:210 (April 1983), amended LR 22:280 (April 1996), repromulgated LR 40:1366 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§3113. Decisions and Orders of the Hearing Officer
[Formerly LAC 34:I.3113]

A. - B. …

1. The final decision of the hearing officer shall not be subject to the review of the commissioner when the decision is rendered in a proceeding to determine responsibility of a bidder or proposer. Notice of the right to judicial review of the final decision shall accompany service of the final decision.

C. A bidder or proposer who is disqualified shall have the right to request a rehearing before the hearing officer. This right must be exercised within 10 days of the date of receipt of the decision of disqualification. The grounds for rehearing shall be limited to the following:

1.a. - d. …

2. the request for rehearing on behalf of a bidder or proposer disqualified after hearing on his responsibility shall be in writing and shall set forth the grounds which justify a rehearing. In the event a rehearing is granted by the hearing officer, it shall be confined to the grounds upon which the rehearing was granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 9:211 (April 1983), repromulgated LR 40:1368 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§3115. Administrative Appeal to the Commissioner
[Formerly LAC 34:I.3115]

A. - D.2.…

E. Appeal of Contractor Controversy. A party shall file his appeal with the commissioner within 14 days of the receipt of the determination under R.S. 39:1673.C. The commissioner shall decide within 14 days the contract or breach of contract controversy. A copy of the decision shall be mailed or otherwise furnished immediately to the contractor. The decision of the commissioner on appeal shall be final and conclusive unless:

1. - 2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 9:212 (April 1983), repromulgated LR 40:1368 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§3117. Judicial Appeal from Administrative Decisions
[Formerly LAC 34:I.3117]

A. Solicitation and Award of Contracts. The Nineteenth Judicial District Court shall have exclusive venue over an action between the state and a bidder, proposer, or contractor, prospective or actual, to determine whether a solicitation or award of a contract is in accordance with the constitution, statutes, regulations, and the terms and conditions of the solicitation. Such actions shall extend to all kinds of actions, whether for monetary damages or for declaratory, injunctive, or other equitable relief. Any action under R.S. 39:1691(A) shall be commenced within 14 days after receipt of the decision of the commissioner under R.S. 39:1683(C).

B. - C. …

D. Disqualification of Bidders or Proposer. A bidder or proposer disqualified after a hearing conducted pursuant to R.S. 39:1601 shall have a right of appeal to the Nineteenth Judicial District Court. Any action for review of a hearing conducted pursuant to R.S. 39:1601 shall be commenced within 30 days after receipt of the hearing officer's decision or within 30 days of the receipt of a decision on an application for rehearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 9:212 (April 1983), repromulgated LR 40:1369 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

§3119. Procedure upon Judicial Review
[Formerly LAC 34:I.3119]

A. An appeal to the Nineteenth Judicial District Court for review of a decision of the commissioner shall be instituted within the time delays established in the preceding Section entitled "Judicial Appeal from Administrative Decisions" by the filing of a petition. An appeal to the decision of a hearing officer in a hearing involving the responsibility of a bidder or proposer shall likewise be filed within the delay provided in the preceding Section and shall be instituted by the filing of a petition.

B.1. The filing of the petition does not stay enforcement of a decision in proceedings involving responsibility of a bidder or proposer, suspension or debarment, or controversies between the state and a contractor. The commissioner may grant, or the Nineteenth Judicial District Court may order, a stay upon appropriate terms.

B.2. - D.5. …

6. Not supported and sustainable by a preponderance of evidence as determined by the reviewing court. In the application of this rule, the court shall make its own determination and conclusions of fact by a preponderance of evidence based upon its own evaluation of the record reviewed in its entirety upon judicial review. In the application of the rule, where the agency has the opportunity to judge the credibility of witnesses by first-hand observation of demeanor on the witness stand and the reviewing court does not, due regard shall be given to the agency's determination of credibility issues.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 9:213 (April 1983), repromulgated LR 40:1369 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

Chapter 33. Vendors

§3301. Vendor Fees
[Formerly LAC 34:I.3301]

A. The state reserves the right to charge an annual subscription fee to vendors, upon written notice of no less than 30 days. The fees may be used to ensure sustainability of various services to vendors that assist them in conducting business with the state of Louisiana relative to procurement and procurement related opportunities, such as training, instructive publications, etc.

A.1. - B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1561.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 12:833 (December 1986), amended LR 13:342 (June 1987), LR 17:660 (July 1991), repromulgated LR 40:1370 (July 2014), amended by the Office of the Governor, Division of Administration, Office of State Procurement, LR 44:

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 Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

It is anticipated that the proposed action will have no significant 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; or
5. child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

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 Sandra G. Gillen, Office of State Procurement, P.O. Box 94095, Baton Rouge, LA 70804-9095. She is responsible for responding to inquiries regarding the proposed Rule. All comments must be received by February 12, 2018.

Paula B. Tregre
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Procurement

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

The proposed rule changes are anticipated to result in no substantive costs or savings to state or local governmental entities. The restructuring of the laws governing procurement and the consolidation of the Office of Contractual Review and the Office of State Purchasing into the Office of State Procurement and the subsequent restructuring of both offices' LAC rules highlighted some redundancies that could be eliminated by merging the office's LAC rules into one consolidated section. The proposed rule changes also correct

administrative errors, correct authority references to the Office of State Procurement, clarify regulations, and amend requirements to allow for electronic transmissions and/or signatures to enhance efficiencies and maximize the use of the e-procurement system used for purchasing and contracting transactions.

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

The proposed rule changes are not anticipated to 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 changes are not anticipated to create costs for directly affected persons or non-governmental groups. Increased efficiencies may create economic benefits for participants in the procurement processes governed by the LAC rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are to improve clarity and efficiency for the procurement processes in which vendors participate and may drive down costs as a result. There is no anticipated impact on employment as a result of the proposed rule changes.

Paula B. Tregre
Director
1801#073

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Division of Administration
Racing Commission

Timing of Entering Next Claiming Race
(LAC 35:XI.9905)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, notice is hereby given that the Racing Commission proposes to amend LAC 35:XI.9905. The proposed amendment will make the eligibility requirements following a horse being claimed less restrictive for the last 10 days of the 30-day period following a claim. The first 20 days will remain the same as the current Rule. The following 10 days, the horse is eligible to run back for the same claiming price or higher.

Title 35
HORSE RACING
Part XI. Claiming Rules and Engagements
Chapter 99. Claiming Rule
§9905. Timing of Entering Next Claiming Race

A. Except as otherwise provided herein, a claimed horse shall not enter in starter, optional or claiming races for 20 days after being claimed in a race in which the determining eligibility price is less than 25 percent more than the price at which the horse was claimed. For a period of 10 days thereafter, a horse is eligible to run back for the same claiming price or higher. The day claimed shall not count, but the following calendar day shall be the first day and the horse shall be entitled to enter whenever necessary so the horse may start on the thirty-first day following the claim for any claiming price. This provision shall not apply to starter handicaps in which the weight to be carried is assigned by the handicapper. A similar rule in other states will be recognized and enforced.

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 30:1476 (July 2004), amended LR 33:2422 (November 2007), LR 41:1673 (September 2015), LR 44:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and/or autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This proposed Rule has no known impact on providers of services for individuals with developmental disabilities.

Public Comments

The domicile office of the Louisiana State Racing Commission is open from 8 a.m. to 4:30 p.m., and interested parties may contact Charles A. Gardiner III, Executive Director, or Larry Munster, Assistant Executive Director, at (504) 483-4000 (holidays and weekends excluded), or by fax (504) 483-4898, for more information. All interested persons may submit written comments relative to this proposed Rule for a period up to 20 days exclusive of weekends and state holidays from the date of this publication to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5100.

Charles A. Gardiner III
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Timing of Entering Next Claiming Race

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

There is no anticipated direct material effect on state or local governmental units as a result of the proposed rule change. The proposed rule provides that, for the last 10 days of the 30 days following a horse being claimed, the horse will be eligible to enter and run in a race for the same claiming price or higher, making the rule less restrictive for claiming horses.

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 as a result of the proposed administrative rule.

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

Trainers and owners will be impacted by the proposed rule as it makes the current rule less restrictive. The rule speaks to the eligibility of a horse to enter and run in certain races for 30 days following a horse being claimed. Currently, the rule requires that a claimed horse shall not enter in starter, optional, or claiming races for 30 days after being claimed in a race in which the determining eligibility price is less than 25% more than the price at which the horse was claimed. This will remain the same for 20 days following the claim. The following 10 days thereafter, a horse will be eligible to enter and run in a race for the same claiming price or higher. The licensed association race tracks are anticipated to see an increase in

entries of claimed horses and potentially a larger field size in the races. A larger number of entries is anticipated to increase the field size of the race (number of horses entered in a race), which is anticipated to increase betting on a race, and ultimately the handle of the race. This will be an anticipated economic benefit to trainers, owners, and licensed association race tracks.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed administrative rule change.

Charles A. Gardiner, III
Executive Director
1801#020

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Real Estate Commission

Compensation (LAC 46:LXVII.1805)

Under the authority of the Louisiana Real Estate License Law, R.S. 37:1430 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Real Estate Commission has initiated procedures to amend LAC 46:LXVII.1805. The purpose of the proposed Rule is to promote broker responsibility in the areas of supervision, record keeping, and compensation. The Rule is proposed to ensure that brokers are taking the task of supervising their agents seriously to ensure that practicing agents are serving the public to the best of their abilities.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXVII. Real Estate

Chapter 18. Broker Responsibilities

§1805. Compensation

A. Licensees who are part of a group or team shall not receive compensation for acts or services subject to R.S. 37:1431.(24) from anyone within their team.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1435.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 43:954 (May 2017), amended LR 44:

Family Impact Statement

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the January 20, 2018 *Louisiana Register*. The proposed Rule has no known impact on family, formation, stability, or autonomy.

Poverty Impact Statement

The proposed Rule has no known impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule has no known impact on providers of services for individuals with developmental disabilities.

Public Comments

Interested parties may submit written comments on the proposed regulations to Ryan Shaw, Louisiana Real Estate Commission, P.O. Box 14785, Baton Rouge, LA 70898-4785 or 9071 Interline Avenue, Baton Rouge, LA 70809 or rshaw@lrec.state.la.us, through February 9, 2018 at 4:30 p.m.

Public Hearing

If it becomes a necessary to convene a public hearing to receive comments, in accordance with the Administrative Procedures Act, a hearing will be held on March 1, 2018 at 9 a.m. at the office of the Louisiana Real Estate Appraisers Board, 9071 Interline Avenue, Baton Rouge, LA 70809.

Bruce Unangst
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Compensation

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

The proposed rule change will have no anticipated impact on expenditures to state or local governmental units. The proposed rule change eliminates the option for a sponsored broker to give written consent that the licensee can be paid directly at the point of sale, and reverts to the previous practice where only the sponsoring broker can pay the licensee.

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

The proposed rule change may generate additional revenues to the real estate commission to the extent brokers are non compliant, however the amount of revenue is indeterminable. The fine amount will be determined by the Commission on a case-by-case basis.

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

Sponsoring brokers and licensees will be impacted by the proposed rule change.

Sponsoring brokers will no longer be able to give written consent for the licensee to be paid directly at the point of sale, and to the extent they are non-compliant they would have to appear before the commission which will then determine an appropriate penalty.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Ryan Shaw
Public Information Director
1801#048

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health
Board of Nursing

Alternative to Disciplinary Proceedings
(LAC 46:XLVII.3419)

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. 37:918, that the Louisiana State Board of Nursing (LSBN) is proposing rule changes to Chapter 34, Section 3419, Subsection A, Subparagraph 1 and Chapter 34, Section 3419, Subsection

D, Subparagraph 3, admission criteria, Subparagraph i-j under Title 46, Professional and Occupational Standards, Part XLVII. One proposed change will update the terminology. The medical term has changed from chemical dependency to substance use disorder, mild, moderate or severe according to the *Diagnostic and Statistical Manual of Mental Disorders Fifth Edition (DSM 5)* edited and published by the American Psychiatric Association in 2013. The other change will correct a factual error. The factual error that will be corrected is as follows: "No substitution of narcotic medications destined for patients for the purpose of diversion" will be removed from the *Louisiana Administrative Code* since suboxone, an opioid medication, is used to treat narcotic (opiate) addiction. Chapter 34, Section 3419 offers an alternative to disciplinary proceedings for nurses. The Recovering Nurse Program (RNP) was established to assist registered nurses or student nurses who have demonstrated actual or potential inability to practice nursing with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition, so that such nurses or student nurses can be treated and return to the practice of nursing in a manner which will not endanger the public health, safety and welfare.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses: Practical Nurses and Registered Nurses
Subpart 2. Registered Nurses
Chapter 34. Disciplinary Proceedings: Alternative to Disciplinary Proceedings
§3419. Alternative to Disciplinary Proceedings

A. - A.1. …

2. In addition to being an alternative to disciplinary action, the RNP accepts individuals who have been diagnosed with a physical, and/or mental impairment, or substance use disorder and who have disciplinary action ordered by the board.

B. - B.7. …

C. Operational Definitions

Board—the Louisiana State Board of Nursing.

Compliance—conformity in fulfilling the Recovering Nurse Program agreement.

Confidentiality—all records of a nurse or student nurse who has successfully completed or is in the non-disciplinary alternative program shall not be subject to public disclosure, and shall not be available for discovery proceedings except as required by federal and state confidentiality laws and regulations. The records of a nurse or student nurse who fails to comply with the program agreement or who leaves the program without enrolling in an alternative program in the state to which the nurse moves, or who subsequently violates the Nurse Practice Act or the rules of the board, shall not be deemed confidential except for those records protected by federal and state confidentiality laws and regulations.

Impaired Nurse—a registered nurse or student nurse who has demonstrated actual or potential inability to practice nursing with reasonable skill and safety to individuals because of use of alcohol or drugs; or has demonstrated inability to practice nursing with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition.

Impairment—problems associated with the actual or potential inability to practice nursing with reasonable skill and safety to individuals because of the use of alcohol or drugs; or inability to practice nursing with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition.

Non-Compliance—failure to conform with the stipulations of the RNP agreement.

Recovering Nurse Program (*RNP*)—a program established by the board to identify and assist registered nurses, registered nurse applicants and student nurses whose capacity to practice nursing with reasonable skill and safety to patients has been, or may potentially be, compromised because of use of alcohol or drugs, or because of illness or as a result of any mental or physical condition.

Relapse—the use of a mind or mood altering chemical when total abstinence from all mind- or mood-altering chemicals has been directed.

Student Nurse—an individual who is enrolled in a Louisiana State Board of Nursing-approved program preparing for licensure as a registered nurse.

D. - D.3.d. …

e. has no criminal convictions or pending criminal charge pertaining to any crime of violence or other crime referenced in LAC 46:XLVII.3331.A, any crime that involves the distribution of drugs, and/or any crime that demonstrates a lack of fitness to practice nursing;

f. - h. …

i. no related nursing problems involving death or significant harm to patient;

j. agrees to comply with all RNP stipulations and signs program agreement including statement of admission of substance use disorder or other impairment.

E. - E.6.d. …

F. Admission and Progression. The following procedures shall apply to RNP participants.

1. For nurses who have met criteria in §3419.D and have entered the program confidentially with no disciplinary action will upon entry:

a. sign RNP agreement for five years for substance use disorders. Agreements to rule out substance use disorder or medical, mental or physical agreements may be of shorter duration depending on treatment team recommendations;

b. refrain from the practice of nursing until approved by RNP;

c. complete and submit to the board a comprehensive inpatient evaluation and treatment as recommended from a board recognized treatment facility. Admission shall be within 10 days unless otherwise approved by RNP or board's professional staff;

1.d - 2.a. …

b. complete a relapse evaluation as directed by RNP staff. Participants must follow all treatment recommendations. Admission shall be within 10 days unless otherwise approved by RNP;

2.c - 3.b.iii. …

iv. board hearing or consent order will be required prior to reinstatement;

v. submit fine/costs as imposed.

4. A third relapse/non-compliance will result in an automatic suspension for a minimum of two years and show cause order for revocation.

G. - I. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), amended LR 27:728 (May 2001), LR 31:1586 (July 2005), LR 35:1535 (August 2009), LR 36:1244 (June 2010), LR 37:3025 (October 2011), amended by the Department of Health, Board of Nursing, LR 44:

Family Impact Statement

The proposed additions and/or changes to the rules of the board, Louisiana State Board of Nursing should not have any known or foreseeable impact on any family as defined by R.S. 49.972(D) or on family formation, stability and autonomy. Specifically, 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. a family's earnings and budget;
5. the behavior and personal responsibility of the children; or
6. the family's ability or that of the 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 this proposed Rule has been considered. It is anticipated that this proposed Rule will not have an impact on child, individual, or family poverty in relation to individual or community asset development as described on 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 not have an 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 on the proposed Rule to Karen C. Lyon, 17373 Perkins Road, Baton Rouge, LA 70810, or by facsimile to (225) 755-7585. All comments must be submitted by 5 p.m. on or before February 10, 2018.

Dr. Karen C. Lyon, E.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Alternative to Disciplinary Proceedings

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

The proposed rule changes will not result in any costs or savings to state or local governmental units other than publication costs associated with the proposed rule changes, which are estimated to be $616 in FY 18. The first proposed rule change updates terminology regarding substance use disorders. The medical term has changed from "Chemical Dependency" to "Substance Use Disorder, Mild, Moderate or Severe" according to the *Diagnostic and Statistical Manual of Mental Disorders Fifth Edition (DSM 5), Edited and Published by the American Psychiatric Association in 2013*. The second proposed change will correct a language error that is currently present in the administrative rules. The error reads, "No substitution of narcotic medications destined for patients for the purpose of diversion." This statement will be removed from the *Louisiana Administrative Code* since suboxone, an opioid medication, is used to treat narcotic (opiate) addiction.

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

The proposed rule changes will not affect state or local governmental revenue collections.

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

The proposed rule changes will not result in costs and/or economic benefits to any person or non-governmental group.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition and/or employment.

Karen C. Lyon
Executive Director
1801#047

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health
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, Bureau of Health Services Financing proposes to amend 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 proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Due to an increase in the add-on amount to the per diem rate for the provider fee, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for intermediate

care facilities for persons with intellectual disabilities (ICFs/ID) in order to increase the transitional rates paid to public facilities (*Louisiana Register*, Volume 40, Number 9). This proposed Rule is being promulgated to continue the provisions of the October 1, 2014 Emergency Rule.

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. Effective October 1, 2012, the department shall establish a transitional Medicaid reimbursement rate of $302.08 per day per individual for a public ICF/ID facility over 50 beds that is transitioning to a private provider, as long as the provider meets the following criteria:

1. - 2.a. ...

3. incurs or will incur higher existing costs not currently captured in the private ICF/ID rate methodology; and

4. shall agree to downsizing and implement a pre-approved OCDD plan:

a. any ICF/ID home that is a cooperative endeavor agreement (CEA) to which individuals transition to satisfy downsizing requirements, shall not exceed 6-8 beds.

B. - 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), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

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, but may reduce the total direct and indirect cost to the provider to provide the same level of service, and may enhance the provider's ability to provide the same level of service as described in HCR 170 since this proposed Rule increases payments to providers for the same services they already render.

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 Tuesday, February 27, 2018 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: Intermediate Care Facilities for Persons withIntellectual Disabilities—Public Facilities Reimbursement Rate Increase

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 programmatic cost of approximately $28,279 for FY 17-18, $17,970 for FY 18-19 and no programmatic costs for FY 19-20 as the transition period for the increased reimbursement ends with FY 18-19. It is anticipated that $432 ($216 SGF and $216 FED) will be expended in FY 17-18 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 63.34 percent in FY 17-18 and 64.23 percent in FY 18-19.

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 $48,702 for FY 17-18, $32,269 for FY 18-19 and no federal revenue collections for FY 19-20 as the transition period for the increased reimbursement ends with FY 18-19. It is anticipated that $216 will be collected in FY 17-18 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 63.34 percent in FY 17-18 and 64.23 FY 18-19.

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

This proposed Rule continues the provisions of the October 1, 2014 Emergency Rule which amended the reimbursement methodology governing intermediate care facilities for persons with intellectual disabilities (ICFs/ID) in order to increase the transitional rates paid to certain public facilities. The proposed Rule will benefit providers of ICF/ID services that qualify for the increased reimbursement during the transition period. It is anticipated that implementation of this proposed rule will increase programmatic expenditures for ICFs/ID services by approximately $76,549 for FY 17-18, $50,239 for FY 18-19,

and will have no impact in FY 19-20 since the transition period for the increased payments ends with FY 18-19 payments.

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 the proposed rule may have a positive effect on employment as it will increase the payments made to certain public ICFs/ID. The increase in payments may improve the financial standing of these facilities and could possibly cause an increase in employment opportunities.

Jen Steele	Evan Brasseaux
Medicaid Director	Staff Director
1801#024	Legislative Fiscal Office

NOTICE OF INTENT

Department of Health
Bureau of Health Services Financing

Therapeutic Group Homes
Licensing Standards
(LAC 48:I.Chapter 62)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.Chapter 62 as authorized by R.S. 36:254 and R.S. 40:2009. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the licensing standards for therapeutic group homes (TGHs) in order to: 1) clarify and update these provisions to be consistent with the standard language used in other licensing Rules and with standard processes; 2) update the comprehensive treatment plan provisions; and 3) establish provisions for inactivation of licensure due to non-declared disasters or emergencies and for TGH residents to attend school in an alternative setting.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Licensing

Chapter 62. Therapeutic Group Homes

Subchapter A. General Provisions

§6201. Introduction

A. ...

B. Therapeutic group homes provide a 24 hours per day, seven days per week, structured and supportive living environment. The purpose of a TGH is to provide community-based services in a secured, homelike environment to clients under the age of 21 who are determined to need psychiatric or psychological services.

C. ...

D. The goal of a TGH is to maintain the client's connections to their community, yet receive and participate in a more intensive level of treatment in which the client lives safely in a 24-hour setting.

1. Community reintegration may be progressive and with individual consideration of the client's safety, prior involvement in and potential for aberrant and criminal activity, mental health status, and elopement consideration.

E. - E.6. ...

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 38:401 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6203. Definitions

Active Treatment—implementation of a professionally developed and supervised comprehensive treatment plan that is developed no later than seven days after admission and designed to achieve the client's discharge from inpatient status within the shortest practicable time. To be considered active treatment, the services shall contribute to the achievement of the goals listed in the comprehensive treatment plan. Tutoring, attending school, and transportation are not considered active treatment. Recreational activities can be considered active treatment when such activities are community based, structured and integrated within the surrounding community.

* * *

Cessation of Business-provider is non-operational and/or has stopped offering or providing services to the community.

* * *

Department—the Louisiana Department of Health, or "LDH."

* * *

Employed-performance of a job or task for compensation, such as wages or a salary. An employed person may be one who is contracted or one who is hired for a staff position.

Health Standards Section—the Louisiana Department of Health, Health Standards Section or "HSS."

* * *

Non-Operational—the TGH location is not open for business operation as stated on the licensing application and business location signage.

* * *

Secretary—the secretary of the Louisiana Department of Health, or his designee.

* * *

Time Out—the restriction of a client for a period of time to a designated area from which the client is not physically prevented from leaving, for the purpose of providing the client an opportunity to regain self-control.

Validated Complaint—Repealed.

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 38:402 (February 2012), amended LR 41:1293 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

Subchapter B. Licensing

§6207. General Provisions

A. All TGH providers shall be licensed by the Department of Health. The department is the only licensing authority for TGH providers in Louisiana. It shall be unlawful to operate as a therapeutic group home without possessing a current, valid license issued by the department. Each TGH shall be separately licensed.

B. A TGH license shall:

1. ...

2. be valid only for the TGH to which it is issued and only for the specific geographic address of that TGH;

3. enable the provider to operate as a TGH within a specific LDH region;

B.4. - C.1. ...

2. There shall always be at least two employees on duty at the TGH at all times.

D. - G. ...

H. No new TGH shall accept clients until the TGH has written approval and/or a license issued by HSS. If the provider is currently maintaining a license as a child residential facility from DCFS, the provider may remain operational under its DCFS license during the TGH application process.

I. Plan Review. Construction documents (plans and specifications) are required to be submitted and approved by both the OSFM and the Department of Health as part of the licensing procedure and prior to obtaining a license.

1. Applicable Projects. Construction documents require approval for the following types of projects:

a. - b. ...

c. major alterations;

i. Cosmetic changes to the TGH, such as painting, flooring replacement or minor repairs shall not be considered an alteration or substantial rehabilitation.

2. ...

a. Submittal Requirements

i. One set of the final construction documents shall be submitted to the OSFM for approval. The fire marshal's approval letter and final inspection shall be sent to the LDH.

ii. One set of the final construction documents shall be submitted to the OSFM, or its designated plan review entity, along with the required review fee and a "plan review application form" for approval.

b. Design Criteria. The project shall be designed in accordance with the regulations and requirements of *LAC Title 51, Public Health Sanitary Code* and of the OSFM applicable to residential facilities/group homes.

i. - vi. Repealed.

c. Construction Document Preparation. Construction documents submitted to OSFM, or its designated plan review entity, shall be prepared in accordance with the regulations and requirements of *LAC Title 51, Public Health Sanitary Code* and of the OSFM applicable to residential facilities/group homes.

i. - vi. Repealed.

3. Waivers. The secretary of LDH may, within his/her sole discretion, grant waivers to building and construction guidelines which are not part of or otherwise required under the provisions of the State Sanitary Code. The provider shall submit a waiver request in writing to HSS. The provider shall demonstrate how patient safety and quality of care offered is not compromised by the waiver, and shall demonstrate the undue hardship imposed on the TGH if the waiver is not granted. The provider shall demonstrate its ability to completely fulfill all other requirements of service. The department will make a written determination of the requests.

a. Waivers are not transferable in an ownership change and are subject to review or revocation upon any change in circumstances related to the waiver.

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 38:403 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6209. Initial Licensing Application Process

A. ...

B. Currently licensed DCFS providers that are converting to TGHs shall comply with all of the initial licensure requirements, except plan review, and may be eligible for the exception to the bedroom space requirement of this Chapter.

C. An applicant shall submit a completed initial licensing application packet to the department, which shall include:

1. ...

2. a copy of the approval letter of the architectural plans for the TGH from the department and from the OSFM, and any other office/entity designated by the department required to review and approve the provider's architectural plans;

3. - 7. ...

8. an 8 1/2 x 11 inch floor sketch or drawing of the premises to be licensed;

9. ...

10. any other documentation or information required by the department for licensure, including but not limited to, proof of approvals from local agencies such as local zoning boards and ordinances.

D. - D.8. ...

E. If the initial licensing packet is incomplete when submitted, the applicant will be notified of the missing information and will have 90 days from receipt of the notification to submit the additional requested information. If the additional requested information is not submitted to the department within 90 days, the application will be closed. After an initial licensing application is closed, an applicant who is still interested in becoming a TGH provider shall submit a new initial licensing packet with a new initial licensing fee to start the initial licensing process.

F. Once the initial licensing application packet has been approved by the department, notification of the approval shall be forwarded to the applicant. Within 90 days of receipt of the approval notification, the applicant shall notify the department that the TGH is ready and is requesting an initial licensing survey. If an applicant fails to notify the department within 90 days, the initial licensing application shall be closed. After an initial licensing application has been closed, an applicant who is still interested in becoming a TGH shall submit a new initial licensing packet with a new initial licensing fee to start the initial licensing process.

G. Applicants shall be in compliance with all appropriate federal, state, departmental or local statutes, laws, ordinances, rules, regulations and fees before the TGH provider will be issued an initial license to operate.

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 38:404 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6211. Types of Licenses

A. - A.4.a. ...

b. A provisional renewal license may be issued for the following reasons:

i. ...

ii. the existing licensed TGH has more than three substantiated complaints in a one year period;

b.iii. - c.i. ...

ii. If the on-site follow-up survey determines that the TGH has not corrected the deficient practices or has not maintained compliance during the period of the provisional license, the provisional renewal license shall expire and the provider shall be required to begin the initial licensing process again by submitting a new initial license application packet and fee, if no timely informal reconsideration or administrative appeal of the deficiencies is filed pursuant to this Chapter.

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 38:404 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6213. Changes in Licensee Information or Personnel

A. Any change regarding the TGH's name, "doing business as" name, mailing address, phone number, or any combination thereof, shall be reported in writing to the department within five days of the change. Any change regarding the TGH name or "doing business as" name requires a change to the provider license and shall require a $25 fee for the issuance of an amended license.

B. Any change regarding the TGH's key administrative personnel shall be reported in writing to the department within five days of the change.

B.1. - C.2. ...

D. A TGH that intends to change the physical address of its geographic location is required to have plan review approval, Office of State Fire Marshal approval, Office of Public Health approval, compliance with other applicable licensing requirements, and an on-site licensing survey prior to the relocation of the TGH.

1. A written notice of intent to relocate shall be submitted to HSS when the plan review request is submitted to the department for approval.

2. Relocation of the TGH's physical address results in a new anniversary date and the full licensing fee shall be paid.

E. Any request for a duplicate license shall be accompanied by the required fee.

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 38:405 (February 2012), amended LR 41:1293 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6215. Renewal of License

A. To renew a license, a TGH shall submit a completed license renewal application packet to the department at least 30 days prior to the expiration of the existing current license. The license renewal application packet shall include:

A.1. - C. ...

D. The renewal of a license does not in any manner affect any sanction, civil fine, or other action imposed by the department against the provider.

E. If an existing licensed TGH has been issued a notice of license revocation, suspension, or termination, and the provider's license is due for annual renewal, the department shall deny the license renewal application and shall not issue a renewal license.

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 38:406 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6217. Deemed Status

A. A licensed TGH may request deemed status from the department. The department may accept accreditation in lieu of a routine on-site licensing survey provided that:

1. ...

2. all services provided under the TGH license shall be accredited; and

A.3. - D. ...

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 38:406 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6219. Licensing Surveys

A. Prior to the initial license being issued to the TGH, an initial licensing survey shall be conducted on-site at the facility to assure compliance with licensing standards. Except for providers currently maintaining a license as a child residential facility from DCFS, a TGH shall not provide services to any client until the initial licensing survey has been performed and the provider found in compliance with the licensing standards. The initial licensing survey shall be an announced survey.

B. - E.5. ...

F. Surveyors and staff on behalf of the department shall be:

1. ...

2. allowed to interview any provider staff, client, or participant as necessary to conduct the survey.

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 38:406 (February 2012), amended LR 41:1293 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6221. Complaint Surveys

A. - B. ...

C. An acceptable plan of correction may be required by the department for any complaint survey where deficiencies have been cited. If the department determines other action, such as license revocation is appropriate, a plan of correction may not be required and the TGH will be notified of such action.

D. A follow-up survey may be conducted for any complaint survey where deficiencies have been cited to ensure correction of the deficient practices. If the department

determines that other action, such as license revocation, is appropriate, a follow-up survey may not be required. The TGH will be notified of any action.

E. ...

F. LDH surveyors and staff shall be given access to all areas of the TGH and all relevant files during any complaint survey. LDH surveyors and staff shall be allowed to interview any TGH staff, client, or participant, as necessary or required to conduct the survey.

G. A TGH which has been cited with violations or deficiencies on a complaint survey has the right to request an informal reconsideration of the validity of the violations or deficiencies. The written request for an informal reconsideration shall be submitted to the department's Health Standards Section. The department shall receive the written request within 10 calendar days of the provider's receipt of the notice of the violations or deficiencies.

H. A complainant shall have the right to request an informal reconsideration of the findings of the complaint survey or investigation that resulted from his/her complaint. The written request for an informal reconsideration shall be submitted to the department's Health Standards Section. The department shall receive the written request within 30 calendar days of the complainant's receipt of the results of the complaint survey or investigation.

I. An informal reconsideration for a complaint survey or investigation shall be conducted by the department as a desk review. The provider or complainant, as applicable shall submit all documentation or information for review for the informal reconsideration and the department shall consider all documentation or information submitted. There is no right to appear in person at the informal reconsideration of a complaint survey or investigation. Correction of the violation or deficiency shall not be the basis for the reconsideration. The provider and the complainant, as applicable, shall be notified in writing of the results of the informal reconsideration.

J. ...

1. - 2. Repealed.

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 38:407 (February 2012), amended LR 41:1293 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6223. Statement of Deficiencies

A. - A.2. ...

B. Any statement of deficiencies issued by the department to a TGH shall be available for disclosure to the public after the provider submits an acceptable plan of correction to the department or 30 calendar days after the survey/investigation is conducted, whichever occurs first.

C. - C.3. ...

4. Except as provided for complaint surveys pursuant to R.S. 40:2009.11 et seq., and as provided in this Chapter for license denials, revocations, and denial of license renewals, the decision of the informal reconsideration team shall be the final administrative decision regarding the deficiencies. There is no administrative appeal right of such deficiencies.

5. ...

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 38:407 (February 2012), amended LR 41:1293 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6225. Cessation of Business

A. Except as provided in §6295 or 6297 of this Chapter, a license shall be immediately null and void if a TGH ceases to operate.

B. - H. ...

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 38:407 (February 2012), amended LR 41:1293 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6227. Denial of License, Revocation of License, or Denial of License Renewal

A. - B. ...

1. The department shall deny an initial license when the initial licensing survey finds that the TGH applicant is noncompliant with any licensing laws or regulations or with any other required statutes, laws, ordinances, rules or regulations and such noncompliance presents a potential threat to the health, safety, or welfare of the clients who will be served by the provider.

B.2. - C. ...

1. If a TGH fails to timely renew its license, the license expires on its face and is considered voluntarily surrendered. There are no appeal rights for such surrender or non-renewal of the license, as this is a voluntary action on the part of the provider.

2. If a provider fails to timely renew its license, the TGH shall immediately cease providing services, unless the provider is actively treating clients, in which case the provider shall:

a. ...

b. immediately provide written notice to the prescribing physician and to every client, parent, legal guardian, or legal representative of the following:

i. voluntary non-renewal of the provider's license;

ii. date of closure of the facility; and

iii. plans for orderly transition of the client;

c. - d. ...

3. If a TGH fails to follow these procedures, the owners, managers, officers, directors, and administrators may be prohibited from opening, managing, directing, operating, or owning a TGH for a period of two years.

D. Revocation of License or Denial of License Renewal. A TGH license may be revoked or may be denied renewal for any of the following reasons, including but not limited to:

1. - 11. ...

12. failure to allow or refusal to allow the department to conduct an investigation or survey, or to interview provider staff or the clients;

13. ...

14. failure to allow or refusal to allow access to the provider or client records by authorized departmental personnel;

15. bribery, harassment, or intimidation of any client or family member designed to cause that client or family member to use or retain the services of any particular TGH provider;

D.16. - F. ...

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 38:408 (February 2012), amended LR 41:1294 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6229. Notice and Appeal of License Denial, License Revocation, Denial of License Renewal, and Appeal of Provisional License

A. Notice of a license denial, license revocation or denial of license renewal shall be given to the provider in writing.

B. The TGH provider has a right to an informal reconsideration of the license denial, license revocation, or denial of license renewal. There is no right to an informal reconsideration of a voluntary non-renewal or surrender of a license by the provider.

1. The TGH provider shall request the informal reconsideration within 15 calendar days of the receipt of the notice of the license denial, license revocation, or denial of license renewal. The request for informal reconsideration shall be in writing and shall be forwarded to the Health Standards Section.

2. The request for informal reconsideration shall include any documentation that demonstrates that the determination was made in error.

3. - 7. ...

C. The TGH provider has a right to an administrative appeal of the license denial, license revocation, or denial of license renewal. There is no right to an administrative appeal of a voluntary non-renewal or surrender of a license by the TGH.

1. The TGH shall request the administrative appeal within 30 calendar days of the receipt of the notice of the results of the informal reconsideration of the license denial, license revocation, or denial of license renewal.

a. The TGH provider may forego its rights to an informal reconsideration, and if so, the TGH shall request the administrative appeal within 30 calendar days of the receipt of the notice of the license denial, license revocation, or denial of license renewal.

2. The request for administrative appeal shall be in writing and shall be submitted to the DAL or its successor. The request shall include any documentation that demonstrates that the determination was made in error and shall include the basis and specific reasons for the appeal.

3. If a timely request for an administrative appeal is received by the DAL or its successor, the administrative appeal of the license revocation or denial of license renewal shall be suspensive, and the provider shall be allowed to continue to operate and provide services until such time as the DAL issues a final administrative decision.

a. If the secretary of the department determines that the violations of the provider pose an imminent or immediate threat to the health, welfare, or safety of a client, the imposition of the license revocation or denial of license renewal may be immediate and may be enforced during the pendency of the administrative appeal. The TGH shall be notified of this determination in writing.

4. Correction of a violation or a deficiency which is the basis for the denial, revocation, or denial of license renewal shall not be a basis for the administrative appeal.

D. ...

E. If a timely administrative appeal has been filed by the provider on a license denial, denial of license renewal, or license revocation, the DAL or its successor shall conduct the hearing pursuant to the Administrative Procedure Act.

1. If the final DAL decision is to reverse the license denial, the denial of license renewal, or the license revocation, the provider's license will be re-instated or granted upon the payment of any licensing fees or other fees due to the department and the payment of any outstanding sanctions due to the department.

2. If the final DAL decision is to affirm the denial of license renewal or the license revocation, the provider shall discharge any and all clients receiving services according to the provisions of this Chapter. Within 10 days of the final agency decision, the provider shall notify the department's licensing section in writing of the secure and confidential location of where the clients' records will be stored.

F. - G.2. ...

3. The provider shall request the informal reconsideration in writing, which shall be received by the HSS within five calendar days of receipt of the notice of the results of the follow-up survey from the department.

G.4. - H. ...

1. A stay may be granted upon application by the provider at the time the administrative appeal is filed and only after a contradictory hearing and upon a showing that there is no potential harm to the clients being served by the provider.

I. If a timely administrative appeal has been filed by a provider with a provisional initial license that has expired or by an existing provider whose provisional license has expired under the provisions of this Chapter, the DAL or its successor shall conduct the hearing pursuant to the Administrative Procedure Act.

1. ...

2. If the final DAL decision is to uphold the deficiencies and affirm the expiration of the provisional license, the provider shall discharge all clients receiving services. Within 10 calendar days of the final agency decision, the provider shall notify HSS in writing of the secure and confidential location of where the client's records will be stored.

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 38:409 (February 2012), amended LR 41:1294 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

Subchapter C. Administration and Organization

§6233. General Provisions

A. Purpose and Organizational Structure. The purpose of the TGH shall be clearly defined in a statement filed with the department. The statement includes the:

1. - 3. ...

4. geographic area served;

5. - 7. ...

8. an organizational chart of the TGH which clearly delineates the line of authority.

B. - B.4. ...

C. A TGH shall make any required information or records, and any information related to assessment of compliance with these requirements, available to the department.

D. - E. ...

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 38:410 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6237. Governing Body

A. - A.3. ...

B. The governing body of a TGH shall:

1. - 3. ...

4. designate qualified persons to act as supervising practitioner and clinical director and delegate sufficient authority to these persons to manage the TGH;

5. - 7. ...

8. inform the department, or its designee, prior to initiating any substantial changes in the services provided by the provider;

9. ensure statewide criminal background checks in accordance with R.S. 15:587.1; and

10. ensure Direct Service Worker Registry checks in accordance with LAC 48:I.Chapter 92.

C. - C.6. ...

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 38:410 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6239. Policies and Procedures

A. The TGH shall have written policies and procedures approved by the owner or governing body, which shall be implemented and followed, that address at a minimum the following:

1. - 15. ...

B. A TGH shall have written personnel policies, which shall be implemented and followed, that include:

B.1. - D. ...

1. The TGH shall develop and implement written policies and procedures for the management of behaviors to be used on facility-wide level, insuring that procedures begin with the least restrictive, most positive measures and follow a hierarchy of acceptable measures. The policies and procedures shall be provided to all TGH staff and shall include:

a. - d. ...

E. House Rules and Regulations. A TGH shall have a clearly written list of rules and regulations governing conduct for clients in care and shall document that these rules and regulations are made available to each staff member, client and, where appropriate, the client's parent(s) or legal guardian(s). A copy of the house rules shall be given to clients and, where appropriate, the client's parent(s) or legal guardian(s) upon admission and shall be posted and accessible to all employees and clients.

F. Limitations on Potentially Harmful Responses or Punishments. A TGH shall have a written list of prohibited responses and punishments to clients by staff members and shall document that this list is made available to each staff member, client and, where appropriate, the client's parent(s) or legal guardian(s).

1. - 1.m. ...

n. any other cruel, severe, unusual, degrading or unnecessary discipline.

2. A TGH shall not discipline groups of clients for actions committed by an individual.

3. Children shall neither discipline nor supervise other children except as part of an organized therapeutic self-government program that is conducted in accordance with written policy and is supervised directly by staff. Such programs shall not be in conflict with regulations regarding behavior management.

4. Discipline shall not be administered by any persons who are not known to the client.

G. - I. ...

J. Copies of the behavior management policy, the prohibited response and discipline policy, including restraint prohibitions and time out procedures, shall be provided in duplicate to each new employee upon hiring. The employee shall sign both copies. The employee shall retain one copy and the provider shall retain the other copy in the employee's personnel record.

K. ...

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 38:411 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6241. Personnel Records

A. A TGH shall have a personnel file in the facility for each staff member who provides services for the TGH. Each record shall contain:

1. - 5. ...

6. personnel actions, other appropriate materials, reports and notes relating to the individual's employment with the center;

7. the employee's starting and termination dates; and

8. the results of criminal history and Registry checks.

B. - C. ...

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 38:412 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

Subchapter D. Provider Responsibilities

§6247. Staffing Requirements

A. ...

B. The staff of a TGH shall have the appropriate qualifications to provide the services required by its clients comprehensive treatment plans. Each member of the direct care staff may not practice beyond the scope of his/her license or certification.

C. - C.2. ...

3. A ratio of not less than one staff to five clients is maintained at all times; however, two staff shall be on duty at all times with at least one being direct care staff when there is a client present.

D. - E.2.m. ...

F. Training. All staff shall receive training according to provider policy at least annually and as deemed necessary depending on the needs of the clients. The TGH shall maintain documentation of all training provided to its staff. The TGH shall meet the following requirements for training.

1. - 3. ...

4. Staff training shall include training exercises in which staff members successfully demonstrate in practice the techniques they have learned for managing emergency safety situations.

5. Staff shall be trained and demonstrate competency before participating in an emergency safety intervention.

6. All training programs and materials used by the TGH shall be available for review by HSS.

G. ...

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 38:413 (February 2012), amended LR 41:1294 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6249. Personnel Qualifications and Responsibilities

A. - A.1. ...

a. A supervising practitioner shall be one of the following:

i. a physician with an unrestricted license to practice in Louisiana and who meets all of the following qualifications:

(a). ...

(b). if the physician holds an additional license(s) in another state or jurisdiction, that license(s) shall be unrestricted and be documented in the employment record;

(c). ...

(d). satisfactory completion of a specialized psychiatric residency training program accredited by the Accreditation Council for Graduate Medical Education (ACGME), as evidenced by a copy of the certificate of training or a letter of verification of training from the training director, which includes the exact dates of training and verification that all ACGME requirements have been satisfactorily met. If training was completed in a psychiatric residency program not accredited by the ACGME, the physician shall demonstrate that he/she meets the most current requirements as set forth in the American Board of Psychiatry and Neurology's Board policies, rules and regulations regarding information for applicants for initial certification in psychiatry;

ii. a psychologist/medical psychologist shall have the following:

1.a.ii.(a). - 2.a. ...

b. The clinical director shall have the appropriate qualifications to meet the responsibilities of the clinical director and the needs of the TGH's clients. A clinical director may not practice beyond his/her scope of practice license.

c. If the TGH treats clients with both mental health and substance abuse conditions, then the clinical director shall have the training and experience necessary to practice in both fields.

2.d. - 4. ...

a. The TGH shall have a licensed registered nurse who shall supervise the nursing services of the TGH. He or she shall be operating within his/her scope of practice and have documented experience and training in the treatment of children or adolescents.

b. All nursing services shall be furnished by licensed nurses. All nursing services furnished in the TGH shall be provided in accordance with acceptable nursing professional practice standards.

c. - c.v. ...

d. The responsibilities of all licensed nurses include, but are not limited to:

4.d.i. - 5.a.ii.(b). ...

b. The house manager's responsibilities include, but are not limited to the following:

i. supervising the activities of the TGH when the professional staff is on call, but not on duty;

5.b.ii. - 6. ...

a. All direct care staff shall have at least the following qualifications:

i. ...

ii. at least 18 years of age, but shall also be at least three years older than all clients under the age of 18;

iii. a minimum of two years of experience working with clients of the population served, be equivalently qualified by education in the human services field, or have a combination of work experience and education with one year of education substituting for one year of experience;

iv. ...

v. be certified in crisis prevention/management (example: CPI, Mandt, etc.); and

vi. be proficient in de-escalation techniques.

vii. Repealed.

b. - b.viii. ...

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 38:414 (February 2012), amended LR 41:1294 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6253. Client Funds and Assets

A. - A.4. ...

B. If the TGH manages a client's personal funds, the provider shall furnish a written statement listing the client's rights regarding personal funds to the client and/or his/her legal or responsible representative.

C. If a client chooses to entrust funds with the TGH, the TGH shall obtain written authorization from the client and/or his/her legal or responsible representative for the safekeeping and management of the funds.

D. The TGH shall:

1. provide each client with an account statement upon request with a receipt listing the amount of money the provider is holding in trust for the client;

D.2. - E. ...

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 38:417 (February 2012) , amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6255. Quality Improvement Plan

A. A TGH shall have a quality improvement (QI) plan which puts systems in place to effectively identify issues for which quality monitoring, remediation, and improvement activities are necessary. The QI plan shall include plans of action to correct identified issues including monitoring the effect of implemented changes and making needed revisions to the action plan.

B. - C. ...

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 38:417 (February 2012) , amended by the Department of Health, Bureau of Health Services Financing, LR 44:

Subchapter E. Admission, Transfer, and Discharge

§6259. Admission Requirements

A. - E. ...

F. Pretreatment Assessment. To be admitted into a TGH, the individual shall have received a pretreatment assessment by the Medicaid Program, or its designee, that recommends admission into the TGH. The TGH shall ensure that requirements for pretreatment assessment are met prior to treatment commencing. The referral PTA shall contain clinical information to support medical necessity to the therapeutic group home and to establish that TGH is the most appropriate service to meet the client's treatment needs.

G. ...

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 38:417 (February 2012) , amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6261. Transfer and Discharge Requirements

A. The goal of the TGH is to return the client to a less restrictive level of service as early as possible in the development of the plan.

B. Discharge planning begins at the date of admission, and goals toward discharge shall be continually addressed in the multi-disciplinary team meetings and when the comprehensive treatment plan is reviewed. Discharge may be determined based on the client no longer making adequate improvement in this TGH (and another TGH being recommended) or the client no longer having medical necessity at this level of care.

C. - E.1.b. ...

c. preparing a written discharge summary. The discharge summary shall include, at a minimum, a summary on the health, developmental issues, behavioral issues, social issues, and nutritional status of the client. Upon written request and authorization by the client or authorized representative, a copy of the discharge summary shall be disclosed to the client or receiving provider. The written discharge summary shall be completed within five business days of the notice by the client or authorized representative that the client has selected another provider or has decided to discontinue services. The provider's preparation of the discharge summary shall not impede or impair the client's right to be transferred or discharged immediately if the client so chooses; and

d. ...

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 38:418 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

Subchapter F. Services

§6265. General Provisions

A. Upon admission, the TGH shall conduct an initial diagnostic interview. A nursing assessment shall be completed by a registered nurse within 24 hours of admission.

B. - C. ...

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 38:418 (February 2012) , amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6267. Comprehensive Treatment Plan

A. ...

B. The multi-disciplinary team shall be made up of at least the supervising practitioner, clinical director, registered nurse, and therapist. The client and the client's guardian/family shall be included as treatment planning members in the development of the comprehensive treatment plan and in the update of treatment goals as clinically indicated.

C. In the event the supervising practitioner is not present at a treatment team meeting during a review of a comprehensive treatment plan, the supervising practitioner shall review and sign the comprehensive treatment plan within 10 calendar days following the meeting.

D. The TGH shall have an original completed, dated and signed team meeting document with signatures of all who attended as well as evidence of invitations extended to the meeting, such as copies of letters, emails or service logs, as clinically indicated.

E. - G.5. ...

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 38:418 (February 2012), amended LR 41:1295 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6271. Medications

A. All TGHs that store and/or dispense scheduled narcotics shall have a site-specific Louisiana controlled substance license and a United States Drug Enforcement Administration (DEA) controlled substance registration for the provider in accordance with the Louisiana Uniform Controlled Dangerous Substance Act and title 21 of the *United States Code*.

B. The TGH shall have written policies and procedures that govern the safe administration and handling of all prescription and nonprescription medications.

C. The TGH shall have a written policy governing the self-administration of all medications. Such policy shall include provisions regarding age limitations for self-

administration, multi-disciplinary team recommendations, and parental consent, if applicable. Those clients that have been assessed to be able to safely self-administer medications shall be monitored by licensed or qualified staff to ensure medication is taken as prescribed in the comprehensive treatment plan.

D. The TGH shall ensure that medications are either self-administered or administered by licensed persons according to state law.

E. The TGH shall have a written policy for handling medication taken from the facility by clients on pass.

F. The TGH shall ensure that any medication given to a client for therapeutic and medical purposes is in accordance with the written order of a physician.

F.1. - O. ...

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 38:419 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6273. Food and Diet

A. - B. ...

C. Meals, whether prepared by the provider or contracted from an outside source, shall meet the following conditions:

C.1. - N. ...

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 38:420 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6275. Transportation

A. ...

B. Any vehicle used to transport clients, whether such vehicle is operated by a staff member or any other person acting on behalf of the provider, shall be:

1. - 4. ...

C. The provider shall have documentation of current liability insurance coverage for all owned and non-owned vehicles used to transport clients. The personal liability insurance of a provider's employee shall not be substituted for the required coverage.

D. Any staff member of the TGH, or other person acting on behalf of the TGH, who is operating a vehicle for the purpose of transporting clients shall be properly licensed to operate that class of vehicle in accordance with state law.

E. Upon hire, the provider shall conduct a driving history record of each employee, and annually thereafter.

F. The TGH provider shall not allow the number of persons in any vehicle used to transport clients to exceed the number of available seats with seatbelts in the vehicle.

G. The TGH provider shall ascertain the nature of any need or problem of a client which might cause difficulties during transportation. This information shall be communicated to agency staff responsible for transporting clients.

H. - H.3. ...

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 38:421(February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

Subchapter G. Client Protections

§6279. Client Rights

A. A TGH shall develop and implement policies to protect its client's rights and to respond to questions and grievances pertaining to these rights. A TGH and its staff shall not violate a client's rights.

B. - D. ...

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 38:421 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

Subchapter H. Physical Environment

§6285. General Provisions

A. Location of Therapeutic Group Homes. To ensure a more home-like setting, the TGH shall be located in a residential community to facilitate community integration through public education, recreation, and maintenance of family connections as applicable. The setting shall be geographically situated to allow ongoing participation of the child's family. The child or adolescent shall attend a school in the community (e.g., a school integrated with children not from the institution and not on the institution's campus). In this setting, the child or adolescent remains involved in community-based activities and may attend a community educational, vocational program or other treatment setting.

1. The child or adolescent may attend school in an alternative setting, as approved by the local parish school board and in accordance with state law, as applicable.

B. - D. ...

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 38:422 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6287. Interior Space

A. - D. ...

1. Single rooms shall contain at least 80 usable square feet and multi-bed rooms shall contain at least 50 usable square feet per bed. Rooms shall have at least a 7 1/2 foot ceiling height.

D.2. - O.2. ...

3. All gas heating units and water heaters shall be vented adequately to carry the products of combustion to the outside atmosphere. Vents shall be constructed and maintained to provide a continuous draft to the outside atmosphere in accordance with the recommended procedures of the American Gas Association Testing Laboratories, Inc.

4. All heating units shall be provided with a sufficient supply of outside air so as to support combustion without depletion of the air in the occupied room.

P. ...

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 38:422 (February 2012) , amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6291. Equipment

A. Equipment shall be clean and in operating condition for the safety and well-being of the clients.

B. - D. ...

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 38:424 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

Subchapter I. Facility Operations

§6293. Safety and Emergency Preparedness

A. - A.1. ...

2. A provider shall ensure that all poisonous, toxic and flammable materials are safely stored in appropriate containers and labeled as to the contents. Such materials shall be maintained only as necessary and shall be used in such a manner as to ensure the safety of clients, staff and visitors.

3. ...

4. A provider shall ensure that a first aid kit is available in the facility and in all vehicles used to transport clients.

A.5. - B.1.i. ...

2. Continuity of Operations. The provider shall have a written emergency preparedness plan to maintain continuity of the provider's operations in preparation for, during and after an emergency or disaster. The plan shall be designed to manage the consequences of all hazards, declared disasters or other emergencies that disrupt the provider's ability to render care and treatment, or threatens the lives or safety of the clients.

3. ...

a. provisions for the evacuation of each client, delivery of essential services to each client, whether the client is in a shelter or other location or the provider has elected to shelter in place;

b. - f.v. ...

4. If the state, parish or local Office of Homeland Security and Emergency Preparedness (OHSEP) orders a mandatory evacuation of the parish or the area in which the provider is serving, the provider shall ensure that all clients are evacuated according to the provider's emergency preparedness plan.

5. - 8. ...

9. All TGH employees shall be trained in emergency or disaster preparedness and shall be knowledgeable of the provider's emergency preparedness policies and procedures. Training shall include orientation, ongoing training and participation in planned drills for all personnel.

10. - 10.e. ...

11. At any time that the TGH has an interruption in services or a change in the licensed location due to an emergency situation, the provider shall notify the HSS no later than the next business day.

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 38:424 (February 2012) , amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§6297. Inactivation of License due to a Non-Declared Emergency or Disaster

A. A licensed TGH provider in an area or areas which have been affected by a non-declared emergency or disaster may seek to inactivate its license, provided that the following conditions are met:

1. the licensed TGH provider shall submit written notification to the Health Standards Section within 30 days of the date of the non-declared emergency or disaster stating that:

a. the TGH provider has experienced an interruption in the provisions of services as a result of events that are due to a non-declared emergency or disaster;

b. the licensed TGH provider intends to resume operation as a TGH provider in the same service area;

c. the licensed TGH provider attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services; and

d. the licensed TGH provider's initial request to inactivate does not exceed one year for the completion of repairs, renovations, rebuilding or replacement of the facility;

NOTE: Pursuant to these provisions, an extension of the 30-day deadline for initiation of request may be granted at the discretion of the department.

2. the licensed TGH provider continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties and/or civil fines; and

3. the licensed TGH provider continues to submit required documentation and information to the department, including but not limited to cost reports.

B. Upon receiving a completed written request to temporarily inactivate a TGH provider license, the department shall issue a notice of inactivation of license to the TGH provider.

C. Upon the provider's receipt of the department's approval of request to inactivate the provider's license, the provider shall have 90 days to submit plans for the repairs, renovations, rebuilding or replacement of the facility, if applicable, to the OSFM and the LDH-OPH as required.

D. The licensed TGH provider shall resume operating as a TGH provider in the same service area within one year of the approval of renovation/construction plans by the OSFM and the OPH as required.

EXCEPTION: If the provider requires an extension of this timeframe due to circumstances beyond the provider's control, the department will consider an extended time period to complete construction or repairs. Such written request for extension shall show the provider's active efforts to complete construction or repairs and the reasons for request for extension of the provider's inactive license. Any approval for extension is at the sole discretion of the department.

E. Upon completion of repairs, renovations, rebuilding or replacement of the facility, a TGH provider which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

1. the TGH provider shall submit a written license reinstatement request to the licensing agency of the department;

2. the license reinstatement request shall inform the department of the anticipated date of opening and shall request scheduling of a licensing or physical environment survey, where applicable; and

3. the license reinstatement request shall include a completed licensing application with appropriate licensing fees.

F. Upon receiving a completed written request to reinstate a TGH provider license, the department may

conduct a licensing or physical environment survey. The department may issue a notice of reinstatement if the provider has met the requirements for licensure including the requirements of this Subsection.

G. No change of ownership in the TGH provider shall occur until such TGH provider has completed repairs, renovations, rebuilding or replacement construction and has resumed operations as a TGH provider.

H. The provisions of this Subsection shall not apply to a TGH provider which has voluntarily surrendered its license and ceased operation.

I. Failure to comply with any of the provisions of this Subsection shall be deemed a voluntary surrender of the TGH provider license.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 44:

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 a 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 (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 and 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 Tuesday, February 27, 2018 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: Therapeutic Group Homes Licensing Standards

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 17-18. It is anticipated that $5,832 (SGF) will be expended in FY 17-18 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 licensing standards for therapeutic group homes (TGHs) in order to: 1) clarify and update these provisions to be consistent with the standard language used in other licensing Rules and with standard processes; 2) update the comprehensive treatment plan provisions; and 3) establish provisions for inactivation of licensure due to non-declared disasters or emergencies and for TGH residents to attend school in an alternative setting. This proposed Rule does not expand the number of facilities nor the utilization of services. It is anticipated that the implementation of this proposed Rule will have no economic costs, but will be beneficial to TGH providers in FY 17-18, FY 18-19 and FY 19-20 by clarifying the provisions to make certain they are clear and concise which will allow providers to ensure compliance with the regulations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Cecile Castello	Evan Brasseaux
Health Standards Section Director	Staff Director
1801#024	Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance
Office of the Commissioner

Regulation 106—Replacement of Limited Benefit Insurance Policies (LAC 37:XIII.Chapter 149)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, and through the authority granted under R.S. 22:1 et seq., and R.S. 22:1964, the Department of Insurance hereby gives notice of its intent to promulgate Regulation 106 to implement the provisions of Act 844, of the 2014 Regular Session of the Louisiana Legislature, which prohibits deliberate use of misrepresentation or false statements by insurance producers for the purpose of convincing a customer to replace a limited benefit insurance policy and directs the commissioner of insurance to promulgate rules and/or regulations addressing the

replacement of limited benefit insurance policies as defined in R.S. 22:47(2)(c).

Title 37
INSURANCE
Part XIII. Regulations
Chapter 149. Regulation Number 106—Replacement of Limited Benefit Insurance Policies

§14901. Purpose

A. Regulation 106 implements the provisions of Act 844, of the 2014 Regular Session of the Louisiana Legislature, specifically R.S. 22:1964(27) which mandates that the Department of Insurance promulgate rules and/or regulations addressing the replacement of limited benefit insurance policies as defined in R.S. 22:47(2)(c).

B. The purpose of this regulation is:

1. to regulate the activities of insurers and producers with respect to the replacement of limited benefit insurance policies;

2. to protect the interests of limited benefit insurance policy purchasers by establishing minimum standards of conduct to be observed in a replacement transaction. It will:

a. assure that purchasers receive information with which a decision can be made in his or her own best interest;

b. reduce deliberate use of misrepresentation or false statements in the sale of limited benefit replacement policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1964 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:

§14903. Applicability and Scope

A. Regulation 106 shall apply to transactions involving existing limited benefit polices and the new sale of limited benefit insurance policies where it is known or should be known to the producer, or to the insurer if there is no producer that the sale of the limited benefit insurance policy will result in the replacement of an existing policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1964 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:

§14905. Authority

A. Regulation 106 is promulgated by the commissioner pursuant to the authority granted under the Louisiana insurance code, R.S. 22:1 et seq., particularly R.S. 22:11, and specifically R.S. 22:1964(27).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1964 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:

§14907. Definitions

A. For the purposes of Regulation 106 the following terms shall have the meaning ascribed herein unless the context clearly indicates otherwise.

Commissioner—the commissioner of insurance of the Louisiana Department of Insurance.

Existing Policy—an in-force limited benefit insurance policy or contract of insurance.

Insurer—as defined in R.S. 22:1962(C).

Limited Benefit Policy—any health and accident insurance policy designed, advertised, and marketed to supplement major medical insurance that includes accident-only, the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), dental, disability income, fixed indemnity, long-term care, Medicare supplement, specified disease, vision, and any other health and accident insurance, other than basic hospital expense, basic medical-surgical expense, or other major medical insurance or as defined in R.S. 22:47(2)(c).

Producer—a person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance and includes all persons or business entities otherwise referred to in the title 22 of the *Louisiana Revised Statutes* as "insurance agent", "agent", "insurance broker", "broker", "insurance solicitor", "solicitor", or "surplus lines broker".

Replacement—a transaction in which a new policy or contract of insurance is to be purchased, and it is known or should be known to the producer, or to the proposing insurer if there is no producer, that by reason of the transaction, an existing policy or contract of insurance has been or is to be lapsed, forfeited, surrendered or otherwise terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1964 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:

§14909. Duties of Insurers and Producers

A. An application form submitted by an insurer or his producer for a limited benefits policy shall include a question designed to elicit information as to whether the insurance to be issued is intended to replace any other limited benefit insurance policy presently in force.

1. If the applicant indicates that there are no existing policies to be replaced, then the producer's and insurer's duties with respect to replacement are complete.

2. If the applicant indicates that there are existing policies, the producer shall present to the applicant, not later than at the time of taking the application, a notice regarding replacements in the form notice as described in Appendix A or such other form notice provided by the insurer and approved by the commissioner of insurance. The notice shall be signed by the applicant attesting that the notice has been received by the applicant and that the applicant understands that he/she is replacing an existing policy.

3. Notwithstanding Paragraph A.2 of this Section, when the sales presentation is conducted by electronic means and all signatures are obtained via electronic signature technology, the meaning of "at the time of taking the application" shall be extended to allow for the producer's submission of electronic information to the insurer. The requirements of Paragraph A.2 of this Section are deemed met when a copy of the required replacement notice electronically signed at the presentation is provided to the applicant within five business days following submission of the policy or contract of insurance to the insurer. The notice may be provided to the applicant by electronic means exclusively only if the applicant has chosen the option to receive it exclusively by electronic means. In no event shall the time for providing the notice exceed seven business days from the date the applicant signed the application.

B. In connection with a replacement transaction, the producer shall submit to the insurer to which an application

for a policy is presented, a copy of each document required by this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1964 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

§14911. Duties of Direct Response Insurers

A. Direct response insurers shall deliver to the applicant, upon acceptance of the application and prior to the issuance of the policy, the notice described in Appendix B or other substantially similar form notice approved by the commissioner of insurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1964 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:

§14913. Violations and Penalties

A. Any failure to comply with this regulation shall be considered a violation of R.S. 22:1964. Violations of this regulation shall subject the violators to penalties as provided by R.S. 22:1969, 1970 and any other applicable provisions of law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1964 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:

§14915. Effective Date

A. Regulation 106 shall become effective upon final publication in the *Louisiana Register* and shall apply to any act or practice committed on or after the effective date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1964 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:

§14917. Severability

A. If any Section or provision of Regulation 106 or the application to any person or circumstance is held invalid, such invalidity or determination shall not affect other Sections or provisions or the application of Regulation 106 to any persons or circumstances that can be given effect without the invalid Section or provision or application, and for these purposes the Sections and provisions of Regulation 106 and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1964 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:

§14919. Appendix A—Notice Required by §14909.A.2

Notice to Applicant Regarding Replacement of Limited Benefit Insurance

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing limited benefit insurance and replace it with a policy to be issued by [insert company name] Insurance Company. For your own information and protection, you should be aware of and seriously consider certain factors that may affect the insurance protection available to you under the new policy.

1. Health conditions which you may presently have, (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits present under the new policy, whereas a similar claim might have been payable under your present policy.

2. You may wish to secure the advice of your present insurer or its producer regarding the proposed replacement of your present policy. This is not only your right but it is also in your best interests to make sure you understand all the relevant factors involved in replacing your present coverage.

3. If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical/health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been properly recorded.

4. _____ By checking this blank, I agree to receive this notice exclusively by electronic means only.

The above "Notice to Applicant" was delivered to me on: _____

Applicant's Signature _____

Date _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1964 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:

§14921. Appendix B—Notice Required by §14911.A

Notice to Applicant Regarding Replacement of Limited Benefit Insurance

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing limited benefit insurance and replace it with a policy to be issued by [insert company name] Insurance Company. Your new policy provides thirty days within which you may decide without cost whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors that may affect the insurance protection available to you under the new policy.

1. Health conditions which you may presently have, (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits present under the new policy, whereas a similar claim might have been payable under your present policy.

2. You may wish to secure the advice of your present insurer or its producer regarding the proposed replacement of your present policy. This is not only your right but it is also in your best interests to make sure you understand all the relevant factors involved in replacing your present coverage.

3. If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical/health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been properly recorded.

[Company Name] _____

Date Mailed or Provided to Applicant _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1964 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:

Family Impact Statement

1. Describe the effect of the proposed regulation on the stability of the family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the effect of the proposed regulation on the authority and rights of parents regarding the education and supervision of their children The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the effect of the proposed regulation on the functioning of the family. The proposed amended

regulation should have no direct impact upon the functioning of the family.

4. Describe the effect of the proposed regulation on family earnings and budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the effect of the proposed regulation on the behavior and personal responsibility of children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the effect of the proposed regulation on the ability of the family or a local government to perform the function as contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the Rule.

Poverty Impact Statement

1. Describe the effect on household income, assets, and financial security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the effect on early childhood development and preschool through postsecondary education development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the effect on employment and workforce development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the effect on taxes and tax credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Provider Impact Statement

1 Describe the effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed amended regulation will have no effect.

2. The total direct and indirect effect on the cost to the provider to provide the same level of service. The proposed amended regulation will have no effect.

3. The overall effect on the ability of the provider to provide the same level of service. The proposed amended regulation will have no effect.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and estimate of the number of the small businesses subject to the proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The projected reporting, record keeping, and other administrative costs required for compliance with the proposed Rule, including the type of professional skills necessary for preparation of the report or record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A statement of the probable effect on impacted small businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any less intrusive or less costly alternative methods of achieving the purpose of the proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no

Public Comments

Interested persons may submit written comments on the proposed Regulation 106 until 5 p.m., February 19, 2018, to Zata Ard, Division of Legal Services, Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804.

James J. Donelon
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Regulation 106—Replacement of Limited Benefit Insurance Policies

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

The proposed rules will not result in any additional costs or savings to state or local governmental units. The proposed rules implement provisions of Act 844 of 2014 which mandates that the LA Dept. of Insurance promulgate rules and/or regulations addressing the replacement of limited benefit insurance policies as defined in R.S. 22:47(2)(c).

The proposed rules regulate the activities of insurers and producers when aiding consumers while they are replacing limited benefit insurance policies. The proposed rules place a responsibility on insurers and producers to act as principled agents when advising persons in these cases. The proposed rules accomplish this through the use of notices included in the rule provisions advising consumers on the replacement of their policies.

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

The proposed rules may increase self-generated revenues for the LA Dept. of Insurance by an indeterminable amount. Insurers and producers found to be in violation of the proposed rules are subject to penalties provided for in LA R.S. 22:1969 – 1970. Because the number of insurers and producers that may violate the proposed rules and the penalty amounts they may incur are unknown, the potential revenue increase is indeterminable.

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

The proposed rule changes may result in a marginal workload increase for insurers and producers, as they must now issue notices to applicants who are replacing and purchasing limited benefit insurance policies. Furthermore, due to the responsibility of insurers and producers to act as principled agents as required in the proposed rules, insurers and producers found to be in violation of the proposed rules may be subject to penalties provided for in LA R.S. 22:1969-1970. In addition to

financial penalties, insurers or producers may have their licenses suspended or revoked in the event they violate the proposed rules.

Consumers purchasing and/or replacing limited benefit insurance policies will benefit, as insurers and producers must now present accurate and factual information to consumers in these cases.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed regulation will not impact competition and employment.

Mary E. Butler
Chief of Staff
1801#015

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue
Policy Services Division

Corporate Deductions; Add-Back of Certain Intangible Expenses; Interest and Management Fees
(LAC 61:I.1115)

Under the authority of R.S. 47:1511 and in accordance with the provisions of R.S. 47:287.82 and the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to adopt LAC 61:I.1115.

The primary purpose of this proposed regulation is to implement Act 16 of the 2016 First Extraordinary Session of the Louisiana Legislature.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 11. Corporation Income Tax
§1115. Corporate Deductions; Add-Back of Certain Intangible Expenses; Interest and Management Fees

A. General. R.S. 47:287.82 provides that otherwise deductible interest expenses and costs, intangible expenses and costs, and management fees directly or indirectly paid to a related member shall be added-back to the corporation's gross income.

B. Exceptions. The taxpayer shall make the add-back unless:

1. the item of income corresponding to the taxpayer's expense, cost, or fee, was in the same taxable year subject to a tax based on or measured by the related member's net income in Louisiana or any other state; or

2. the item of income corresponding to the taxpayer's expense, cost, or fee, was in the same taxable year subject to a tax based on or measured by the related member's net income in a foreign nation which has in force an income tax treaty with the United States, if the recipient was a "resident" as defined in the income tax treaty with the foreign nation; or

3. the transaction giving rise to the expense, cost, or fee between the taxpayer and the related member did not have as a principal purpose the avoidance of any Louisiana tax; or

4. the expense, cost, or fee that was paid or accrued to a related member was "passed through" by the related member or members to an unrelated third party in an arms-length transaction via a corresponding expense, cost, or fee payment; or

5. the add-back is unreasonable. The add-back will be considered unreasonable if the taxpayer establishes that, based on the entirety of the taxpayer's particular facts and circumstances, the add-back adjustments would increase the taxpayer's Louisiana income tax liability to an amount that bears no reasonable relation to the taxpayer's Louisiana presence.

C. Definitions

Indirectly Paid—interest expenses and costs, intangible expenses and costs, and management fees subject to add-back include expenses, costs, and fees incurred by a taxpayer if the expense is related to an intermediate expense, cost, or fee incurred in a transaction between one related member and a second related member.

a. EXAMPLE. Corporations B and C are related members with respect to Corporation A. Corporation A is a Louisiana taxpayer that sells products it purchases from Corporation B on a cost plus basis. Corporation B licenses intangible property from Corporation C and makes intangible expense payments to Corporation C based in part on the sales Corporation B makes to Corporation A. To the extent the intangible expenses Corporation B pays to Corporation C are reflected in the costs of the products Corporation A purchases from Corporation B, the direct intangible expenses of Corporation B are considered to be indirect intangible expenses of Corporation A. Furthermore, Corporation A is deemed to directly pay an intangible expense to Corporation B and indirectly pay an intangible expense to Corporation C.

Intangible Expenses—includes but is not limited to:

a. expenses, accruals, and costs for, related to, or directly or indirectly incurred in connection with the acquisition, use, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property. "Intangible property" includes stocks, bonds, financial instruments, patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, "know how", and similar types of intangible assets;

b. costs related to, or incurred in connection directly or indirectly with, factoring transactions or discounting transactions;

c. royalty, patent, technical, and copyright fees;

d. licensing fees;

e. other similar expenses, accruals, and costs.

Management Fees—includes but is not limited to expenses and costs, including intercompany administrative charges, pertaining to accounts receivable, accounts payable, employee benefit plans, insurance, legal matters, payroll, data processing, including assembled workforce and/or employment data processing, purchasing, procurement, organizational matters, business structuring matters, taxation, financial matters, securities, accounting, marketing, reporting, and compliance matters or similar activities.

Related Entity—

a. a stockholder who is an individual, or a member of the stockholder's family set forth in 26 U.S.C. 318 if the stockholder and the members of the stockholder's family own, directly, indirectly, beneficially or constructively, in the aggregate, at least 50 percent of the value of the taxpayer's outstanding stock;

b. a stockholder, or a stockholder's partnership, limited liability company, estate, trust or corporation, if the stockholder and the stockholder's partnerships, limited liability companies, estates, trusts and corporations own directly, indirectly, beneficially or constructively, in the aggregate, at least 50 percent of the value of the taxpayer's outstanding stock; or

c. a corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of the *Internal Revenue Code* if the taxpayer owns, directly, indirectly, beneficially or constructively, at least 50 percent of the value of the corporation's outstanding stock. The attribution rules of the *Internal Revenue Code* shall apply for purposes of determining whether the ownership requirements of this definition have been met.

Related Member—a person that, with respect to the taxpayer during all or any portion of the taxable year, is:

a. a related entity,

b. a related party,

c. a component member as defined in subsection (b) of 26 U.S.C. 1563;

d. a person to or from whom there is attribution of stock ownership in accordance with subsection (e) of 26 U.S.C. 1563; or

e. a person that, notwithstanding its form of organization, bears the same relationship to the taxpayer as a person described in Subparagraphs a to c, inclusive.

Related Party—any member of a controlled group of corporations as defined in 26 U.S.C. 1563, or any other person that would be a member of a controlled group if rules similar to those of 26 U.S.C. 1563 were applied to that person.

Reported and Included in Income for Purposes of a Tax on Net Income—to the extent reported and included in post-allocation income or apportioned income for purposes of a tax applied to the net income apportioned or allocated to the taxing jurisdiction.

State—a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

Subject to a Tax Based on or Measured by the Related Member's Net Income—that the receipt or accrual of the payment by the recipient related member is reported and included in income for purposes of a tax on net income, and not offset or eliminated in a combined or consolidated return which includes the payor.

D. Operating Rules

1. Upon request by the secretary of the Louisiana Department of Revenue, the taxpayer shall produce documentation substantiating any exceptions to add-back claimed by the taxpayer.

2. The exceptions described in Paragraphs B.1 and B.2 of this Section (corresponding item of income subject to tax) are allowed only to the extent the recipient related member includes the corresponding item of income in post-allocation income or apportioned income reported to the taxing jurisdiction or jurisdictions. Income offset or eliminated in a combined reporting regime would not qualify for the subject to tax exception.

a. EXAMPLE. Corporation A, a Louisiana taxpayer, incurs a $100 intangible expense in a transaction with Corporation B, a related member with respect to Corporation A. Corporation B files an income tax return in State B where it apportions and/or allocates 5 percent of its income, but files no other income tax returns. Only $5 of the intangible expense was allocated/apportioned to State B. Corporation A must add-back $95 of the otherwise deductible $100 intangible expense incurred in the transaction with Corporation B.

3. Upon request of the secretary of the Louisiana Department of Revenue, the exception described in Paragraph B.3 of this Section (non-tax business purpose for conducting a transaction) must be supported by contemporaneous documentation. Documentation shall be considered contemporaneous if the documentation is in existence and compiled before the due date (including extensions) for the filing of a return containing the transaction(s). Mere statements or assertions that a transaction was intended to allow for better management or greater utilization of intangible assets, or similarly unsubstantiated claims are not sufficient to establish a principal non-tax business purpose. Examples of principal non-tax business purposes include:

a. EXAMPLE. Taxpayer purchases administrative services such as accounting, legal, human resources, purchasing, etc., from a Related Member and does so at rates comparable to rates that would be charged by third party service providers.

b. EXAMPLE. Taxpayer borrows funds from a Related Member and does so at an interest rate and with other terms that are comparable to rates and terms that would be required by an unrelated third party lender.

c. EXAMPLE. Taxpayer incurs royalty expense in connection with the use of intangible assets provided by a Related Party. The royalty rates and other terms of agreement are comparable to rates and terms that would be required by an unrelated third party.

4. The exception described in Paragraph B.4 of this Section (expense "passed through" to an unrelated third party) is limited if the expenses, costs, and fees paid to a related member are greater than the expenses, costs, and fees the related member pays to unrelated third parties because only a portion of the expenses, costs, and fees incurred in connection with a transaction with a related member is considered to have "passed through" to the unrelated third parties.

a. EXAMPLE. Taxpayer A, a Louisiana taxpayer, incurs a $100 management fee to Related Member B. Related Member B receives a total of $400 of related member management fee income ($100 from Taxpayer A plus $300 from other related payors). Related Member B pays $200 of management fees to unrelated third parties. Related Member B will be deemed to have passed through to unrelated third parties only 50 percent of the interest expense/income it received from Taxpayer A. Only $50 of Taxpayer A's $100 related member management fee payment to Related Member B will be deemed to have been passed through to unrelated third parties and qualify for the exception described in section B.4. (expense "passed through" to an unrelated third party).

5. With respect to both interest and intangible expenses, if the interest or intangible expense rate charged the taxpayer by the related member exceeds the interest or intangible expense rate charged the related member by unrelated third-party payees, then the excess expense will not qualify for the exception described in section B.5 (add-back is unreasonable) and must be added back. If multiple transaction arrangements exist between the taxpayer and the related member, or the related member and the unrelated third-party, then a weighted average rate should be

calculated by dividing total expense by total amounts of each base amount used to determine the expense amounts. The weighted average rate should then be used to determine the existence of non-qualifying excess interest or intangible expense.

a. EXAMPLE. Taxpayer B incurs interest expense of $100 during its taxable year to its parent Company A (a related member) in order to service a $1,000 debt between B and A. Company A's related member interest rate is 10 percent calculated by dividing its related member interest expense ($100) by its related member debt ($1000). Company A makes interest expense payments of $200 to Unrelated Lenders C and D to service the $4,000 of total debt existing between A and Unrelated Lenders C and D. A's weighted average unrelated third party interest rate is five percent (5 percent) calculated by dividing total unrelated third party interest expense ($200) by total unrelated third party interest bearing debt ($4,000). Company B's non-qualifying excess interest is $50. Company B's debt to Company A ($1,000) is multiplied by the excess interest rate Company B incurred over Company A's average interest rate to unrelated lenders (10 percent-5 percent).

6. With respect to interest expense, if the taxpayer's debt over asset percentage exceeds the consolidated unrelated third-party debt over asset percentage of its federal consolidated group (as represented by interest bearing debt reported on the schedule L balance sheet(s) included in the consolidated and pro forma federal income tax returns), then the interest expense associated with the excess debt must be added back and cannot qualify for the exception described in Paragraph B.5 of this Section (add-back is unreasonable). The debt over asset test only applies to the unreasonable exception.

a. EXAMPLE. Company A and Taxpayer B are related members. Taxpayer B's separate company federal income tax return Schedule L balance sheet shows $1,500 of assets and $1,000 of interest bearing debt which produces a debt over asset percentage of 66.7 percent. The Company A and Subsidiaries' federal consolidated income tax return Schedule L balance sheet shows $6,000 of assets and $3,000 of unrelated third party interest bearing debt which produces a debt over asset percentage of 50 percent. Because Taxpayer B's debt over asset percentage of 66.7 percent, exceeds the group's unrelated third party debt over asset percentage, 50 percent, the amount of Taxpayer B's related member interest expense that may qualify for the exception described in section B.5. (add-back is unreasonable) is limited. The limitation is calculated by multiplying B's assets ($1,500) by the lower of the taxpayer's debt over asset percentage or the group's unrelated third party debt over asset percentage (50 percent) and then multiplying the product ($750) by the lower of the taxpayer's related member interest rate or the related member's unrelated third party interest rate (5 percent), which yields an ultimate limitation of $37.50.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 44:

Family Impact Statement

The proposed adoption of LAC 61:I.1115 regarding corporate deductions; add-back of certain intangible expenses; interest and management fees, should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed Rule will have no known or foreseeable effect on:

1. The stability of the family.
2. The authority and rights of parents regarding the education and supervision of their children.
3. The functioning of the family.
4. Family earnings and family budget.
5. The behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

Poverty Impact Statement

The proposed regulation will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

It is anticipated that the proposed Rule should not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting the proposed Rule to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

The proposed regulation will have no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Any interested person may submit written data, views, arguments, or comments regarding this proposed regulation to David M. Hansen, Attorney, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4 p.m. on February 23, 2018.

Public Hearing

A public hearing will be held on February 26, 2018, at 10 a.m. in the LaBelle Room, on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Kimberly Lewis Robinson
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Corporate Deductions; Add-Back of Certain Intangible Expenses; Interest and Management Fees

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

Implementation costs to the Department of Revenue (LDR) will be relatively small, and will be absorbed in LDR's budget allocation. These costs will include computer system modification and testing, tax form redesign, and taxpayer inquiries.

The purpose of the proposed rule is to implement the provisions of R.S. 47:287.82, enacted by Act 16 of the 2016 First Extraordinary Session of the Louisiana Legislature. This new statute and this proposed rule provide that when computing Louisiana net income a corporation shall add back, subject to certain exceptions, otherwise deductible interest expenses, intangible expenses, and management fees resulting from transactions with related entities. The proposed rule provides guidance and clarification in the form of definitions and operating rules, for taxpayer compliance with the statute.

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

The proposed rule will result in an increase of indeterminable magnitude in net corporate income tax receipts by requiring corporate tax filers to add back various deductions to their net income reported on state tax returns. LDR does not electronically capture the return information necessary to quantify an estimate of the likely fiscal effect of the proposed rule.

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

Louisiana corporate taxpayers that incur expenses that will be required to be added back to net income would be affected by increased tax liabilities of an indeterminable amount. Other costs have not been determined but are expected to be relatively minor. LDR does not electronically capture the return information necessary to estimate the likely fiscal effect of the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules will affect corporate tax filers differently, resulting in shifts in the corporate tax burden among firms, consequently affecting competition and employment among them. However, the degree to which these shifts will affect aggregate competition and employment is indeterminable.

Kimberley Lewis Robinson
Secretary
1801#046

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Treasury
Board of Trustees of the Teachers' Retirement System

Charter Schools (LAC 58:III.Chapter 3)

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. 11:826 that the Board of Trustees of the Teachers' Retirement System of Louisiana (TRSL) has approved for advertisement the repeal of LAC 58:III.301, Re-Employment of Retirees, and the adoption of LAC 58:III.301 and 303 relative to charter schools, to clarify TRSL membership provisions for employees of non-profit corporations holding more than one approved charter and to repeal obsolete and superseded rule provisions relating to retirees who return to work at charter schools. A preamble to this proposed action has not been prepared.

Title 58
RETIREMENT
Part III. Teachers' Retirement System of Louisiana
Chapter 3. Charter Schools

§301. Definitions

A. Whenever used in this Chapter, each of the following terms has the meaning stated below.

Participating Charter School—a charter school whose approved charter provides for membership in the Teachers' Retirement System of Louisiana in accordance with R.S. 17:3997.

School-Based Employee—an employee assigned to work solely for a participating charter school.

School-Based Services—services performed at a participating charter school or related to a student or students enrolled in a participating charter school.

System—the Teachers' Retirement System of Louisiana

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:826.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the Teachers' Retirement System, LR 44:

§303. Membership

A. For a nonprofit corporation operating multiple approved charter schools in the state with at least one participating charter school, but where not all of the nonprofit corporation's approved charter schools in the state are participating charter schools, system membership of employees who are assigned to work (for all or part of their time) at a participating charter school shall be determined as follows.

1. An employee assigned to work as a school-based employee shall be deemed to be employed in a public elementary or secondary school in the state for purposes of eligibility for any and all retirement benefits which would otherwise accrue under state law to such an employee in any other elementary or secondary school.

2. An employee who is not a school-based employee, but who performs school-based services shall be deemed to be employed in a public elementary or secondary school in the state for purposes of eligibility for any and all retirement benefits which would otherwise accrue under state law to such an employee in any other elementary or secondary school, provided system membership is not prohibited by R.S. 11:162.

a. When applying the provisions of R.S. 11:162, the number of hours the employee performs school-based services at the participating charter school or schools, as applicable, shall be used to determine the nature of employment with respect to a participating charter school or schools.

b. If system membership is not prohibited by R.S. 11:162, all earnable compensation attributable to the employee's performance of school-based services at the participating charter school or schools shall be reported to the system in accordance with applicable law.

3. An employee who is not a school-based employee and who does not perform school-based services shall not be eligible for system membership.

B. Notwithstanding the provisions of Subsection A, if all of the approved charters in the state held by a nonprofit corporation are participating charter schools, the employees of the nonprofit corporation who are employed for the purposes of operating the charter schools shall be deemed to be employed in a public elementary or secondary school in the state for purposes of eligibility for any and all retirement benefits which would otherwise accrue under state law to such an employee in any other elementary or secondary school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:826.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the Teachers' Retirement System, LR 44:

Family Impact Statement

The proposed repeal of LAC 58:III.301, RE-Employment of Retirees, and the adoption of LAC 58:III.301 and 303 relative to charter schools should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, 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

The proposed repeal of LAC 58:III.301, RE-Employment of Retirees, and the adoption of LAC 58:III.301 and 303 relative to charter schools should not have any known or foreseeable impact on any child, individual or family poverty as defined in R.S. 49:973(D). 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; and
5. child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the proposed Rules on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rules that will accomplish the objectives of applicable statutes while minimizing the adverse impact on small businesses.

Provider Impact Statement

The proposed Rules should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Per HCR 170, "provider" means an organization that provides services for individuals with developmental disabilities. In particular, it is anticipated that these proposed Rules 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 on the proposed changes until 4:30 p.m., February 19, 2018, to Matt Tessier, Deputy General Counsel, Board of Trustees for the Teachers' Retirement System of Louisiana, P.O. Box 94123, Baton Rouge, LA 70804-9123.

Dana L. Vicknair
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Charter Schools

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

The proposed rules will have no impact on state or local government expenditures, other than the publication fees associated with the proposed rule changes.

The proposed rule change clarifies existing Teachers' Retirement System of Louisiana (TRSL) membership statutes (R.S. 11:162, 721, 701 and R.S. 17:3997) related to non-profit organizations operating multiple charter schools. The proposed rule states that TRSL membership shall be mandatory for all employees assigned to work solely for a TRSL participating school. Additionally, TRSL membership shall be determined in accordance with existing law governing part-time versus full-time employment.

The proposed rule change also repeals obsolete and superseded rule provisions relating to retirees who return to work at charter schools. Existing provisions that govern the rehiring of TRSL retirees are already covered in current statue.

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

The proposed rule change will not impact state or local governmental revenue collections.

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

The proposed rules seek to clarify the application of existing TRSL membership provisions to the unique scenario that could potentially arise when a non-profit corporation operates multiple charter schools, but not all of those charter schools participate in TRSL. There is no impact to these organizations or its employees as the proposed rule change serves to clarify current law.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Dana L. Vicknair	Evan Brasseaux
Director	Staff Director
1801#049	Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2018-2020 Hunting Regulations and Seasons
(LAC 76:XIX.Chapter 1)

Notice is hereby given that the Wildlife and Fisheries Commission proposes to amend the general and wildlife management area rules and regulations for the 2018-2019 season, the resident game hunting season for the 2018-2020 hunting seasons, the general and wildlife management area

rules and regulations for the turkey season, the turkey hunting areas, and seasons, and bag limits for the 2019 turkey season, and the migratory bird seasons, regulations, and bag limits for the 2018-2020 hunting season.

Title 76
WILDLIFE AND FISHERIES
Part XIX. Hunting and WMA Regulations
Chapter 1. Resident Game Hunting Season
§101. General

A. The resident game hunting season regulations have been adopted by the Wildlife and Fisheries Commission. A complete copy of the regulations pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 36:1580 (July 2010), LR 37:2206 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1534 (August 2014), LR 41:958 (May 2015), LR 42:1107 (July 2016), LR 44:

§103. Resident Game Birds and Animals

A. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

B. Consult regulation pamphlet for seasons or specific regulations on wildlife management areas or specific localities.

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	OPENS: 3rd Saturday of November CLOSES: Last Day of February	10	30
Rabbit and Squirrel	OPENS: 1st Saturday of October CLOSES: Last Day of February	8	24
Squirrel*	OPENS: 1st Saturday of May for 23 days	3	9
Deer 2018-2020	See Schedule	1 antlered and 1 antlerless (when legal)	Deer Areas 1,2,3,5,6,7,8, and 9 6/season (not to exceed 3 antlered deer or 4 antlerless deer). Deer Area 4 limit 3/season (not to exceed 2 antlered or 2 antlerless deer). Deer Area 10 limit 3/season (not to exceed 2 antlered or 2 antlerless deer).

*NOTE: Spring squirrel season is closed on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some state wildlife management areas will be open, check WMA season schedule.

C. Deer Hunting Schedule 2018-2019

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
2	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years EXCEPT when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	OPENS: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years EXCEPT when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day OPENS: 1st Sat. of Dec. CLOSES: After 37 days	OPENS: 1st Sat. of Dec. CLOSES: After 37 days.
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
5	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. (BUCKS ONLY) OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.(EITHER SEX 1ST 7 DAYS, BUCKS ONLY FOR REMAINDER OF SEASON)	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. after Christmas. CLOSES: Sun. after Christmas. (EITHER SEX) OPENS: 2nd Sat. in Jan. CLOSES: Sun. after 2nd Sat. in Jan. (EITHER SEX)
6	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: 1st Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Nov.	OPENS: 3rd Sat. of Oct. CLOSES: Fri Before 1st Sat. of Nov. OPENS: 2nd Sat of Nov. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: 1st Sat. of Dec. CLOSES: After 37 days.
9	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan. OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day of Jan. Bucks Only	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Sunday of the same weekend. EITHER SEX: OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas.

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
10	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day OPENS: 1st Sat. of Dec. CLOSES: After 37 days	

D. Deer Hunting Schedule 2019-2020

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
2	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years EXCEPT when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	OPENS: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years EXCEPT when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day OPENS: 1st Sat. of Dec. CLOSES: After 37 days	OPENS: 1st Sat. of Dec. CLOSES: After 37 days.
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
5	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. (BUCKS ONLY) OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.(EITHER SEX 1ST 7 DAYS, BUCKS ONLY FOR REMAINDER OF SEASON)	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. after Christmas. CLOSES: Sun. after Christmas. (EITHER SEX) OPENS: 2nd Sat. in Jan. CLOSES: Sun. after 2nd Sat. in Jan. (EITHER SEX)

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
6	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan.
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9	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan. OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. CLOSES: Last day of Jan. Bucks Only	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Sunday of the same weekend. EITHER SEX: OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas
10	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.		

E. Farm-raised white-tailed deer on supplemented shooting preserves:

1. archery, firearm, primitive firearms—October 1-January 31 (either-sex).

F. Exotics on supplemented shooting preserves:

1. either sex—no closed season.

G. Spring squirrel hunting:

1. season dates—opens 1st Saturday of May for 23 days;

2. closed areas:

a. Kisatchie National Forest, national wildlife refuges, and U.S. Army Corps of Engineers property and all WMAs except as provided in Paragraph 3 below;

3. wildlife management area schedule—opens first Saturday of May for nine days on all WMAs except Fort Polk, Peason Ridge, Camp Beauregard, Pass-a-Loutre and Salvador. Dogs are allowed during this season for squirrel hunting;

4. limits—daily bag limit is three and possession limit is nine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), amended LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR 32:1254 (July 2006), LR 33:115 (January 2007), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 35:2856 (December 2009), LR 36:1580 (July 2010), LR 37:2207 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1535 (August 2014), LR 41:958 (May 2015), LR 42:1108 (July 2016), LR 43:1420 (July 2017), LR 44:

§105. Physically Challenged Hunters Permit

A. Definitions

ATV—an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight—750 lbs.; length—85"; width—48". ATV tires are restricted to those no larger than 26x12 with a maximum 1"

lug height and a maximum allowable tire pressure of 12 psi as indicated on the tire by the manufacturer.

* * *

B. - E.3.h. …

AUTHORITY NOTE: Promulgated in accordance with Act 1226 of the 1995 Louisiana Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:856 (September 1996), amended LR 34:1444 (July 2008), LR 36:2051 (September 2010), LR 44:

§111. General and Wildlife Management Area Hunting Rules and Regulations

A. Hunting Seasons and Wildlife Management Area (WMA) Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by sections 115 and 116 of title 56 of the *Louisiana Revised Statutes* of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The secretary of the Department of Wildlife and Fisheries (LDWF) has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to section 40.1 of title 56 of the *Louisiana Revised Statutes* of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the LDWF a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to turkey regulations.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 caliber or smaller rimfire firearm. A licensed hunter may take raccoon or opossum with .22 caliber or smaller rimfire firearm, .36 caliber or smaller muzzleloader rifle or shotgun during daylight hours. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is two per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through the last day of February, during legal shooting hours by any legal hunting method with a daily limit of five. Except nutria may be taken on Atchafalaya Delta, Salvador/Timken, Pointe-Aux-Chenes and Pass-a-Loutre WMAs from September 1 to March 31. When taken with a shotgun, non-toxic shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of “hunter orange” and wear a “hunter orange” cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the New Iberia office: (337) 373-0032.

4. Blackbirds and Crows. The season for crows shall be September 1 through January 1 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredating or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredators and that crows have been implicated in the spread of the West Nile virus in humans. As described in 50 CFR part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

5. Pheasant. Open concurrently with the quail season; no limit.

6. Falconry. Special permit required. Resident and migratory game species may be taken except turkeys. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific falconry rules.

7. Licensed Hunting Preserve, October 1-April 30, Pen-Raised Birds Only. No limit entire season. Refer to LAC 76:V.305 for specific hunting preserve rules.

8. Deer Management Assistance Program (DMAP). Refer to LAC 76:V.111 for specific DMAP rules. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with approved archery equipment or primitive firearms). Failure to do so is a violation of R.S. 56:115. Deer harvested on property enrolled in DMAP do not count in the season or daily bag limit for hunters when legally tagged with DMAP tags. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved.

9. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics—for purposes of this Section means any animal of the family Bovidae (except the Tribe Bovini [cattle]) or Cervidae which is not indigenous to Louisiana and which is confined on a supplemented hunting preserve. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting—in its different tenses and for purposes of this Section means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside—for purposes of this Section means hunting on a supplemented hunting preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in title 56 of the *Louisiana Revised Statutes* and as established annually by the Wildlife and Fisheries Commission.

Supplemented Hunting Preserve—for purposes of this Section means any enclosure for which a current farm-raising license has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the LDWF and is authorized in writing by the LDAF and LDWF to permit hunting.

White-Tailed Deer—for purposes of this Rule means any animal of the species *Odocoileus virginianus* which is confined on a supplemented hunting preserve.

b. Seasons:

i. farm-raised white-tailed deer: consult the regulations pamphlet;

ii. exotics: year round.

c. Methods of take:

i. white-tailed deer: same as outside;

ii. exotics: exotics may be taken with traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including saboted bullets only and other approved primitive firearms.

d. Shooting hours:

i. white-tailed deer: same as outside;

ii. exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag limit:

i. farm-raised white-tailed deer: same as outside;

ii. exotics: no limit.

f. Hunting licenses:

i. white-tailed deer: same as outside;

ii. exotics: no person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging. White-tailed deer and exotics: each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

10. Bobcat. No person other than the holder of a valid big game license may take or possess bobcat, except licensed trappers who may take or possess bobcat during the open trapping season. A big game licensee shall only take bobcat during the time period from one-half hour before sunrise to one-half hour after sunset with approved archery equipment, shotgun, muzzleloader or centerfire firearm. A big game licensee shall not take more than one bobcat per calendar year. This regulation applies only to property that is privately owned, state WMAs, Kisatchie National Forest, and the Bayou des Ourses, Bodcau, Bonnet Carre, and Indian Bayou tracts owned by the Corps of Engineers, but does not apply to state wildlife refuges, or other federally owned refuges and lands. On state WMAs and Kisatchie National Forest, the take of bobcat is restricted to those open seasons on the WMAs which require the respective legal weapons noted above.

D. Hunting—General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. No person born on or after September 1, 1969, shall hunt unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course approved by the department, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the LDWF main office building in the city of Baton Rouge. A person under 16 years of age may hunt without such certificate if he/she is accompanied by and is under the direct supervision of a person who was born before September 1, 1969, and has a valid hunting license or who is 18 years of age or older and has proof of successful completion of a firearm and hunter education course approved by the department.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer. A separate wild turkey license is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means or a shotgun not larger than a 10 gauge fired from the shoulder shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or

handgun larger than .22 caliber, any centerfire firearm, or a muzzleloading firearm larger than .36 caliber. It shall be legal to hunt or take squirrels, rabbits, and outlaw quadrupeds with air rifles.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

d. No person shall take or kill any game bird or wild quadruped with a firearm fitted with an infrared sight, laser sight, or except as provided in R.S. 56:116(A)(8) any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target, or device specifically designed to enhance vision at night [R.S. 56:116.1(B)(3)].

6. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the LDWF, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found depredating commercial crops of pecans may be taken year-round by permit issued by the LDWF. This permit shall be valid for 30 days from the date of issuance. Contact the local region office for details.

7. Threatened and Endangered Species. Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle, peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Atwater's greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. Outlaw Quadrupeds. Holders of a legal hunting license may take coyotes, feral hogs, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to chase only when using dogs during still hunting segments of the firearm and archery only seasons for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters.

9. Nighttime Take of Nuisance Animals and Outlaw Quadrupeds. On private property, the landowner, or his lessee or agent with written permission from the landowner and the landowner's contact information in his possession, may take outlaw quadrupeds (coyotes, armadillos and feral hogs), nutria, or beaver during the nighttime hours from one-half hour after official sunset on the last day of February to one-half hour after official sunset the last day of August of that same year. Such taking may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. In addition, pursuant to R.S. 56:116(D)(3) any person who is authorized to possess a firearm suppressor may use a firearm fitted with a sound suppressor when taking outlaw quadrupeds, nutria, or beaver. Any person attempting to take outlaw quadrupeds under the provisions of the paragraph, within 24 hours prior to the attempted taking, shall notify the sheriff of the parish in which the property is located and the LDWF Enforcement Division by calling (800) 442-2511 of their intention to attempt to take outlaw quadrupeds under the provision of this Paragraph.

10. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds while on a public road or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and public road rights-of-way is prohibited.

11. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with approved archery and primitive firearms, and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

12. Sex Identification. Positive evidence of sex identification, including the head or sex organs, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

E. General Deer Hunting Regulations

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain deer tags and have in possession when hunting deer. Immediately upon harvesting a deer, the hunter must tag the deer with the appropriate carcass tag and document the kill on the deer tag license. Within 72 hours of the kill, the hunter must validate the kill. Hunters harvesting deer on DMAP lands can validate deer per instructions by LDWF using the DMAP harvest data sheets. Hunters on WMAS can validate deer during mandatory deer check hunts, when deer check stations are in operation. Hunters may validate deer by calling the validation toll free number or using the validation website.

2. 2018-2019 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National

Forest, Indian Bayou Area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

3. 2019-2020 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

4. A legal antlered deer is a deer with at least one visible antler of hardened bony material, broken naturally through the skin. Killing antlerless deer is prohibited except where specifically allowed.

5. *Either-sex deer* is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

6. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or slug. Handguns may be used for hunting.

7. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

8. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

9. It is illegal to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however, the restriction in this Paragraph shall not apply to any person who has lost one or more limbs.

10. Areas not specifically designated as open are closed.

11. Primitive Firearms Season: Still Hunt Only. Specific WMAs will also be open, check WMA schedule for specific details. Primitive firearms license is required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all deer hunting areas except as otherwise specified.

a. Legal firearms for primitive firearms season:

i. rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle, use black powder or approved substitute only, take ball, shot, or bullet projectile only, including saboted bullets, and may be fitted with magnified scopes;

ii. single shot, breech loading rifles or single shot, breech loading pistols, .35 caliber or larger, having an exposed hammer, that use metallic cartridges loaded either with black powder or modern smokeless powder, and may be fitted with magnified scopes;

iii. single shot, breech loading shotguns, 10 gauge or smaller, having an exposed hammer, loaded with buckshot or slug;

iv. youths 17 or younger may hunt deer with any legal weapon during the primitive firearms season in each deer hunting area.

12. Archery Season. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, and except in areas 6 and 9 from October 1-15. Archers must conform to the bucks only regulations. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (see schedule).

a. Bow and Arrow Regulations. Traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means will be a legal means of take for all properly licensed hunters. Hunting arrows for deer must have well-sharpened broadhead points. Bow and arrow fishermen must have a sport fishing license and may not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to have in possession or use any poisoned or drugged arrow or arrows with explosive tips;

(b). to hunt deer with a bow having a pull less than 30 pounds;

(c). to hunt with a bow or crossbow fitted with an infrared, laser sight, electrically-operated sight or device specifically designed to enhance vision at night (does not include non-projecting red dot sights) [R.S. 56:116.1.B.(4)].

13. Hunter Orange or Blaze Pink. Any person hunting any wildlife during the open gun deer hunting season and possessing buckshot, slugs, a primitive firearm, or a centerfire rifle shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" or "blaze pink". Persons hunting on privately owned land may wear a hunter orange or blaze pink cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned or to archery deer hunters hunting on lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a hunter orange or blaze pink cap or hat while walking to and from elevated

stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange" or "blaze pink".

14. Physically Challenged Season on Private Lands (Either-Sex)—first Saturday of October for two days. Restricted to individuals with physically challenged hunter permit.

15. Youth and Honorably Discharged Veterans Season on Private Lands (Either-Sex). Areas 1, 4, 5, 6 and 9: last Saturday of October for seven days; area 2: second Saturday of October for seven days; and areas 3, 7, 8 and 10: fourth Saturday of September for seven days. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. One of the following must be carried by veterans while hunting:

a. Louisiana OMV issued U.S. Veterans Driver's License; or

b. U.S. Department of Defense Form 214 or one of the following DD_214 equivalents:

i. pre DD 214 era documents (1941_1950):

(a). WE AGO (war department adjutant general) forms, to include WD AGO 53, WD AGO 55, WD AGO 53_55;

(b). JAVPERS (naval personnel) discharge documents, to include NAVPERS 553, NAVMC78PD, NAVCG 553;

ii. National Personnel Records Center NPRC "statement of service," issued as a result of a destroyed discharge record during the 1973 National Archives fire;

iii. National Guard/Air National Guard must have NGB_22 with 6 or more years of service.

F. Description of Areas, 2018-2020

1. Area 1

a. All of the following parishes are open: Concordia, East Carroll, Franklin, Madison, Richland, Tensas, West Carrol.

b. Portions of the following parishes are also open:

i. Catahoula—east of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to LA 8, south and east of LA 8 southwesterly to parish line;

ii. Grant—east of US 165 and south of LA 8;

iii. LaSalle—south of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to US 84, east of US 84 northward to LA 8, south of LA 8 eastward to parish line;

iv. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Bake;

v. Rapides—east of US 165 and north of Red River.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula—south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to LA 8 at Harrisonburg, west of LA 8 to LA 913, west of LA 913 and LA 15 to Deer Creek;

ii. East Carroll—all;

iii. Franklin—all;

iv. Morehouse—east of US 165 (from Arkansas state line) to Bonita, south and east of LA 140 to junction of LA 830-4 (Cooper Lake Road), east of LA 830-4 to Bastrop, east of LA 139 at Bastrop to junction of LA 593, east and north of LA 593 to Collinston, east of LA 138 to junction of LA 134 and south of LA 134 to Ouachita line at Wham Brake;

v. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Bake;

vi. Richland—all;

vii. West Carroll.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn;

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as area 2, except still hunting only for deer.

b. Portions of the following parishes are also open:

i. Allen—north of US 190 from parish line westward to Kinder, east of US 165 from Kinder northward to LA 10 at Oakdale, north of LA 10 from Oakdale westward to the parish line;

ii. Avoyelles—that portion west of I-49;

iii. Catahoula—west of Boeuf River to Ouachita River, west of Ouachita River from its confluence with Boeuf River to LA 8, north and west of LA 8 southwesterly to parish line;

iv. Evangeline—all except the following portions: east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte, and north of US 167 east of Ville Platte;

v. Grant—all except that portion south of LA 8 and east of US 165;

vi. Jefferson Davis—north of US 190;

vii. LaSalle—north of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to US 84, west of US 84 northward to LA 8, north of LA 8 eastward to parish line;

viii. Morehouse—west of US 165 (from Arkansas state line) to Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to Bastrop, west of LA 139 to junction of LA 593, west and south of LA 593 to Collinston, west of LA 138 to junction of

LA 134 and north of LA 134 to Ouachita Parish line at Wham Brake;

ix. Ouachita—all except south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse Parish line at Wham Brake;

x. Rapides—all except north of Red River and east of US 165, south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill, and north of LA 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and US 167 to junction of US 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line;

xi. Vernon—north of LA 10 from the parish line westward to LA 113, south of LA 113 eastward to parish line. Also the portion north of LA 465 west of LA 117 from Kurthwood to Leesville and north of LA 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster—Caney, Corney and Middlefork tracts of Kisatchie National Forest (see Kisatchie National Forest regulations);

ii. Ouachita—east of Ouachita River;

iii. Rapides—west of US 167 from Alexandria southward to I-49 at Turkey Creek exit, west of I-49 southward to parish line, north of parish line westward to US 165, east of US 165 northward to US 167 at Alexandria. North of LA 465 from Vernon Parish line to LA 121, west of LA 121 to I-49, west of I-49 to LA 8, south and east of LA 8 to LA 118 (Mora Road), south and west of LA 118 to Natchitoches Parish line;

iv. Vernon—east of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to LA 465, east and north of LA 465 to Rapides Parish line.

3. Area 3

a. Portions of the following parishes are open:

i. Acadia—north of I-10;

ii. Allen—west of US 165 and south of LA 10;

iii. Beauregard—east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;

iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;

v. Jefferson Davis—north of I-10 and south of US 190;

vi. Lafayette—west of I-49 and north of I-10;

vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;

viii. St. Landry—west of US 167;

ix. Vernon— east of LA 113 to Pitkin, south of LA 10 to Allen Parish line, west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

b. Still hunting only for portions of the following parishes:

i. Acadia—north of I-10;

ii. Allen—south of US 190 and west of LA 113;

iii. Beauregard—west of LA 113 and east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;

iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;

v. Jefferson Davis—north of I-10 and south of US 190;

vi. Lafayette—west of I-49 and north of I-10;

vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;

viii. St. Landry—west of US 167;

ix. Vernon—west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

4. Area 4

a. All of St. Helena and Washington Parishes are open.

b. Portions of the following parishes are also open:

i. East Baton Rouge—all except that portion west of I-110 and west of US 61;

ii. East Feliciana—east of US 61;

iii. Livingston—north of I-12;

iv. Tangipahoa—north of I-12;

v. St. Tammany—all except that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

c. Still hunting only in all or portions of the following parishes:

i. East Feliciana and East Baton Rouge—east of Thompson Creek from the Mississippi state line to LA 10, north of LA 10 from Thompson Creek to LA 67 at Clinton, west of LA 67 from Clinton to Mississippi state line, south of Mississippi state line from LA 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of LA 67 from LA 64 north to Parish Line, south of Parish Line from LA 64 eastward to Amite River, west of Amite River southward to LA 64, north of LA 64 to LA 37 at Magnolia, east of LA 37 northward to LA 64 at Indian Mound, north of LA 64 from Indian Mound to LA 67. Also, that portion of East Feliciana Parish east of LA 67 from parish line north to LA 959, south of LA 959 east to LA 63, west of LA 63 to Amite River, west of Amite River southward to parish line, north of parish line westward to LA 67;

ii. St. Helena—north of LA 16 from Tickfaw River at Montpelier westward to LA 449, east and south of LA 449 from LA 16 at Pine Grove northward to Rohner Road, south of Rohner Road to LA 1045, south of LA 1045 to the Tickfaw River, west of the Tickfaw River from LA 1045 southward to LA 16 at Montpelier;

iii. Tangipahoa—that portion of Tangipahoa Parish north of LA 10 from the Tchefuncte River to LA 1061 at Wilmer, east of LA 1061 to LA 440 at Bolivar, south of LA 440 to the Tchefuncte River, west of the Tchefuncte River from LA 440 southward to LA 10;

iv. Washington and St. Tammany—east of LA 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from LA 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl

River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to LA 21. Also, that portion of Washington Parish west of LA 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany Parish line to the Tangipahoa Parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with LA 25;

5. Area 5

a. Portions of the following parishes are open:

i. St. Martin Parish south of I-10 and east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

ii. Iberville Parish—south of I-10 and west of the East Atchafalaya Basin Protection Levee;

iii. Iberia Parish—east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

iv. St. Mary Paris—east of the West Atchafalaya Basin Protection Levee;

v. high water benchmark closure. Deer hunting in those portions of Iberville and St. Martin parishes south of I-10, west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee, and north of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 18 feet msl at Butte LaRose, and will reopen when the river stage recedes to 17 feet msl at Butte LaRose. Deer hunting in those portions of Iberville, St. Martin, St. Mary and Iberia parishes west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee and south of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose, and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

6. Area 6

a. All of West Feliciana and Pointe Coupee Parish is open.

b. Portions of the following parishes are also open:

i. Avoyelles—all except that portion west of I-49;

ii. East Baton Rouge—that portion west of I-110 and west of US 61.

iii. Evangeline—that portion east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte and north of US 167 east of Ville Platte;

iv. Iberville—all north of I-10, and that portion south of I-10 at the Atchafalaya Basin protection levee south to Upper Grand River, then north of Upper Grand River to the Intracoastal Canal at Jack Miller, then west of the Intracoastal Canal northward to Bayou Plaquemine, then north of Bayou Plaquemine to the Mississippi River;

v. Lafayette—north of I-10 and east of I-49;

vi. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

vii. St. Landry—east of US 167;

viii. St. Martin—north of I-10;

ix. East Baton Rouge—west of I-110 and west of US 61;

x. East Feliciana—west of US 61;

xi. West Baton Rouge—north I-10.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles—north of LA 1 from Simmesport westward to LA 115 at Marksville, east of LA 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to LA 1 at Simmesport;

ii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

iii. West Feliciana—west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of US 61 and LA 966, east of LA 966 from US 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

7. Area 7

a. Portions of the following parishes are open:

i. Iberia—south of LA 14 and west of US 90;

ii. St. Mary—all except that portion north of US 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River.

8. Area 8

a. Portions of the following parishes are open:

i. Beauregard—that portion west of LA 27 from parish line northward to DeRidder, south of US 190 from DeRidder to Texas state line;

ii. Calcasieu—that portion west of LA 27 from the parish line southward to Sulphur and north of I-10 from Sulphur to the Texas state line.

9. Area 9

a. All of the following parishes are open:

i. Ascension, Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John, Terrebonne.

b. Portions of the following parishes are open:

i. Iberia—east of US 90 and west of the West Atchafalaya Basin Protection Levee and east of the East Atchafalaya Basin Protection Levee;

ii. Iberville—east of the East Atchafalaya Basin Protection Levee and south of Upper Grand River to the Intracoastal Canal to Bayou Plaquemines, then south of Bayou Plaquemines to the Mississippi River;

iii. Lafayette—south of I-10 and east of US 90;

iv. Livingston—south of I-12;

v. St. Martin—west of the Atchafalaya Basin Protection Levee and south of I-10. East of the East Atchafalaya Basin Protection Levee and south of I-10;

vi. St. Mary—east of US 90 from Iberia Parish line to the Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River except for portion within the East and West Atchafalaya Basin Protection Levees;

vii. St. Tammany—that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain;

viii. Tangipahoa—south of I-12.

c. Still hunting only in all or portions of the following parishes:

i. Iberville—east of the Mississippi River;

ii. Plaquemines—east of the Mississippi River;

iii. St. Bernard—all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre;

iv. St. John—south of Pass Manchac from Lake Pontchartrain to US 51, east of US 51 from Pass Manchac to LA 638 (Frenier Beach Road). North of LA 638 from US 51 to Lake Pontchartrain, west of Lake Pontchartrain from LA 638 to Pass Manchac.

10. Area 10

a. All of Cameron and Vermillion Parishes are open.

b. Portions of the following parishes are open:

i. Acadia—south of I-10;

ii. Calcasieu—south of I-10;

iii. Iberia—west of US 90 and north of LA 14;

iv. Jefferson Davis—south of I-10;

v. Lafayette—south of I-10 and west of Hwy 90.

G. WMA Regulations

1. General

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in *Louisiana Revised Statutes* of 1950, section 109 of title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. WMA seasons may be altered or closed anytime by the LDWF secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 4 a.m. unless otherwise specified. Hunters must check out and exit the WMA no later than two hours after sunset, or as otherwise specified.

e. Lands within WMA boundaries will have the same seasons and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; however, with respect to private lands enclosed within a WMA, the owner or lessee may elect to hunt according to the regular season dates and hunting regulations applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP. Interested parties should contact the nearest LDWF region office for additional information.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (including but not limited to acorns and pecans), wild plants, non-game wildlife (including reptiles and amphibians) or any species of butterflies, skippers or moths is prohibited without a permit from the LDWF. Gathering and/or removal of soft fruits, mushrooms and berries shall be limited to five gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh is prohibited.

j. Nature Trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal buck deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and state seed grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health.

n. Free ranging livestock prohibited.

o. Operation of drones on WMAs is prohibited.

2. Permits

a. A WMA hunting permit is required for persons ages 18 through 59 to hunt on WMAs.

b. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, bird watching, sightseeing, etc.) on WMAs unless otherwise specified. The self-clearing permit will consist of two portions: check in, check out. On WMAs where self-clearing permits are required, all persons must obtain a WMA self-clearing permit from an information station. The check in portion must be completed and put in a permit box before each day's activity on the day of the activity (except if hunting from a private camp adjacent to the WMA being hunted or if camping on the WMA, users need only to check in once during any 72 hour period). Users may check-in one day in advance of use. The check-out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA or within 72 hours after checking in if hunting from a private camp adjacent to the WMA being hunted or if camping on the WMA. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When mandatory deer checks are specified on WMAs, hunters must check deer at a check station. When mandatory check-in for deer seasons is specified on WMAs, hunters must check in at designated locations, and obtain a daily hunt permit. Self-clearing permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.

c. Persons using WMAs or other LDWF administered lands for any purpose must possess one of the following: a valid wild Louisiana stamp, a valid Louisiana

fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement. Also a self-clearing WMA permit, detailed above, may be required (available at most entrances to each WMA). Check individual WMA listings for exceptions.

3. Special Seasons

a. Youth Deer Hunt (youths 17 or younger only). Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Contact the appropriate region office for maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

NOTE: Some hunts may be by pre-application lottery.

b. Youth Squirrel Hunt (on selected WMAs only). Only youths 17 or younger may hunt. Squirrel, rabbit, raccoon, hogs and opossum may be taken. No dogs allowed. All other seasons will remain open to other hunters. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the first or second weekend of the mourning dove season (Saturday and/or Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. Physically Challenged Season. An either-sex deer season will be held for hunters possessing a physically challenged hunter permit on WMAs during the dates specified under the individual WMA. Participants must possess a physically challenged hunter permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering physically challenged seasons.

e. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. Contact region offices for more details.

f. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any wildlife division office for more details.

g. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any wildlife division office for more details.

h. Trapping. Consult annual trapping regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. Hunter orange required when a deer gun season is in progress.

i. Raccoon Hunting. A licensed hunter may take raccoon or opossum, one per person per day, during daylight hours only, during the open rabbit season on WMAs.

Nighttime Experimental—all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Self-clearing permit required.

j. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

k. Small Game Emphasis Areas. Specially designated areas on certain WMAs will allow small game hunting with dogs, confined to that specific area when the remainder of the WMA is restricted to still hunt only. Additionally, off season training of rabbit and bird dogs may be allowed on some of the small game emphasis areas. Small game emphasis areas are offered on Big Colewa Bayou, Bayou Macon, Bayou Pierre, Boeuf, Dewey W. Wills, Marsh Bayou, Pomme de Terre, Richard K. Yancey, Russell Sage, Sandy Hollow, Sherburne, Tunica Hills and Walnut Hill WMAs.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms and crossbows cocked in the ready position are not allowed in or on vehicles, boats under power, motorcycles, ATVs, UTVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas and except as may be permitted for authorized trappers.

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping and except as allowed pursuant to R.S. 56:109(C) and R.S. 56:1691. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing. Active and retired law enforcement officers in compliance with POST requirements, federal law enforcement officers and holders of Louisiana concealed handgun permits or permit holders from a reciprocal state who are in compliance with all other state and federal firearms regulations may possess firearms on WMAs provided these firearms are not used for any hunting purpose.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under WMA listing.

d. Loaded firearms are not allowed near WMA check stations.

e. The following cannot be carried onto any WMA except during modern and primitive firearm deer seasons and during special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs (consult regulations pamphlet for specific WMA regulations):

i. centerfire rifles;

ii. centerfire break-action and centerfire bolt-action handguns;

iii. centerfire scoped handguns;

iv. shotgun slugs or shot larger than BB lead or F steel.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or across, or hunting from designated roads, ATV/UTV trails, nature trails, hiking trails, and their rights-of-way is prohibited during the modern firearms and primitive firearms deer seasons.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drives and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On WMAs the daily limit shall be one antlered deer and one antlerless deer (when legal) per day, not to exceed the deer area limit for the deer area that a WMA is contained within (all segments included) by all methods of take.

c. Baiting, hunting over bait, or possession of bait is prohibited on all WMAs, except bait may be kept in a vehicle traversing a WMA road or parked on a WMA road.

Bait—any substance used to attract game via ingestion.

d. During mandatory deer check hunts, deer may not be skinned nor have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. Natural vegetation (including any material used as corner posts) is defined as natural branches that are 2 inches or less in diameter. All decoys must be removed from the WMA daily. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees and are strictly prohibited. Deer stands may not be left on WMAs unless the stands are removed from trees, placed flat on the ground, and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and LDWF ID number. No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc., found unattended in a hunting position, not placed flat on the ground, or untagged will be confiscated and disposed of by the LDWF. LDWF is not responsible for unattended stands left on an area.

g. Physically Challenged Wheelchair Confined Deer and Waterfowl Hunting Areas. Special deer and waterfowl hunting areas, blinds and stands identified with LDWF logos, have been established for physically challenged hunter permit (PCHP) wheelchair confined hunters on WMAs. Hunters must obtain a PCHP permit and are required to make reservations to use blinds and stands. PCHP wheelchair hunting areas are available on Alexander State Forest, Bayou Pierre, Big Colewa Bayou, Buckhorn, Clear Creek, Floy McElroy, Fort Polk-Vernon, Maurepas Swamp, Russell Sage, Sandy Hollow, and Sherburne WMAs. Check WMA hunting schedules or call the LDWF field offices in Pineville, Lake Charles, Opelousas, Minden, Monroe or Hammond for information.

h. Hunting from utility poles and structures, and oil and gas exploration facilities or platforms is prohibited.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the LDWF and disposed of by the LDWF. This action is necessary to prevent preemption of hunting space.

l. Spot lighting (shining) from vehicles is prohibited on all WMAs.

m. Horses and mules may be ridden on WMAs except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails depicted on WMA map, self-clearing permit is required. Organized trail rides prohibited except allowed by permit only on Camp Beauregard. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified. Horse-drawn conveyances are prohibited.

n. All hunters (including archers and small game hunters) except waterfowl hunters and mourning dove hunters on WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during open gun season for deer. Quail and woodcock hunters and hunters participating in special dog seasons for rabbit, squirrel and feral hogs are required to wear a minimum of a "hunter orange" or "blaze pink" cap. All other hunters and archers (while on the ground) except waterfowl hunters also must wear a minimum of a "hunter orange" or "blaze pink" cap during special dog seasons for rabbit and squirrel and feral hogs. Also all persons afield during hunting seasons are encouraged to display "hunter orange" or "blaze pink". Hunters participating in specialshotgun season for feral hogs on Atchafalaya Delta

Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs must display 400 square inches of “hunter orange” or “blaze pink” and wear a “hunter orange” or “blaze pink” cap.

o. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of “hunter orange” or “blaze pink” above or around their blinds which is visible from 360 degrees.

p. Archery Season for Deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or physically challenged hunts are in progress. Consult regulations pamphlet for specific seasons.

q. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Primitive Firearms Season for Deer—either-sex unless otherwise specified (see WMA deer schedule), except youths 17 or younger may use any legal weapon during the primitive firearm season.

6. Camping

a. Camping on WMAs, including trailers, houseboats, vessels, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. At the end of the 16-day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities. Camping is available on a first-come, first-serve basis unless otherwise specified.

b. Houseboats and vessels utilized for recreational activities are prohibited from overnight mooring within WMAs except on stream banks adjacent to designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. Houseboats and vessels shall not impede navigation. On Atchafalaya Delta WMA houseboats may be moored by permit only in designated areas during hunting season. Permits are available by lottery annually or by five year lease through a bid program.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the health unit (Department of Health) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area unless otherwise specified.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Trash must be contained at all times while camping.

h. Burning of trash is prohibited.

i. Glass containers prohibited on campgrounds.

j. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

k. Swimming is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. For your safety, all oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas, refuges, or limited use areas unless otherwise specified.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting, hog hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner’s name, address and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

9. Vehicles

a. An all-terrain vehicle is an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight-750 pounds, length-85", and width-48". ATV tires are restricted to those no larger than 26 x 12 with a maximum l” lug height and a maximum allowable tire pressure of 12 psi. as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. *Utility Type Vehicle* (*UTV*, also *Utility Terrain Vehicle*)—any recreational motor vehicle other than an ATV, not legal for highway use, designed for and capable of travel over designated unpaved roads, traveling on four or more low-pressure tires, with factory specifications not to exceed the following: weight-1900 pounds, length-128" and width-68". UTV tires are restricted to those no larger than 27 x 12 with a maximum 1" lug height and a maximum allowable

tire pressure of 12 psi. UTV's are commonly referred to as side by sides and may include golf carts.

c. Vehicles having wheels with a wheel-tire combination radius of 17 inches or more measured from the center of the hub and horizontal to ground are prohibited.

d. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within WMAs due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

e. Tractor or implement tires with farm tread designs Rl, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

f. Airboats, aircraft, personal water craft, "mud crawling vessels" (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and refuges, except type A personal water craft, model year 2003 and beyond, which are eight feet in length and greater, may be operated within WMAs from April 1 until the Monday of Labor Day weekend, from sunrise to sunset only, and except personal water craft allowed on designated portions of Alexander State Forest WMA year-round. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. No person shall operate such water craft at a speed greater than slow/no wake within 100 feet of an anchored or moored vessel, shoreline, dock, pier, persons engaged in angling or any other manually powered vessel.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. UTVs are restricted to marked UTV trails only, except that those UTVs in which the manufacturer's specifications do not exceed the weight, length, width, and tire restrictions for ATVs are allowed on ATV trails. ATVs are restricted to marked ATV trails only when WMA roads are closed to LMVs, ATVs and UTVs may then use those roads when allowed. This restriction does not apply to bicycles.

NOTE: Only ATV and UTV trails marked with signs and/or paint, and depicted on WMA maps are open for use.

j. Use of special ATV trails for physically challenged persons is restricted to ATV physically challenged permittees. Physically challenged ATV permittees are restricted to physically challenged ATV trails or other ATV trails only as indicated on WMA maps or as marked by sign and/or paint. Persons 60 years of age and older, with proof of age, are also allowed to use special physically challenged trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Physically challenged persons under the age of 60 must apply for and obtain a physically challenged hunter program permit from the LDWF.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to physically challenged-only ATV trails will be marked with blue colored paint. Entrances to ATV trails that are open year round will be marked with purple paint. The end of all ATV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV trails, therefore all signage and paint marking as previously described will be used to determine compliance.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 4 a.m., except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except squirrel hunters are allowed to use ATV trails during the spring squirrel season on the WMA and except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

n. Caution. Many LDWF-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads, unless specific signage otherwise allows or restricts.

o. Hunters are allowed to retrieve their own downed deer and hogs with the aid of an ATV except on Thistlethwaite, Sherburne, Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes, Salvador, Timken, Lake Boeuf, and Biloxi WMAs under the following conditions:

i. no firearms or archery equipment is in possession of the retrieval party or on the ATV;

ii. the retrieval party may consist of no more than one ATV and one helper;

iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of deer and hogs once they have been legally harvested and located;

iv. UTV's may not be used to retrieve downed deer or hogs.

10. Commercial Activities

a. Hunting Guides/Outfitters. No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any WMA, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Except for licensed activities otherwise allowed by law, commercial activities are prohibited without a permit issued by the secretary of the LDWF.

c. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Gill nets or trammel nets and the take or possession of grass carp are prohibited on Spring Bayou WMA. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of LA 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Richard K. Yancey WMA. Commercial fishing is prohibited on Salvador/Timken, Pointe-aux-Chenes, and Russell Sage WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal and Wonder Lake. No commercial

fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. WMAs Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Same as outside except closed during modern firearm either-sex deer seasons on certain WMAs (see WMA schedule) and except non-toxic shot, size 6 or smaller must be used for dove, rail, snipe, and gallinule. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited. Spring squirrel season with or without dogs: first Saturday of May for nine days. Consult regulations pamphlet for specific WMAs.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Attakapas, Biloxi, Lake Boeuf, Pass-a-Loutre, Pointe-aux-Chenes, and Salvador/Timken WMAs. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Feral hogs may be taken during any open hunting season on WMAs by properly licensed and/or permitted hunters using only guns or bow and arrow legal for specified seasons in progress, except take of hogs is prohibited during nighttime raccoon seasons. Hogs may not be taken with the aid of dogs, except feral hogs may be taken with the aid of dogs during the month of February on Attakapas, Bodcau, Clear Creek, Little River, Pearl River, Sabine, Sabine Island, and West Bay and that portion of Dewey W. Wills north of the Catahoula Lake Diversion Canal by self-clearing permit. All hogs must be killed immediately and may not be transported live under any conditions. During the February dog season hunters may use centerfire pistols in addition to using guns allowed for season in progress. Additionally, feral hogs may be taken on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs from February 16 through March 31 with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber. Additional requirements may be specified under individual WMAs, see regulation pamphlet.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, except the turkey and spring squirrel seasons, take of outlaw quadrupeds and birds, with or without the use of electronic calls, is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 1. As described in 50 CFR part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

17. WMAs Hunting Schedule and Regulations

a. Acadiana Conservation Corridor. Self-clearing permit required for all activities.

i. Archery only: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

ii. All other seasons closed. No motorized vehicles allowed and no access via I-49 right-of-way.

b. Alexander State Forest. From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call 318-487-5172 or 318-487-5058 for information on burning schedules. Attaching stands to red cockaded woodpecker cavity trees is prohibited. Cavity trees are marked with painted, double white bands. Self-clearing permits required for hunters only. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreational areas. Physically challenged wheelchair confined deer hunting area: access restricted. Check WMA map for location and call Minden or Baton Rouge offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer:

(a). archery: Oct. 1-Jan. 31, either-sex;

(b). firearms: Fri. after Thanksgiving day for 3 days, bucks only;

(c). primitive firearms: 2nd Sat. of Oct. for 2 days; first Sat. of Nov. for 2 days; mandatory deer check.

ii. Small Game: same as outside except closed during primitive firearms season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Waterfowl: same as outside. (Certain areas may be closed as posted.)

c. Atchafalaya Delta. Self-clearing permit required for deer hunting, feral hog hunting and tent camping only. Self-clearing permits available from Main Delta campground, Wax Delta Campground, Cul-de-sac on Big Island, and Berwick Public Boat Launch (Jesse Fontenot Boat Launch). Camping and houseboat mooring allowed only in designated campgrounds. Houseboat mooring allowed by permit only (see Subparagraph G.6.b for details). Limited access area: operation of internal combustion engines prohibited from September through January. See WMA map for specific locations. Vessels/vehicles: mudboats or air-cooled propulsion vessels powered by more than 36 total horsepower are prohibited on the WMA. All ATVs/UTVs, motorcycles, horses and mules prohibited except as permitted for authorized WMA trappers. Big Island: closed to all activities during the month of October, except LDWF lottery hunts.

i. Deer Archery (either-sex)*:* Oct. 1-Jan. 31 on Main Delta only (Big Island closed during October); no deer hunting on Wax Lake Delta. All harvested deer must be checked in at Atchafalaya Delta headquarters.

ii. Deer Youth Lottery (either-sex): Oct. 14-15 and 21-22, daily youth hunt permit required. Call the New Iberia field office, Coastal and Nongame Resources Division, 337-373-0032 for details.

iii. Small Game: same as outside except Rabbit Only:

(a). Wax Lake Delta: Oct. 7-31 and Feb. 1-28, with or without beagles. Nov. 1-Jan. 31 without beagles only.

(b). Main Delta: Feb. 1-28, with or without beagles. closed October through January.

iv. Waterfowl: same as outside, except shooting hours shall be 1/2 hour before sunrise to 2 p.m. during opening weekends of teal and duck season and 1/2 hour before sunrise to sunset the remainder of the season, and except shooting hours are the same as outside for the youth hunt weekend.

v. Feral Hogs: May be taken by properly licensed hunters Oct. 1-Feb. 28. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber from Feb. 16-March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs. All harvested hogs must be checked in at the Atchafalaya Delta WMA headquarters.

d. Attakapas. Area closed to all except youth deer hunters when the youth deer season is open. Self-clearing permits required for hunters only.

i. Deer

(a). Deer hunting will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

(b). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(c). Youth: Last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-Sex: Fri. after Thanksgiving Day for 2 days

(e). Firearms Bucks Only: 4th Sat. of Dec. for 9 days.

(f). Primitive Firearms (Bucks only): 3rd Saturday of January for 2 days.

ii. Turkey: opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens on Good Friday.

iii. Small Game and Waterfowl: same as outside except small game hunting closed during either-sex modern firearms seasons closed during youth deer seasons and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (nighttime): 2nd Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

e. Bayou Macon. Area closed to all except youth deer hunters last Sat. of Oct. for 2 days. All night activities prohibited except as otherwise provided.

i. Deer:

(a). archery: Oct. 1-Jan. 31, either-sex;

(b). youth: last Sat. of Oct. for 2 days, either-sex;

(c). firearms: Sat. prior to Thanksgiving for 2 days, mandatory deer check, either-sex;

(d). primitive firearms: 3rd Sat. of Dec. for 9 days.

ii. Turkey—General Lottery: last Sat. of Area B season for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during firearms season and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to firearms either-sex deer, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: (nighttime): Sept. 1st for 16 days and 1st Sat. of Jan. to the last day of Feb.

f. Bayou Pierre. Waterfowl refuge is closed to all hunting, trapping and fishing except for archery hunting for deer, which is allowed on the entire area. Refuge is marked with "Waterfowl Refuge" signs. Contact Minden office, for details for lottery hunts listed below at 318-371-3050.

i. Deer:

(a). archery only: Oct. 1-Jan. 31, either-sex. Archery hunting is allowed in the waterfowl refuge.

ii. Dove: Same as outside.

iii. Waterfowl Lottery Only: (designated portion)

(a). Lottery Youth Hunt: same as outside youth waterfowl hunt.

(b). General Lottery Hunt: 2nd weekend of 1st split and 1st and 4th weekends of 2nd split of the west zone season.

iv. Other Small Game: same as outside and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb. On that portion designated as small game emphasis area, training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

v. Raccoon (nighttime): Sat. before Christmas to last day of Feb.

g. Big Colewa Bayou. Self-clearing permit not required. physically challenged wheelchair confined deer hunting area: access restricted. Check WMA map for location and call Monroe or Baton Rouge offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Fri. after Thanksgiving for 3 days, either-sex and 2nd Sat. of Dec. for 16 days, bucks only.

i. Deer:

(a). archery only: Oct. 1-Jan. 31, either-sex.

ii. Small Game and Waterfowl: same as outside and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbit hunting Jan. 1st to last day of Feb. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iii. All nighttime activities prohibited.

h. Big Lake. Area closed to all except youth deer hunters during the youth deer hunt only on that portion of the area south of Big Lake and Crystal Roads. Remainder of area open for all activities.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex. Youth hunt on designated portion. See WMA map for specific location.

(c). Firearms Either-sex: Fri. after Thanksgiving day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: 2nd Sat. of Dec. for 14 days.

(e). Primitive Firearms: day after firearms bucks only season closes for 14 days.

ii. Turkey: opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens on Good Friday.

(a). Youth: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend then season will open on Good Friday for 3 days.

iii. Small Game: same as outside except closed during either-sex firearms seasons and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Waterfowl: same as outside except closed during either-sex firearms seasons.

v. Raccoon (Nighttime): the day after primitive firearms season ends to the last day of Feb.

vi. Sport Fishing: yoyos and trotlines allowed on Big and Chain Lakes.

i. Biloxi. Self-Clearing permits not required. Vessels/vehicles: all ATVs/UTVs, motorcycles, horses, and mules are prohibited. Mud boats or air cooled propulsion vessels can only be powered by straight shaft "long-tail" air-cooled mud motors that are 25 total horsepower or less. All other types of mud boats or air cooled propulsion vessels, including "surface-drive" boats, are prohibited. Overnight mooring of all vessels 50 feet in length or more is prohibited.

i. Deer

(a). Archery (bucks only): Oct. 1-15

(b). Deer Archery (either-sex): Oct. 16 - Jan. 31

ii. Small Game and Waterfowl: Same as outside except beagles allowed for rabbits when duck season is closed and except closed to squirrel hunting during the spring season.

j. Bodcau. Area Closed: Closed to all except youth deer hunters during the youth deer hunt on designated portion.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Sat. after 2nd Fri. of Oct. for 2 days, either-sex on designated portion.

(c). Firearms either-sex: Last Sat. of Oct. to the Sun. after Thanksgiving day. Last Sat. of Oct. and Sun. after last Sat. of Oct., mandatory deer check.

(d). Primitive Firearms: Mon. after Thanksgiving day for 7 days.

ii. Turkey

(a). Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

(b). Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days. 4th Sat. of April for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during the youth deer hunt on designated portion and entire area 1st 2 days of modern firearms deer season except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms deer season ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon: (nighttime) day after firearms deer season ends to the last day of Feb.

v. Bird Dog Training Area: permit required. Open all year except closed during WMA turkey season. Contact Minden office for permits and information.

vi. Fishing: nets and traps prohibited on Ivan Lake.

k. Boeuf. Area closed to all south of LA 4 except youth deer hunters when youth deer season is open. North of LA 4 open to all activities. Limited access area: no motorized vessels or vehicles allowed Nov. 1-Jan. 31. Internal combustion engines and craft limited to 10 hp rating or less in the Greentree Reservoir.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: 2nd Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat.; mandatory deer check, Sun.—self-clearing permit.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 14 days.

(e). Primitive Firearms: day after the close of Firearms Bucks Only for 14 days. 2nd Sat. of Nov. for 7 days.

ii. Turkey: opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: same as outside except closed during deer firearms either-sex season, and except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. Youth squirrel hunt: 4th Sat. of Sept. for 2 days. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (nighttime): 2nd Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

l. Buckhorn. Area closed last Sat. of Oct. for 2 days to all except youth and physically challenged deer hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit; and 2nd Sat. of Dec. for 2 days.

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 14 days.

(e). Primitive Firearms: day after firearms bucks only season ends for 14 days.

(f). Youth and Physically Challenged Wheelchair Confined Deer Hunting Area: check map for location. Access restricted. Call Monroe or Baton Rouge offices for further details.

(g). Youth Lottery: 2nd weekend and last consecutive Sat. and Sun. of Dec. and 1st consecutive Sat. and Sun. in Jan. Either-sex. Hunting by pre-application lottery only.

(h). Physically Challenged Wheelchair Confined: 2nd and 3rd weekend of Dec. and 1st consecutive Sat. and Sun. in Jan. Either-sex. Hunting by reservation for wheelchair confined. PCHP permittees only.

ii. Small Game and Waterfowl: same as outside except closed during either-sex gun hunts and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iii. Raccoon (nighttime): day after primitive firearms season ends to the last day of Feb.

m. Bussey Brake. Area closed to all hunting activity. Recreational fishing and all other allowed non-consumptive uses only.

n. Camp Beauregard. All or portions of the area may be closed daily due to military activities. All game harvested must be reported on self-clearing checkout permit. No hunting in restricted areas. Swimming in Twin Lakes prohibited. Retriever training allowed on selected portions of the WMA. Area closed to all except youth deer hunters and permitted disabled veterans hunters Sat. and Sun. preceding Veterans Day.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Deer Hunt: Sat. and Sun. preceding Veterans Day, either-sex on designated portion of the WMA.

(c). Disabled Veterans Deer Hunt: Sat. and Sun. preceding Veterans Day, by lottery only, either-sex on designated portion of the WMA. Call Minden office for details and application.

(d). Firearms Bucks Only: Dec. 26-Jan. 1.

(e). Primitive Firearms: Fri. after Thanksgiving day for 2 days, mandatory deer check. All deer harvested must be brought to Rifle Range Road Weigh Station. 2nd Sat. of Dec. for 2 days self-clearing permit.

ii. Turkey: Opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: same as outside, except closed during either-sex gun hunts for deer and except closed to squirrel hunting during the spring season. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to the last day of Feb.

iv. Raccoon (nighttime): last consecutive Sat. and Sun. in Jan. to last day of Feb.

v. Fishing: special regulations to be posted at Twin Lakes.

o. Clear Creek. Area closed: to all except youth deer hunters when the youth deer season is open. physically challenged wheelchair confined deer hunting area: access restricted. Check WMA map for location and call Lake Charles or Baton Rouge offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(b). Youth Deer Hunt: next to last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: last Sat. of Oct. for 2 days, mandatory deer check and Fri. after Thanksgiving for 3 days, self-clearing permit.

(d). Firearms Bucks Only: Mon. after close of primitive season to Thanksgiving day, and 2nd Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1st either-sex firearms weekend for 7 days.

ii. Turkey

(a). Mon. after 2nd Sat. of April for 21 days.

(b). General Lottery: opening day of statewide season for 2 days, 2nd Sat. of April for 2 days.

(c). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: same as outside except closed during either-sex gun hunts and except spring squirrel season will be open 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after firearms bucks only season closes to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): day after firearms bucks only season closes to the last day of Feb.

p. Dewey Wills. Limited access area, no motorized vessels or vehicles allowed from November through January. Area closed to all except youth and physically challenged deer hunters during the physically challenged and youth deer hunt only on that portion of the area north of the Diversion Canal.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Physically Challenged and Youth: last Sat. of Oct. for 2 days, either-sex. Only that portion of the area north of the Diversion Canal shall be open only to physically

challenged and youth deer hunters. The remainder of the area is open to all.

(c). Youth Lottery: 1st Sat. of Dec. for 2 days, 1st Sat. of Jan. for 2 days, 2nd Sat. of Jan. for 2 days, and 3rd Sat. of Jan. for 2 days, either-sex. Contact Opelousas office (337-948-0255) for details and applications.

(d). Firearms Either-Sex: Fri. after Thanksgiving day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit. No hunting allowed in the greentree impoundment or within 100 feet of the greentree levee if duck season is in progress.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(f). Primitive Firearms: 2nd Sat of Dec. for 2 days.

ii. Turkey

(a). General Lottery: opening day of statewide season for 2 days, 2nd Sat. of April for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during physically challenged and youth deer season north of the Diversion Canal and the entire area during the either-sex firearm hunt except waterfowl hunting will be allowed in the greentree impoundment during the firearm either-sex season and Open to squirrel hunting during the spring season 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks-only season ends to the last day of Feb. On that portion designated as small game emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct., 3rd Sun. of Nov., and training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

iv. Raccoon

(a). Nighttime: day after primitive firearms season ends to the last day of Feb.

(b). Nighttime Chase Only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take season only.

v. Crawfish: limited to 100 pounds per person per day.

vi. Larto Tracts: all season dates on Larto Tracts (see WMA map) same as outside, except still hunt only and except deer hunting restricted to archery only. All vehicles including ATVs prohibited.

q. Elbow Slough.

i. Mourning Dove: Saturdays, Sundays and Wednesdays only during Sept. and Oct. of the outside season, except by lottery only opening weekend of 1st split. Applications available at Minden office and online. Contact Pineville office for details.

ii. Rabbit: Feb. 1 to the last day of Feb. Beagles allowed.

iii. All other seasons closed. Non-toxic (minimum size #6) shot only for all hunting. All motorized vehicles prohibited.

r. Elm Hall. Self-clearing permits required for hunters only. ATVs/UTVs prohibited.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(b). Firearms Either-Sex: Fri. after Thanksgiving Day for 2 days.

(c). Firearms Bucks Only: Sun. after Thanksgiving Day and the 4th Sat. of Dec. for 9 days.

(d). Primitive Firearms: Next to last Sat. in Jan. for 2 days.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex firearm seasons for deer, beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the close of primitive firearms to the end of Feb. and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs.

s. Floy Ward McElroy. Access restricted. Contact Monroe wildlife field office at 318-343-4045 for information.

i. Deer

(a). Youth Lottery: 2nd weekend and last consecutive Sat. and Sun. of Dec., and 1st consecutive Sat. and Sun. in Jan., either-sex. Restricted to those selected as a result of the pre-application lottery.

(b). Physically Challenged Wheelchair Confined Lottery: 1st Sat. of Nov. for 2 days, either-sex. Restricted to wheelchair confined PCHP permittees only selected as a result of the pre-application lottery.

(c). Beyond Becoming an Outdoors Woman (BOW) Lottery Deer Hunt: any weekend prior to youth lottery hunts and except weekend of physically challenged wheel-chair hunt. Hunt restricted to those that have successfully completed the becoming an outdoors woman deer management course. Must be hunter education certified. Contact LDWF Education Section, 318-343-1241, for more information.

t. Fort Polk-Vernon. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Information on open areas and special ATV regulations can be accessed at the following website: http://www.jrtc-polk.army.mil/hunt2/hunt/default.htm. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures. Physically challenged wheelchair confined deer hunting area access restricted. Check WMA map for location and call Lake Charles office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer:

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex. Special Archery regulations for Cantonment Area, check locally at Building 2396 on 22nd St., either-sex deer legal the entire season. Remainder of WMA restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: 2nd Sat. of Oct. for 7 days, self-clearing permit required.

(c). Firearms Either-Sex: last Sat. of Oct. for 2 days, and Fri. after Thanksgiving day for 3 days, mandatory deer check.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, 2nd Sat. of Dec. to Jan. 1.

ii. Turkey: same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season. Hunter orange or blaze pink must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving day for 12 days and Jan. 2 to the last day of Feb.

iv. Feral Hogs: may be taken by properly licensed hunters from beginning of archery season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of hunter orange or blaze pink and wear a "hunter orange" or "blaze pink" cap during special shotgun season for hogs.

v. Fishing: Special regulations pertaining to fishing are posted at specific lakes.

vi. Experimental Hunting Area: refer to Fort Polk WMA hunting map: small game and squirrel hunting with dogs allowed Mon. after Thanksgiving day to last day of Feb. in Mill Creek 2 Alpha (MC2A) and Mill Creek 2 Bravo (MC2B) Mill Creek Unit. This area will be closed to deer and hog hunting during this time.

u. Grassy Lake. Area closed to all except youth deer hunters during youth deer hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: last Sat. of Oct. for 2 days.

(c). Firearms Either-Sex: Fri. after Thanksgiving day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 9 days.

(e). Primitive Firearms (either-sex): 2nd Saturday of Dec. for 2 days.

ii. Turkey: opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and Open to squirrel hunting during the spring season 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Sport Fishing: same as outside except permitted only after 2 p.m. during waterfowl season on Smith Bay, Red River Bay and Grassy Lake proper.

v. Commercial Fishing: permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor Spring Bayou headquarters or Opelousas field office.

vi. Raccoon (nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vii. Crawfishing: March 15-July 31. Recreational only. 100 pounds per person daily. No nets or traps may be left overnight.

v. Hutchinson Creek

i. Deer: same as outside, archery only, either-sex.

ii. Turkey: same as outside.

iii. Small Game and Waterfowl: same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan to the last day of Feb.

iv. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the last day of Feb.

w. J.C. Sonny Gilbert. Area closed last Sat. of Oct. for 2 days to all except youth deer hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, mandatory deer check Fri. after Thanksgiving.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 14 days.

(e). Primitive Firearms: day after close of firearms bucks only for 14 days.

ii. Turkey

(a). General Lottery: opening day of statewide season for 2 days, 2nd Fri. of April for 3 days, 3rd Fri. of April for 3 days, 4th Fri. of April for 3 days, 1st Fri. of May for 3 days.

(b). Youth Lottery: Sat. before opening day of statewide season. General lottery (15 kid draw, 1 day)

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

iv. Raccoon (nighttime): the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

v. Sport Fishing: restricted to rod and reel, and pole fishing only. All other gear prohibited.

x. Joyce. Swamp Walk: closed from 30 minutes after sunset to 30 minutes before sunrise. No loaded firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk. Limited access area: No internal combustion engines allowed year round. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: 1st Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving day for 3 days, self-clearing permit.

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 16 days.

(e). Primitive Firearms (either-sex): 2nd Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan for 7 days.

ii. Small Game and Waterfowl: same as outside and open to squirrel hunting during the spring season, 1st

Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (nighttime): day after primitive firearms ends to last day of Feb.

iv. Crawfish: limited to 100 pounds per person per day.

y. Lake Boeuf. Self-clearing permit required for all activities. Self-clearing permit available at Theriot Canal boat landing off LA 308. Hunting until 12 p.m. (noon) for all game, except deer may be hunted until one-half hour after sunset. All nighttime activities prohibited. ATVs/UTVs, motorcycles, horses and mules are prohibited.

i. Deer

(a). Archery (bucks only): Oct. 1-15.

(b). Archery (either-sex): Oct. 16 - Jan. 31.

ii. Waterfowl: same as outside.

iii. Small Game: Nov. 1-Feb. 28 and open to squirrel hunting during the spring season, May 5-13, with or without dogs. Beagles prohibited November and December.

z. Lake Ramsey. All vehicles restricted to Parish Roads and designated parking areas.

i. Deer

(a). Archery only, Oct. 1-Jan. 31, either-sex.

ii. Turkey: opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: same as outside and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to last day of Feb.

iv. Foot Traffic Only: all vehicles restricted to parish roads, except ATVs allowed for hunters retrieving downed deer or feral hogs.

v. Bird Dog Training Area: open all year except closed during WMA turkey season. Contact Hammond office (985-543-4777) for information.

aa. Little River

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms Bucks Only: last Sat. of Oct. for 16 days.

(c). Primitive Firearms: Fri. after Thanksgiving day for 3 days, and 2nd Sat. of Dec. for 2 days.

ii. Turkey: opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Raccoon

(a). Nighttime: Mon. after 2nd Sat. of Jan. to last day of Feb.

(b). Nighttime Chase Only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take seasons only.

iv. Small Game and Waterfowl: same as outside except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Mon. after Sat. before Christmas to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

bb. Loggy Bayou. Limited Use Area: small game same as rest of WMA. Deer hunting archery only. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms Either-Sex: Fri. after Thanksgiving day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(c). Primitive Firearms: Mon. after Thanksgiving day for 7 days.

ii. Small Game and Waterfowl: same as outside except youth hunt only on opening Saturday of first split of dove season (following regulations for youth deer hunt on WMAs), and except closed during either-sex firearms seasons for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Raccoon (nighttime): Sat. before Christmas to the last day of Feb.

cc. Manchac. Limited Access Area: no internal combustion engines allowed from September through January. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either-sex.

ii. Small Game and Waterfowl: same as outside except steel shot required for rails, snipe and gallinules and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Feb. 1 to the last day of Feb.

iii. Raccoon (Nighttime): Feb. 1 to the last day of Feb.

iv. Crabs: No crab traps allowed. Attended lift nets are allowed.

dd. Marsh Bayou

i. Deer: same as outside, archery only, either-sex.

ii. Small Game: same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan to the last day of Feb. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Feb. 28, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iii. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the last day of Feb.

ee. Maurepas Swamp. Camping limited to tent camping in designated areas. See WMA map for locations. No loaded firearms or hunting allowed within 100 yards of nature trail. Benchmark closure: area closed to all deer hunting when USGS water level gauge CRMS 5373, available at http://waterdata.usgs.gov/la/nwis/rt is at or above 3.0 ft. msl and reopens to deer hunting when water levels recede to 2.5 ft. msl following a closure. Motorized vehicles prohibited on crusel tract (see WMA map for crusel tract). Limited use area: small game same as outside except shotgun only. Deer hunting archery only. See WMA map for

specific location. Area closed to all hunters except youth deer hunters during youth deer season. Physically challenged wheelchair confined deer hunting area: access restricted. Check WMA map for location and call Hammond office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either sex.

(b). Youth: 1st Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving day for 3 days, Fri. and Sat. mandatory deer check, and Sun. self-clearing permit.

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 16 days.

(e). Primitive Firearms: 2nd Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan for 7 days.

ii. Small Game and Waterfowl: same as outside except closed Friday after Thanksgiving day for 3 days during either-sex firearms hunts and closed during youth deer season and except spring squirrel season will be open the 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (nighttime): day after primitive firearms ends to last day of Feb.

iv. Crawfish: limited to 100 pounds per person per day.

ff. Pass-A-Loutre. Self-clearing permit required for deer, feral hog hunting and camping only. Permits available at Pass-a-Loutre headquarters, Camp Canal and all designated camping areas. Oyster harvesting is prohibited. Camping allowed only in designated areas. See self-clearing permit station at headquarters and WMA map for designated camping areas. Vessels/vehicles: all ATVs/UTVs, motorcycles, horses and mules are prohibited. Mud boats or air-cooled propulsion vessels powered by more than 36 total horsepower prohibited. Operation of mud boats and air-cooled propulsion engines prohibited after 2:00 p.m. Sept. 1-Jan. 31, except allowed after 2:00 p.m. in South pass, Pass-a-Loutre, Southeast Pass, Loomis Pass, Dennis Pass, and Cadro Pass. Limited access area: operation of internal combustion engines prohibited from September through January. See WMA map for specific location.

i. Deer

(a). Archery (bucks only): Oct. 1- Feb.15.

(b). Youth Shotgun (bucks only): second to last Sat in Oct. for 2 days.

(c). Deer Shotgun: bucks only may be taken with shotguns with either slugs or buckshot from the day after the first split of the duck season closes for seven days.

ii. Small Game and Waterfowl: same as outside. Beagles prohibited October through last day of waterfowl season.

iii. Feral hogs may be taken by properly licensed hunters from Oct. 1-Feb. 28. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16-March 31. Hogs may be taken with the aid of dogs Feb. 16-March 15. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

iv. Commercial Fishing: same as outside. Commercial mullet fishing open only in:

(a). South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the LDWF Pass-a-Loutre WMA map.

gg. Pearl River. Shooting Range: self-clearing permit not required but all range users must obtain a daily check-in validation slip at the range upon sign-in at the range. For dates, time or more information call 985-643-3938 or www.honeyisland.org. No loaded firearms or hunting within 100 yards of boardwalk. All roads closed 8 p.m.-4 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, LA, reaches 16.5 feet. All hunting except waterfowl hunting will be closed when the river stage at Pearl River reaches 16.5 feet. No hunting in the vicinity of the nature trail. Observe "no hunting" signs. Area closed to all hunters except youth hunters during youth deer hunt.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Deer Hunt: 1st Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving day for 3 days, self-clearing permit.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 16 days.

(e). Primitive Firearms: 2 Sats. prior to Thanksgiving for 7 days and day after firearms bucks only season closes for 14 days.

ii. Turkey

(a). General Lottery: opening day of statewide season for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game: same as outside except closed the Friday after Thanksgiving day for 3 days during either-sex firearms hunts for deer, and closed during youth deer hunt, and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Waterfowl: same as outside except no hunting in waterfowl refuge area and except closed Fri. after Thanksgiving for 3 days, and during youth deer hunt north of U.S. Hwy. 90.

v. Raccoon (nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vi. Crawfish: commercial crawfishing prohibited. Limited to 100 pounds per person per day.

hh. Peason Ridge. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Information on open areas

and special ATV regulations can be accessed at the following website: http://www.jrtc-polk.army.mil/hunt2/hunt/default.htm. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex except restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: 2nd Sat. of Oct. for 7 days. Self-clearing permit required.

(c). Firearms Either-Sex: last Sat. of Oct. for 2 days, and Fri. after Thanksgiving Day for 3 days, mandatory deer check.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving day, 2nd Sat. of Dec. to Jan. 1.

ii. Turkey: same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season. Hunter orange or blaze pink must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving day for 12 days and Jan. 2 to last day of Feb.

iv. Feral hogs may be taken by properly licensed hunters from beginning of archery season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of hunter orange or blaze pink and wear a "hunter orange" or "blaze pink" cap during special shotgun season for hogs.

ii. Pointe-Aux-Chenes. All nighttime activities prohibited EXCEPT fishing adjacent to the road side of Island Road. Possession of more than one daily limit of fish/crab/shrimp while on the WMA is prohibited. Nighttime use of vessels to access any other areas of the WMA, other than the immediate roadside of Island Road is prohibited. Self-clearing permit required for deer and feral hog hunting only except required for all activities on Point Farm Unit. Self-clearing permits available at Grand Bayou Boat Launch and at Point Farm gate behind Montegut Middle School. Hunting until 12 p.m. (noon) on all game except for youth lottery deer hunts. Trapping is allowed only by written agreement with LDWF, Coastal and Non-Game Resources Division. Parking of vehicles on levees prohibited. Vessels/vehicles: all boats powered by internal combustion engines having total horsepower above 25 Hp are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue, Grand Bayou Blue, St. Louis Canal, and Bayou Pointe-aux-Chenes unless authorized by LDWF. All ATVs/UTVs, motorcycles, horses and mules are prohibited.

ii. Limited Access Areas: operation of internal combustion engines prohibited from September through January. See WMA map for specific location.

i. Feral hogs may be taken by properly licensed hunters from Oct. 1-Feb. 28. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16-March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs. All Point-aux-Chenes property except Point Farm Unit and restricted areas

ii. Deer

(a). Archery (bucks only): Oct. 1-15.

(b). Archery (either-sex): Oct. 16 - Feb. 15.

(c). Firearms (bucks only): Nov. 24-26 and Dec. 9-15.

iii. Waterfowl: same as outside.

iv. Small Game: same as outside except closed during bucks only firearms season and open to squirrel hunting during the spring season, May 5-13, with or without dogs. Beagles prohibited October through December.

v. Recreational Fishing. The harvest of all fish, shrimp, crabs and crawfish is for recreational purposes only and any commercial use is prohibited. All castnet contents shall be contained and bycatch returned to the water immediately.

vi. Shrimp: may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat or vehicle per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat or vehicle per day (heads on) may be taken for bait.

vii. Oyster harvesting prohibited.

viii. Fish may be taken only by rod and reel or hand lines for recreational purposes only.

ix. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

x. Crawfish may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Gear used to catch crawfish shall not remain set overnight.

xi. Point Farm Unit (Pointe-aux-Chenes). Self-clearing permit required for all activities on Point Farm Unit. An approximately 1,000-acre area inside the Pointe-aux-Chenes WMA which is generally bounded on the west by the double gates behind the Montegut Middle School and the WMA boundary, and on the north by the WMA boundary and Point Farm ridge levee, and is bounded on the east and south by the Point Farm ridge levee. The boundary of Point Farm is more accurately marked with signs. Point Farm gate will be open all Saturdays during the month of February, weather permitting. Parking in designated areas required for mourning dove hunting. No motorized vessels allowed in the drainage ditches. except for mourning dove hunting, (provided for below) all other hunting activities closed until after the last day of youth deer hunts.

(a). Deer

(i). Youth Lottery (either-sex): Oct. 7-8 and 14-15, daily youth hunt permit required. Call the New Iberia field office, Coastal and Nongame Resources Division, 337-373-0032 for details.

(ii). Archery (either-sex): Oct. 16 - Dec. 31.

(b). Waterfowl: closed.

(c). Small Game: same as outside, except closed until the day after the last youth deer hunt day and open to squirrel hunting during the spring season, May 5-13, with or without dogs. Beagles prohibited October and November. Non-toxic shot only south of the dove field gate.

(d). Mourning dove hunting will be permitted each day during the September split and each day of the second and third splits (after the last youth deer hunt day). Shooting hours will be from 1/2 hour before sunrise until 12 p.m., except opening day of the first split, which will be 12 p.m. until sunset. Gates will be opened on Saturdays during the first and second segments, weather permitting, except during waterfowl season and youth deer hunt weekends. Parking will be allowed in designated areas only. Non-toxic shot only south of the dove field gate.

jj. Pomme de Terre. Area closed: to all except youth deer hunters during youth deer hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(e). Primitive Firearms: day after firearms bucks only season ends for 7 days.

ii. Turkey: 4th Sat. of April for 9 days.

(a). Youth Lottery: 3rd Sat. of April for 2 days.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunt for deer and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 21 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial fishing permitted Monday through Friday except closed during duck season. commercial fishing permits available from area supervisor, Opelousas wildlife field office or Spring Bayou headquarters.

vi. Sport Fishing: same as outside except allowed only after 2 p.m. only during waterfowl season.

vii. Crawfish: March 15-July 31. Recreational only. 100 lbs. per person daily. No nets or traps may be left overnight.

kk. Richard K. Yancey. Area Closed: only that portion of the area south of Black Hawk Acme Levee Road, west of LA Hwy. 15, southward to Old River Control Structure, thence south to Sugar Mill Chute, last Sat. of Oct. for 2 days to all except youth and physically challenged deer hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Lottery: 3rd and 4th Sat of Dec. except if the 4th Sat. is Christmas day, then the hunt will be the 2nd and 3rd Sat. of Dec. and the 1st and 2nd Sat. in Jan except when the 1st Sat. of Jan. is New Year's day then the hunt will be the 2nd and 3rd Sat. of Jan., either-sex.

(c). Youth and Physically Challenged: last Sat. of Oct. for 2 days, either-sex, area closed only that portion of the area south of Black Hawk Acme Levee Road, west of LA Hwy. 15, southward to Old River Control Structure, thence south to Sugar Mill Chute, last Sat. of Oct. for 2 days to all except youth and physically challenged deer hunters.

(d). Firearms Either-sex: Fri. after Thanksgiving day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(e). Firearms Bucks Only: last Sat. of Dec. for 9 days.

(f). Primitive Firearms (Either-Sex): 2nd Saturday in December for 2 days.

ii. Turkey: opening day of statewide season for 16 days except season will open for 17 days when statewide season opens Good Friday.

(a). Youth Lottery: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

iii. Small Game and Waterfowl: same as outside except closed during the either-sex firearms season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 21 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Recreational crawfishing allowed west of the Mississippi River Levee only Mar. 15 to July 31, recreational crawfishing only. Crawfish harvested limited to 100 pounds per person per day. No traps left overnight. No motorized watercraft allowed.

vi. Sport Fishing and Commercial Fishing: same as outside except closed from 30 minutes before sunrise until 2 p.m. on: Grand Bay, Silver Lake, Lower Sunk Lake, Lac A' Sostien, Moreau Lake, and Hog Pen Lake during open waterfowl seasons.

ll. Russell Sage. Area closed last Sat. of Oct. for 2 days south of I-20 only to all except youth and physically challenged deer hunters. North of I-20 open to all other allowable activities. Limited access areas: motorized vessels and vehicles prohibited: Nov. 1-Jan. 31. Wham Brake: September 1-Jan-31 all motorized vessels prohibited 2 p.m.-4 a.m., and all nighttime activities prohibited during open waterfowl season. Waterfowl refuge: north of LA

Highway 15 closed to all hunting, fishing, trapping and ATV use during duck season including early teal season, except hunting allowed during falconry waterfowl season. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. Chauvin Tract: all season dates on Chauvin tract (US 165 North) same as outside, except still hunt only, except deer hunting restricted to archery only, and except small game shotgun only. All vehicles including ATVs prohibited. Wham Brake Area: waterfowl hunting open during either-sex deer season.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: last Sat. of Oct. for 2 days, either-sex, south of I-20 only.

(c). Firearms Either-sex: Fri. after Thanksgiving day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. self-clearing permit.

(d). Firearms Bucks Only: 2nd Sat. of Dec. for 14 days.

(e). Primitive Firearms: Monday after firearms bucks only season for 7 days.

ii. Small Game and Waterfowl: same as outside except closed during either-sex firearms deer seasons, except Wham Brake area and Pintail Alley area will remain open during either-sex firearms deer seasons, and except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to last day of Feb. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31. Snipe hunting after 2 p.m. prohibited during duck season.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (nighttime): 1st Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

iv. Crawfish: 100 pounds per person per day limit.

mm. Sabine. Area Closed: that portion designated as the physically challenged deer hunting area closed to all activities the Fri. before 2nd Sat. of Oct. for 3 days to all but physically challenged deer hunters. Remainder of area closed to all activities 2nd Sat. of Oct. for 2 days to all but youth deer hunters. Physically challenged deer hunt limited to those chosen by lottery. Contact LDWF Pineville Field office for details.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: 3rd Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: 4th Sat. of Oct. for 2 days, mandatory deer check, Fri. after Thanksgiving day for 3 days, self-clearing permit.

(d). Firearms Bucks Only: day after primitive firearm season to day before Thanksgiving day. First Sat. of December for 9 days.

(e). Primitive Firearms: Monday after the 4th Sat. in Oct for 7 days.

ii. Turkey

(a). General Lottery: 2nd Fri. of April for 3 days, 4th Fri. of April for 3 days.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb.

iv. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

nn. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east. Self-clearing permits required for hunters only. Area closed: 4th Sat. of Sept. for 2 days to all except youth deer hunters.

i. Deer

(a). Same as area 8 deer season except still hunt only.

(b). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(c). Youth: 4th Sat. of Sept. for 2 days, either-sex.

ii. Small Game and Waterfowl: same as outside except closed 4th Sat. of Sept. for 2 days and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Squirrel hunting with dogs allowed day after area 8 deer season ends to last day of Feb.

iii. Raccoon (nighttime): day after area 8 deer season ends to last day of Feb.

iv. Feral hogs may be taken by properly licensed hunters from 3rd Sat. of Sept. to last day of Feb. Hogs may be taken with the aid of dogs Feb. 1 to last day of Feb.

oo. Salvador/Timken. Self-clearing permit required for deer, feral hog, and all activities permitted during the experimental nighttime activity season. Permits available at Pier 90, Bayou Gauche, Bayou Segnette State Park landings, and at Airboat Adventures in Lafitte. Hunting until 12 p.m. (noon) only for all game, except deer and experimental nighttime activity season. Vessels/vehicles: all ATVs/UTVs, motorcycles, horses and mules prohibited. Use of mud boats powered by internal combustion engines with more than four cylinders is prohibited. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. Area closed during the month of October to all activities except fishing, youth deer hunters and youth waterfowl hunters, if the latter is provided for.

i. Deer

(a). Archery (either-sex): Nov. 1-Jan. 31.

(b). Youth (either-sex): last 4 Sats. of Oct. for 2 days each except when the last Sat. is the 31st in which case the season will be the 1st four Sats. of Oct. for 2 days each, either sex.

(c). Firearms (either-sex): Fri. before Thanksgiving Day for 3 days.

(d). Firearms (bucks only): Mon. before Thanksgiving day for 28 days.

(e). Deer Primitive Firearms (either-sex): day after firearms bucks only for 7 days.

ii. Waterfowl: same as outside.

iii. Small Game: same as outside except closed October through December. Beagles allowed for rabbits Jan. 1-Feb. 28.

iv. Feral hogs may be taken by properly licensed hunters from Oct. 1-Feb. 28. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16-March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

v. Recreational Fishing: the harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited.

vi. Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat per day (heads on) maximum may be taken for bait. All castnet contents shall be contained and bycatch returned to the water immediately.

vii. Fish may be taken only by rod and reel or hand lines for recreational purposes.

viii. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

ix. Crawfish may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Fishing gear used to catch crawfish shall not remain set overnight.

x. Experimental nighttime activity season:

(a). 12 a.m., June 1 through official sunrise Aug. 15. Nighttime activities limited to the take of frogs and fishing with a rod and reel. All other nighttime activities prohibited. Daily limit of 50 frogs per vessel in aggregate (bull frogs/pig frogs). If engaged in frogging on or while traversing the WMA, all frogs in possession will be deemed to have been taken from the WMA. At no time may anyone possess more than one daily limit of frogs while on the water.

(b). Size Limit: (measured from the tip of the muzzle to the posterior end of the body between the hind legs). Bull frogs harvested must be 5 inches or larger. Pig frogs harvested must be 3 inches or larger.

(c). Check out portion of self-clearing permit must include boat registration number under the comments section. Possession of firearms while participation in any experimental nighttime activity is prohibited.

pp. Sandy Hollow. No hunting with any firearm south of Jackson Road, except school board tract, on days of scheduled field trials. Dates of field trials are listed on the check stations or can be obtained from the Hammond office (985-543-4777). Area Closed: north tract closed to all hunters 1st Sat. of Nov. for 2 days, except youth and physically challenged deer hunters.

i. Deer

(a). Youth/Physically Challenged: 1st Sat. of Nov. For 2 days, either-sex, North Tract only.

(b). Archery: Oct. 1-Jan. 31, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving day for 3 days, and 3rd Sat. of Dec. for 2 days.

(d). Primitive Firearms: 2nd Sat. of Dec. for 7 days, 4th Sat. of Dec. for 7 days, and the 1st Sat. of Jan. for 2 days.

ii. Turkey: opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: same as outside except closed Fri. after Thanksgiving for 3 days and youth/physically challenged hunt, and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days. On that portion designated as small game emphasis area, training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

iv. Raccoon (nighttime): day after primitive firearms season ends to last day of Feb.

v. Mourning Dove: 1st day and 2nd Sat. through end of 1st split. Closed remainder of 1st split. Second and third splits are same as outside except youth hunt on northern tract during the opening day of the first segment. Hunt restricted to youths younger than 18 years of age and supervising adult who must be 18 years of age or older. The supervising adult must maintain visual and voice contact with the youth at all times.

vi. Bird Dog Training: Mon. after opening day of mourning dove season to the Sun. before opening of quail season and Feb. 1 to last day of Feb., except restricted to that portion south of LA Hwy. 10 only and except blank pistols only. Wild birds only (use of pen-raised birds prohibited).

vii. Bird Dog Training Area: an area has been designated to allow use of released birds for dog training purposes. Open all year except closed during either-sex modern firearm hunts for deer, WMA turkey season and opening weekend of the 1st segment of dove season. Contact Hammond office (985-543-4777) for information.

viii. Bird Dog Field Trials: permit required from Hammond office.

ix. Horseback Riding: self-clearing permit required. Organized trail rides prohibited. Riding allowed only on designated roads and trails (see WMA map). Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas. Horse-drawn conveyances prohibited.

qq. Sherburne. The area known as the South Farm is located on the east side of Sherburne WMA. No hunting will be allowed except specified lottery hunts, within the levee system of the farm from the Fri. before the 1st lottery youth deer hunt on the South Farm until the close of the day after the last lottery duck hunt on the South Farm. Waterfowl hunting will be allowed by lottery only during the open regular duck hunting season. Hunting will be allowed in the wooded portions east of the waterfowl impoundments. Consult the WMA maps for exact locations. No hunting allowed within the levee system of the farm. Area closed last Sat. of Oct. for 2 days except to youth and physically challenged deer hunters and South Farm closed to all hunters except youth lottery deer hunters. Physically challenged wheelchair confined deer hunting area: access restricted.

Check WMA map for location and call Opelousas or Baton Rouge offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons as listed below. Physically challenged wheelchair confined waterfowl hunting area: access restricted. Call Opelousas or Baton Rouge offices for further details. Hunting by reservation for wheelchair confined PCHP permittees only.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex, all other seasons closed. Self-clearing permit.

(c). Youth Lottery: last Sat. and Sun. of Oct., 4th Mon. of Dec., and 1st and 2nd Sun. of Jan. except no hunt on Christmas day or Christmas Eve, either-sex. Contact Opelousas office 337-948-0255 for details and applications.

(d). Firearms Either-Sex: Fri. after Thanksgiving day for 2 days mandatory deer check and Sun. after Thanksgiving, Self-clearing permit, and 2nd Fri. after Thanksgiving for 8 days, self-clearing permit.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(f). Primitive Firearms: Mon. after close of firearms bucks only for 7 days.

ii. Turkey: Mon. after 3rd Sat. of April for 5 days.

(a). General Lottery: 3rd Sat. of April for 2 days.

(b). Youth Lottery: 2nd Sat. in April.

iii. Small Game: same as outside except closed during firearms either-sex deer and except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after close of 2nd firearms either-sex deer season for 9 days, except closed last Sat. of Oct. for 2 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Waterfowl, Snipe, Rail, and Gallinules: same as outside except closed during firearms either-sex deer and except hunting after 2 p.m. prohibited except no hunting in waterfowl refuge. That portion of Sherburne WMA known as the South Farm restricted to lottery hunts only. South Farm waterfowl hunting limited to one hunt per calendar week per person. All other hunting closed on South Farm complex from the last Saturday of October until the day after the last waterfowl hunt on the South Farm. Contact the wildlife field office for details and description of "South Farm."

(a). Youth Waterfowl Lottery: contact Opelousas office for details and applications.

(b). Disabled Veterans Waterfowl Lottery: contact Opelousas office for details and applications.

v. Quail: closed.

vi. Raccoon (nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vii. Crawfishing: March 15-July 31, recreational crawfishing only. Crawfish harvest limited to 100 pounds per person per day. No traps or nets left overnight. No motorized water craft allowed on farm complexes. Retriever training allowed on selected portions of the WMA. Contact the wildlife field office for specific details.

viii. Vehicular traffic prohibited on East Atchafalaya River levee within Sherburne WMA boundaries.

ix. Rifle and pistol range open daily. Skeet ranges open by appointment only, contact Hunter Education Office, telephone 225-765-2931. No trespassing in restricted areas behind ranges.

Note: Atchafalaya National Wildlife Refuge and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

x. Bird Dog Training Area: open to bird dog training all year except closed during either-sex modern firearm hunts for deer, WMA turkey season, and opening weekend of 1st and 2nd segments of dove season.

rr. Soda Lake. Bicycles allowed. Vehicle parking allowed only in designated parking area on LA 173 at Twelve Mile Bayou and LA 169 adjacent to levee. All trapping and hunting prohibited except:

i. deer:

(a). archery only, Oct. 1-Jan. 31, either-sex;

ii. small game: portion west of Twelve Mile Bayou same as outside, falconry only and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, falconry only. Portion east of Twelve Mile Bayou open same as outside. Beagles allowed for rabbits and dogs allowed for squirrel Sat. before Christmas to end of Feb. Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs.

ss. Spring Bayou. Area Closed: last Sat. of Oct. for 2 days to all except youth deer hunters. No hunting allowed in Headquarters area. Only overnight campers allowed in the improved Boggy Bayou camping area. Rules and regulations posted at campsite. A fee is assessed for use of this campsite. Water skiing permitted only in Old River and Grand Lac.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving day, mandatory deer check, Sat. after Thanksgiving day for 2 days, self-clearing permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(e). Primitive Firearms: Mon. after close of firearms bucks only for 7 days.

ii. Turkey

(a). Youth Lottery: 4th Sat. of April for 2 days.

iii. Small Game and Waterfowl: same as outside except small game closed during either-sex firearms hunts for deer. Waterfowl to remain open during either-sex firearms hunts for deer. Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial Fishing: permitted Monday through Friday except slat traps and hoop nets permitted any day and except gill or trammel nets or the take or possession of grass carp are prohibited. Permits available from area supervisor or Opelousas wildlife field office. Closed until after 2 p.m. during waterfowl season.

(a). Sport Fishing: same as outside except only allowed after 2 p.m. during waterfowl season, except during early teal season, recreational fishing allowed after 10 a.m.

vi. Crawfish: March 15-July 31. Recreational only, 100 lbs. per person per day.

tt. Tangipahoa Parish School Board. Self-clearing permits required for all activities. No horseback riding during gun season for deer or turkey. ATVs are not allowed except as otherwise specified.

i. Deer: same as outside.

ii. Turkey: same as outside.

iii. Small Game and Waterfowl: same as outside and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (nighttime): day after primitive firearms season ends to last day of Feb.

uu. Thistlethwaite. Restricted Area: small game hunting allowed with shotgun only loaded with shot no larger than BB lead or F steel. Deer hunting allowed by archery only. Area closed last Sat. of Oct. for 2 days, except to youth deer hunters. All motorized vehicles restricted to improved roads only. All users must enter and leave through main gate only.

i. Deer: mandatory deer check for all deer seasons except archery.

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth Deer Hunt: last. Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving day for 3 days, 1st Saturday of Dec. for 9 days, and 4th Saturday of Dec. for 2 days.

(d). Firearms Bucks Only: Monday after the last Either-Sex Firearm hunt in Dec. for 14 days.

(e). Primitive Firearms (Either-Sex): 2nd Saturday in November for 2 days and Monday after close of firearms bucks only for 7 days.

ii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting February 1-28.

vv. Tunica Hills. Area Closed: 1st Sat. of Nov. for 2 days to all except youth deer hunters. Camping limited to tents only in designated areas.

i. Deer

(a). Archery: Oct. 1-15, bucks only, Oct. 16-Jan. 31, either sex.

(b). Youth Hunt: 1st Sat. of Nov. for 2 days, either-sex.

(c). Primitive Firearms: Fri. after Thanksgiving day for 17 days. Fri. after Thanksgiving day mandatory deer check, remainder of season self-clearing permit.

ii. Turkey: Mon. after 3rd Sat. of April for 7 days.

(a). General Lottery: opening day of statewide season for 2 days, 2nd Sat. of April for 2 days, 3rd Sat. of April for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during youth deer hunt and primitive firearms deer hunt and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs, south tract only. Beagles allowed for rabbits and dogs allowed for squirrel hunting 3rd Saturday of Oct. for 7 days and Feb. 1 to last day of Feb. on South Tract only. On that portion designated as small game emphasis area (south tract only), training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

iv. Raccoon (nighttime): Feb. 1 to last day of Feb. on south tract only.

ww. Walnut Hills.

i. Deer: same as outside, archery only, either-sex.

ii. Turkey: same as outside.

iii. Small Game: same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan to the last day of Feb. On that portion designated as small game emphasis area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Feb. 28, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the Last day of Feb.

xx. West Bay. Area closed: next to last Sat. of Oct. for 2 days to all except youth and physically challenged deer hunters. Limited use area: small game same as outside except shotgun only. Deer hunting: archery only. See WMA map for specific location.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(b). Youth and Physically Challenged: next to last Sat. of Oct. for 2 days, either-sex, for physically challenged and youth hunters only.

(c). Firearms Either-Sex: last Sat. of Oct. for 2 days mandatory deer check and Fri. after Thanksgiving day for 3 days, self-clearing.

(d). Firearms Bucks Only: Mon. after close of primitive season to Thanksgiving day, and 2nd Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1st either-sex firearms weekend for 7 days.

ii. Turkey:

(a). General Lottery: opening day of statewide season for 2 days, 2nd Sat. of April for 2 days, 3rd Sat. of April for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: same as outside except closed during either-sex firearms hunts and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season closes to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (nighttime): day after firearms bucks only season closes to last day of Feb.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007), LR 34:1429 (July 2008), LR 35:1264 (July 2009), LR 36:1566 (July 2010), LR 37:2190 (July 2011), LR 38:1732 (July 2012), LR 39:2292 (August 2013), LR 40:1540 (August 2014), LR 41:963 (May 2015), LR 42:1112 (July 2016), LR 43:1423 (July 2017), LR 44:

§113. General and WMA Turkey Hunting Regulations

A. General Regulations. Only gobblers (male turkeys) may be taken. Taking of hen (female) turkeys, including bearded hens, is prohibited; still hunting only. Use of dogs, electronic calling devices and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead, #2 non-toxic, or BB steel shot, and approved archery equipment but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited. The running of coyote with dogs is prohibited in all turkey hunting areas during the open turkey season. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closures. No person hunting turkeys more than 200 yards from a baited area will be in violation of the turkey baiting regulation.

B. Tags

1. Prior to hunting turkeys, all turkey hunters, regardless of age or license status, must obtain turkey tags and have them in their possession while turkey hunting. Immediately upon killing a turkey, hunters must attach a carcass tag to the turkey before it is moved from the site of the kill and must document the kill on the turkey harvest report card. The date of kill and parish of kill must be recorded on the carcass tag. The tag must remain attached to the turkey while kept at camp or while it is transported to the domicile of the hunter or to a cold storage facility. Hunters who keep the carcass or meat at a camp must also comply with game possession tag regulations. Within 72 hours of the kill, the hunter must report the kill. Hunters may report turkeys by calling the validation phone number or using the validation website.

2. Turkey hunters purchasing licenses by phone or internet will be given an authorization number and a LDWF identification number that will serve as their license and tags until the physical license and tags arrive by mail. Turkey hunters who have purchased a license with tags, but have not yet received their physical license and tags, must immediately tag their kill with a possession tag before moving it from the site of the kill. The authorization number and LDWF identification number must be recorded on the possession tag. Hunters must retain documentation of any turkeys killed and upon receiving their physical tags and harvest report card, validate their kill as required in these regulations. The tags for turkeys killed prior to receiving the physical tags must be removed from the turkey harvest report card and discarded.

3. Tags removed from the turkey harvest report card prior to killing a turkey are no longer valid and if lost will not be replaced. Duplicate tags and turkey harvest report cards are available to replace lost report cards and attached tags. Hunters will be charged a fee for duplicate turkey harvest report cards and tags. Hunters that have killed a turkey prior to losing their remaining tag and harvest report card must remove and discard the duplicate tag to account for the original tag that was used and validated. Hunters must record any previously validated turkey on the duplicate turkey harvest report card.

C. Possession of Live Wild Turkeys. No person shall take live wild turkeys or their eggs from the wild. No person shall possess captive live wild turkeys, (*Meleagris gallopavo silvestris, M.g. osceola, M.g. intermedia, M.g. merriami, M.g. mexicana*) or their eggs, regardless of origin, without a valid game breeder license. No pen-raised turkeys from within or without the state shall be liberated (released) within the state.

D. Statewide Youth and Physically Challenged Season Regulations. Only youths 17 years of age or younger or hunters possessing a physically challenged hunter permit with wheelchair classification may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Adults accompanying youth may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Only one gobbler per day may

be taken and any gobbler taken by the hunter during this special season counts towards their season bag limit of two.

E. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

F. Turkey Hunting Area Descriptions

1. Area A

a. All of the following parishes are open:

i. Beauregard;

ii. Bienville;

iii. Claiborne;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

iv. East Baton Rouge;

v. East Feliciana;

vi. Grant;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates;

vii. Jackson;

viii. LaSalle;

ix. Lincoln;

x. Livingston;

xi. Natchitoches;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

xii. Pointe Coupee;

EXCEPTION: see Sherburne WMA for special season dates on all state, federal, and private lands within Sherburne boundaries.

xiii. Rapides;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

xiv. Sabine;

xv. St. Helena;

xvi. Tangipahoa;

xvii. Union;

xviii. Vernon;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

xix. West Baton Rouge;

xx. West Feliciana (including Raccourci Island);

xxi. Winn.

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

b. Portions of the following parishes are also open:

i. Allen—north of US 190 east of Kinder, west of US 165 south of Kinder;

ii. Avoyelles—that portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the west Atchafalaya Basin protection levee southward;

iii. Calcasieu—north of I-10;

iv. Caldwell—west of Ouachita River southward to Catahoula Parish line;

v. Catahoula—south and west of the Ouachita River from the Caldwell Parish line southward to LA 8 at Harrisonburg, north and west of LA 8 from Harrisonburg to the LaSalle Parish line, also that portion lying east of LA 15;

vi. Evangeline—north and west of LA 115, north of LA 106 west of LA 115 to US 167, west of US 167 south to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;

vii. Franklin—that portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;

viii. Iberville—west of the Mississippi River;

EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

ix. Jefferson Davis—north of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;

x. Madison—that portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

xi. Morehouse—west of US 165 from the Arkansas line to the junction of LA 140 at Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165 at Bastrop, south of US 165 to junction of LA 3051 (Grabault Road) south of LA 3051 to junction of LA 138, west of LA 138 to junction of LA 134, north of LA 134 to the Ouachita Parish line;

xii. Ouachita—all west of the Ouachita River. That portion east of the Ouachita River lying north of US 80;

xiii. Richland—that portion south of US 80 and east of LA 17;

xiv. St. Landry—that portion bounded on the west by the west Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River;

EXCEPTION: the Indian Bayou area; see federal lands hunting schedule for Indian Bayou area dates.

xv. Upper St. Martin—all within the Atchafalaya Basin; in addition, that area bounded on the North by LA 352; on the West by LA 349, to LA 3039, to LA 347, to the Catahoula Hwy. (LA 96), to LA 679, to LA 345; and on the South by LA 3242;

EXCEPTIONS: Sherburne WMA and Indian Bayou area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see federal lands hunting schedule for Indian Bayou dates.

xvi. Tensas—that portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and 3078 northward to Port Gibson Ferry; also all lands east of the main channel of the Mississippi River.

2. Area B

a. All of the following parishes are open:

i. Ascension;

ii. Bossier;

iii. DeSoto;

iv. Red River;

v. St. Tammany;

vi. Washington;

vii. Webster.

b. Portions of the following parishes are open:

i. Caddo—all except that portion north of I-20 from the Texas state line to I-220. west of I-220 to LA 1. west of LA 1 to Caddo Lake, south of Caddo Lake to the Texas state line;

ii. East Carroll—east of US 65 from Arkansas state line to Madison Parish line;

iii. Iberville—all east of the Mississippi River;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

3. Area C

a. All of the following parishes are open:

i. Concordia.

b. Portions of the following parishes are open:

i. Caldwell—all east of the Ouachita River;

ii. Catahoula—all of the parish except for that portion located in area A;

iii. Franklin—west of LA 17 from the Richland Parish line southward to Winnsboro, west of LA 15 southward to the Catahoula Parish line;

iv. Iberia—east of the west Atchafalaya Basin protection levee;

v. Richland—west of LA 17 from Franklin Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line;

vi. Tensas—east and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry.

4. Turkey season dates on wildlife management areas, national wildlife refuges, Kisatchie National Forest and U.S. Army Corps of Engineers land located within areas A, B, and C may vary from the season set for the parish in which they are located. Seasons for these lands are specified in LAC 76:XIX.115.

G. WMA Turkey Hunting Regulations

1. WMAs with youth turkey hunts are closed to all activities except turkey hunting by authorized youth hunt participants, shooting range use, and fishing on the day(s) of the youth hunt.

2. Rules Specific to Certain WMAs

a. Sandy Hollow. No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

b. Sherburne. All turkeys taken must be checked at the WMA headquarters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:2478 (November 2009), LR 36:2581 (November 2010), LR 37:3535 (December 2011), LR 38:2941 (November 2012), LR 40:96 (January 2014), LR 40:1554 (August 2014), LR 41:977 (May 2015), LR 42:1127 (July 2016), LR 43:1426 (July 2017), LR 44:

§115. Turkey Hunting Areas, Seasons, and Bag Limits

A. Daily limit is one gobbler. Season limit is two gobblers. Turkeys taken on WMAs are part of the season bag limit. Only one turkey may be taken during spring WMA lottery hunts.

B. Turkey season will open on the first Saturday in April. The area A turkey season will be 30 consecutive days in length, the area B turkey season will be 23 consecutive days in length, and the area C turkey season will be 16 consecutive days in length. Wildlife management areas, national forests, national wildlife refuges, and U.S. Army Corps of Engineers land may vary from this framework. On those years when the first Saturday in April falls the day before Easter, then the season will open the Friday before the first Saturday in April.

C. Statewide youth turkey and physically challenged season on private lands shall be the weekend prior to the start of the regular turkey season. On those years when the weekend prior to the start of regular turkey seasons falls on Easter weekend, then the youth and physically challenged season will open on Good Friday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2512 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:2481 (November 2009), LR 36:2583 (November 2010), LR 37:3541 (December 2011), LR 38:2944 (November 2012), LR 40:99 (January 2014), LR 40:1556 (August 2014), LR 41:980 (May 2015), LR 42:1129 (July 2016), LR 43:1426 (July 2017), LR 44:

§117. Migratory Bird Seasons, Regulations, and Bag Limits

A. Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	South Zone: Sept. 1-9 Oct. 6-Nov. 25 Dec. 16-Jan.14 North Zone: Sept. 1-23 Oct. 6-Nov. 11 Dec. 16-Jan. 14	15 (in aggregate)	45 (in aggregate)
Woodcock	Dec. 18-Jan. 31	3	9
Teal (Blue-winged, Green-winged and Cinnamon)	Sept. 15-30	6	18
King and Clapper Rails	Sept. 15-30 Nov.10-Jan. 2	15 (in aggregate)	45 (in aggregate)
Sora and Virginia Rails	Sept. 15-30 Nov.10-Jan. 2	25 (in aggregate)	75 (in aggregate)
Gallinules	Sep. 15-30 Nov.10-Jan. 2	15	45
Snipe	Coastal Zone: Nov. 2-Dec. 2 Dec. 15-Feb. 28 West Zone: Nov. 2-Dec. 2 Dec. 15-Feb. 28 East Zone: Nov. 2-Dec. 2 Dec. 15-Feb. 28	8	24
Ducks, Coots and Mergansers	Coastal Zone: Nov. 3-4 (youth only) Nov. 10-Dec. 2 Dec. 15-Jan. 20 West Zone: Nov. 3 (youth only) Nov. 10-Dec. 2 Dec. 15-Jan.20 Jan. 26 (youth only) East Zone: Nov. 10 (youth only)	Daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 of which may be females), 2 canvasbacks, 1 mottled duck, 1 black duck, 3 wood ducks, 3 scaup, 2 redheads, and 2 pintails. Daily bag limit on coots is 15.	Three times the daily bag limit.

Species	Season Dates	Daily Bag Limit	Possession Limit
	Nov. 17-Dec. 2 Dec. 15-Jan. 27 Feb. 2 (youth only	Daily bag limit on mergansers is 5, only 2 of which may be hooded mergansers. Merganser limits are in addition to the daily bag limit for ducks.	
Light Geese (Snow, Blue, and Ross') and White-Fronted Geese	North Zone: Nov. 3-Dec.2 Dec. 15-Feb. 10 South Zone: Nov. 3-Dec. 2 Dec. 15-Feb. 10	Daily bag limit on Light Geese (snow, blue, and ross') is 20. Daily bag limit on White-Fronted Geese is 2.	No possession limit on Light Geese (snow, blue, and ross') Possession limit on White-Fronted Geese is 6.
Canada Geese	North Zone: Nov. 3-Dec.2 Dec. 15-Jan. 31 South Zone: Nov. 3-Dec. 2 Dec. 15-Jan. 31	1	3

B. Conservation Order for Light Geese Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Light Geese (Snow, Blue, and Ross')	North Zone: Dec. 3-14 Feb. 11-Mar. 10 South Zone: Dec. 3-14 Feb. 11-Mar. 10	No daily bag limit.	No possession limit.

C. Extended Falconry Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	Sept. 15-Oct. 1	Falconry daily bag and possession limit for all permitted migratory game birds must not exceed 3 and 9 birds, respectively, singly or in aggregate, during the extended falconry seasons and regular hunting seasons.
Woodcock	Nov. 2-Jan. 31	
Rails and Gallinule	Nov. 2-Jan. 31	
Ducks	Nov. 2-Jan. 31	

D. Dove Hunting Regulations

1. Shooting hours one-half hour before sunrise to sunset except on opening day of the first split on wildlife management areas and on fields leased through the LDWF experimental dove field leasing program, where hunting will be from 12 p.m. to sunset, except for Elbow Slough Wildlife Management Area which will be open one-half hour before sunrise to sunset.

2. There is no bag limit on Eurasian collared-doves or ringed turtle-doves provided that a fully feathered wing and head remain attached to the carcass of the bird. Fully dressed Eurasian collared-doves and ringed turtle doves (those without a fully feathered wing and head naturally attached to the carcass) shall be included in the aggregate bag.

3. The following boundary divides the dove season zones: beginning at the Texas-Louisiana order on LA Hwy. 12; thence east along LA Hwy 12 to its intersection with U.S. Hwy 190; thence east along U.S. Hwy 190 to its intersection with I-12; thence east along I-12 to its intersection with I-10; then east along I-10 to the Mississippi state line.

E. Snipe Hunting Regulations. Shooting hours one-half hour before sunrise to sunset, except at the Spanish Lake recreation area in Iberia Parish where shooting hours, including the conservation end at 2 p.m.

F. Conservation Order for Light Geese. Only snow, blue, and Ross' geese may be taken under the terms of the conservation order. Electronic calls and unplugged shotguns allowed. No daily bag or possession limit. Shooting hours one-half hour before sunrise until one-half hour after sunset.

G. Canada Goose Season Closure. The Canada goose season will be open statewide except for a portion of southwest Louisiana described as follows: beginning at the Texas State Line, proceeding east along LA Hwy. 82 to the Calcasieu Ship Channel, then north along the Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with LA Hwy. 82, then south along LA Hwy. 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at LA Hwy. 82. Open waters of Lake Arthur and the Mermentau River, from the Hwy 14 bridge southward, will also be closed.

H. Statewide Youth Waterfowl Season Regulations. Only youths 17 years of age or younger may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Adults accompanying youth may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 42:1130 (July 2016), amended LR 43:1427 (July 2017), LR 44:

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

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 relative to the proposed Rule until 9 p.m., Thursday, March 1, 2018 to Tommy Tuma, Wildlife Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to ttuma@wlf.la.gov.

Chad J. Courville
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: 2018-2020 Hunting Regulations and Seasons

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

The various proposed rule changes have no anticipated impact on state or local governmental units.

The proposed rule changes revise hunting regulations for 2018 - 2020, including the following: alter possession limits for certain game animals; alter certain hunting seasons by region, animal and hunting instrument; change restrictions on certain game and nuisance animals; make certain modifications to specific Wildlife Management Areas (WMAs) and WMAs in general; ban the operation of drones on WMAs; remove the black bear from the threatened and endangered species list; modify access hours to certain areas; modify vehicle access to certain areas; adjust certain youth hunting restrictions; modify rules regarding physically challenged hunters; modify prohibited commercial fishing areas; and make technical changes.

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

The proposed rule changes are anticipated to have no impact on revenue collections of the state or local governmental units.

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

The proposed rule changes may create marginal costs or benefits for hunters and persons utilizing Wildlife Management Areas. A majority of the changes pertain to game limits, hunting seasons, types of shot used for the hunting of certain species, use of firearms during specific hunting seasons, use of certain equipment on Wildlife Management Areas, and the use of drones on WMAs. While the aforementioned groups may incur additional costs or benefits as a result of the proposed rules, the impacts will likely be minimal.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule changes.

Bryan McClinton
Undersecretary
1801#054

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Transporting of Feral Hogs (LAC 76:V.130)

The Wildlife and Fisheries Commission does herby give notice of its intent to modify the Feral Hog Trapping regulations (LAC 76:V.130).

Title 76
WILDLIFE AND FISHERIES
Part V. Wild Quadrupeds and Wild Birds
Chapter 1. Wild Quadrupeds
§130. Feral Hog Trapping

A. Feral hogs may be trapped in cage or corral traps year-round by holders of a valid basic hunting license. Feral hogs may be captured by use of snares year-round by holders of a valid trapping license.

B. Cage or corral traps must have an opening in the top of the trap that is no smaller than 22 inches x 22 inches or 25 inches in diameter.

C. Feral hogs shall not be transported alive unless done so by a feral swine authorized transporter registered with the Board of Animal Health of the Louisiana Department of Agriculture and Forestry, who has proof of said registration in his/her possession.

1. Feral hogs being transported in violation of this Rule will be confiscated and disposed of in accordance with LDWF policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:20, R.S. 56:34, R.S. 56:56, R.S. 56:115 and R.S. 56:116.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 38:1997 (August 2012), LR 44:

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.

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

Written comments may be addressed to Jim LaCour, DVM, State Wildlife Veterinarian, Department of Wildlife and Fisheries, PO Box 98000 Baton Rouge, LA 70898, or jlacour@wlf.la.gov, no later than 4:30 pm, March 2, 2018.

Chad J. Courville
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Transporting Feral Hogs

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

The proposed rule change is anticipated to have a nominal effect on the Louisiana Department of Wildlife and Fisheries (LDWF) expenditures to the extent individuals are found in violation and LDWF has to dispose of the feral swine.

The purpose of the proposed rule is to align LDWF's policy to the Louisiana Department of Agriculture and Forestry's existing prohibition (LAC 7:XXIII.12) in terms of the transportation of live feral swine within Louisiana. Only authorized feral swine transporters who are registered with the Board of Animal Health of the Louisiana Department of Agriculture and Forestry have the authority to transport live feral swine.

The proposed rule further imposes a penalty; including confiscating and disposing of the feral swine in a manner consistent with LDWF policy, and penalties associated with a class four violation.

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

The proposed rule change is anticipated to have a minimal effect on revenue collections to the extent individuals are found in violation of the proposed rule change.

Violations of the proposed rule will be considered class four violations with penalties including fines of $400 to $950 or possible imprisonment. Most of the funds collected through fines accrue to local authorities. For every guilty verdict, a total of $7 is deposited into two funds maintained by LDWF.

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

The proposed rule change is anticipated to have a minimal effect on directly affected persons to the extent they violate the proposed rule and are subject to class four violation penalties.

The proposed rule change does not create additional regulatory requirements but gives LDWF the means to enforce existing regulations. It is a part of broader efforts to manage feral swine stocks. To the extent that it reduces the depredations of feral swine, it will benefit landowners, farmers, foresters, and outdoorsmen who suffer from the damages they inflict. The reduction in feral swine damage that results specifically from the proposed rule change is expected to be relatively modest.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no significant effect on competition and employment.

Brian McClinton
Undersecretary
1801#053

Evan Brasseaux
Staff Director
Legislative Fiscal Office

Administrative Code Update

CUMULATIVE: January-December 2017

LAC Title	Part #.Section #	Action	Location: Month	LR 43 Page #
4	I.303	Repealed	Dec.	2537
	I.Chapter 4	Adopted	Dec.	2537
	V.Chapters 13,23,55 (PPM)	Repealed	June	1105
	V.Chapter 15 (PPM)	Amended	June	1110
	V.Chapters 17,47-51 (PPM)	Amended	June	1105
7	V.919,923	Amended	Aug.	1517
	V.3101	Adopted	Mar.	515
	XIII.109,121,131,141,143,763	Amended	Oct.	1895
	XV.167	Amended	Feb.	245
	XV.Chapter 5	Amended	Mar.	510
	XV.519,701-725	Repealed	Mar.	510
	XXI.101,531,533,1103,1105	Amended	July	1276
	XXI.Chapters 5,9	Amended	July	1271
	XXI.925-935	Repealed	July	1271
	XXXIX.Chapter 5	Amended	Aug.	1517
	XXXIX.545,547	Adopted	Aug.	1517
	XLIX.Chapters 1-31	Adopted	July	1251
13	I.107	Amended	Mar.	519
	I.Chapter 5	Amended	June	1132
	I.501,502	Adopted	June	1132
19	II.903	Amended	Nov.	2102
	V.101	Repealed	Oct.	1985
22	I.313	Amended	June	1187
	III.Chapter 47	Amended	Feb.	316
	V.205,209	Amended	June	1161
	V.211	Amended	Jan.	46
	XI.307	Amended	Dec.	2495
	XI.510	Amended	Jan.	46
	XV.Chapter 21	Adopted	Oct.	1915
25	I.122	Amended	Jan.	46
	III.Chapter 1	Amended	Aug.	1519
	III.101	Adopted	Aug.	1519
	IX.Chapters 1-11	Amended	Feb.	290
	IX.329	Adopted	Feb.	290
28	IV.703	Amended	July	1346
	IV.703,1903	Amended	Mar.	518
	V.Chapter 1	Repealed	Sept.	1727
	V.Chapter 2	Amended	Sept.	1727
	VI.315	Amended	Sept.	1731
	VI.Chapter 5	Adopted	April	638
	XI.603	Amended	Feb.	301
	XI.Chapter 36	Adopted	Nov.	2126
	XI.Chapter 53	Amended	April	634
	XI.5909	Amended	Aug.	1523
	XI.6115	Amended	Dec.	2475
	XI.Chapters 91-95	Adopted	May	891
	XI.9103-9109	Repealed	May	891
	XLIII.113,460,530,905	Amended	Dec.	2494
	XLV.101,301,303,401,403,703,731,741	Amended	Dec.	2484
	XLV.103-109,307,309,501-509,1101	Repealed	Dec.	2484
	XLV.405-415	Adopted	Dec.	2484
	XLV.701	Amended	July	1317
	XLV.703-747	Adopted	July	1317
	XLV.743,745	Amended	Dec.	2484
	LIII.101,103,301-311,501-511,701-711	Adopted	Nov.	2104
	LIII.105,107,513,713,913,1103-1113	Repealed	Nov.	2104
	LIII.901-911,1101	Adopted	Nov.	2104
	LIII.1501-1519	Repealed	Nov.	2104
	LXXIX.2109,2329	Amended	July	1288
	LXXXV.101,301-305	Adopted	May	879
	LXXXV.103,501,503,701,703	Repealed	May	879
	XCI.Chapters 1-3	Amended	Mar.	516
	XCV.Chapters 1-17	Repealed	Feb.	302
	CI.703,709,725,1101	Amended	Dec.	2493
	CXV.901,1307,1315,2318,2319,2345	Amended	Dec.	2482
	CXV.Chapter 23	Amended	July	1287
	CXV.2318,2319,2335,2345,2353,2355	Amended	Nov.	2132
	CXV.3113	Amended	Nov.	2132
	CXXIII.101	Amended	July	1334
	CXXIII.103-113,311,1917-1937	Repealed	July	1334
	CXXIII.301-309,501-1915,2101-3105	Adopted	July	1334
	CXXXI.Chapters 1-4,6-8,10,11	Amended	July	1289
	CXXXI.205-245,328	Adopted	July	1289
	CXXXI.344	Amended	Nov.	2135
28	CXXXI.1109,1401	Repealed	July	1289
	CXXXIX.103,512,513,515,1303,1503,2303	Amended	Dec.	2476
	CXXXIX.107,301,307,309,523,2301,2303	Amended	Feb.	306
	CXXXIX.401-423,521,707	Repealed	Feb.	306
	CXXXIX.519,1903,2301,2303	Amended	April	635
	CXXXIX.2701,2703,2707,2709,2713	Amended	Feb.	306
	CXXXIX.2709,2713,2801,2803	Amended	Dec.	2476
	CXLVII.301,303	Amended	Dec.	2479
	CLV.101,103,301,311,501,505,703,705	Amended	Dec.	2480
	CLV.313,503	Repealed	Dec.	2480
	CLV.707,901,1101,1301,1303	Amended	Dec.	2480
	CLXI.103,1711	Amended	April	637
	CLXV.103,305,309,311,707,901,903	Amended	July	1279
	CLXV.320,902	Adopted	July	1279
	CLXV.1101-1109	Amended	July	1279
	CLXV.1111	Repealed	July	1279
	CLXVII.313,503,513	Amended	Nov.	2128
31	I.Chapter 8	Adopted	Nov.	2192
	II.107,109	Amended	Dec.	2536
	II.108	Repealed	Dec.	2536
	II.201	Adopted	Dec.	2536
32	I.319,323,1109	Amended	Nov.	2152
	III.Chapter 1	Amended	Nov.	2152
	V.203-207,305,307,405,505,507	Amended	Nov.	2152
33	I.1119,1409-1413,1701,4501,4503	Amended	May	931
	I.1151	Adopted	May	931
	I.1203,4701,4703,4705,4711,5707	Amended	Nov.	2136
	I.4701-4707,5903	Amended	May	931
	III.Chapters 2-3	Amended	May	931
	III.307	Amended	Oct.	1898
	III.Chapter 5	Amended	May	925
	III.501	Amended	Mar.	520
	III.501	Amended	Nov.	2148
	III.509	Amended	Sept.	1731
	III.Chapter 6	Amended	May	927
	III.606,611	Adopted	May	927
	III.919,1410,2132	Amended	Nov.	2136
	III.2201	Amended	Mar.	521
	V.105,109,322	Amended	June	1151
	V.105,109,322	Repromulgated	Aug.	1523
	V.108,109,309,517,537,705,1103,1107	Amended	June	1138
	V.1109,1515,1516,1529,1751,1903,1907	Amended	June	1138
	V.1907,2271,4999	Amended	Nov.	2136
	V.2201,2203,2207-2211,2216,2221,2227	Amended	June	1138
	V.2231,2239-2245,2299,3001,3203,3301	Amended	June	1138
	V.3511,4037,4053,4071,4085,4301,4399	Amended	June	1138
	V.4407,4501,4513,4999	Amended	June	1138
	V.4999	Amended	June	1149
	V.Chapter 51	Amended	May	931
	V.5123,5149	Adopted	May	931
	V.5125,5135,5137,5143	Repealed	May	931
	V.10303	Amended	Mar.	537
	VI.103,403,501,502,505-509,515,521,607	Amended	Nov.	2136
	VI.705,711,801,803,911,913	Amended	Nov.	2136
	VII.1501-1505,10535	Amended	May	931
	VII.1507-1511	Adopted	May	931
	IX.1309,1507,7301	Amended	May	931
	IX.Chapter 25	Amended	July	1348
	IX.4901,4903	Amended	Nov.	2147
	IX.7313	Amended	Nov.	2136
	IX.7315	Adopted	May	931
	XI.301,303,507,701,703,715,903-907,1111	Amended	Nov.	2136
	XI.307,1305	Amended	May	931
	XI.1113,1123,1129,1131,1139,1305,1309	Amended	Nov.	2136
	XV.579,2504,2509-2511,2599	Amended	May	931
34	III.131	Amended	June	1163
35	III.5708	Adopted	Oct.	1914
37	I.1101	Repealed	July	1416
	XI.Chapter 1	Amended	Oct.	1985
	XI.Chapter 13	Amended	Oct.	1984
	XIII.Chapter 19	Amended	July	1393
	XIII.1951,1953,1961	Adopted	July	1393
	XIII.Chapter 99	Amended	Mar.	534
	XIII.Chapter 151	Adopted	Nov.	2189

LAC Title	Part #.Section #	Action	Location: Month	LR 43 Page #
37	XIII.Chapter 153	Adopted	Mar.	530
43	XIX.104	Amended	Mar.	535
	XIX.501	Amended	Mar.	536
	XIX.571	Adopted	Mar.	536
	XIX.Chapter 7	Amended	Nov.	2191
	XXVII.2701	Amended	Jan.	47
	XXIX.Chapter 1	Amended	Aug.	1534
	XXXI.Chapter 1	Adopted	July	1354
46	I.Chapter 17	Adopted	April	644
	VIII.Chapter 8	Amended	Oct.	1961
	XIII.103,701,707,709,1501,1505,1707,1711	Amended	Nov.	2149
	XIII.1507,1509,1713	Adopted	Nov.	2149
	XIII.1909	Amended	Nov.	2149
	XIX.Chapters 3-19	Amended	Oct.	1899
	XIX.1701,1705	Repealed	Oct.	1899
	XXI.301	Amended	April	648
	XXV.111-115,301,317,503,507	Amended	May	958
	XXXIII.122,128,301,411,1511	Amended	Oct.	1963
	XXXIII.415,1503,1504,1510,1511,1611	Amended	May	955
	XXXIII.420,505	Amended	May	954
	XXXIII.701,1509	Amended	Jan.	48
	XXXIII.1506	Repealed	May	955
	XXXVII.301,501,505,509,513,701,703,901	Amended	Aug.	1536
	XXXVII.1107,2001	Amended	Aug.	1536
	XL.Chapters 1-7	Amended	Feb.	311
	XL.Chapters 1-7	Amended	Oct.	1910
	XLI.1903	Amended	Feb.	316
	XLV.Chapters 1,21,51	Amended	July	1362
	XLV.Chapters 1,31,57	Amended	July	1369
	XLV.408,7503-7509,7513	Amended	Feb.	317
	XLV.Chapters 15,45	Amended	June	1174
	XLV.1519	Repealed	June	1174
	XLV.2139,2141	Adopted	July	1362
	XLV.3109	Adopted	July	1369
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	I.5239	Amended	Jan.	82
	I.Chapter 56	Amended	July	1379
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	I.Chapter 72	Repealed	Jan.	50
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	I.8595,8599	Amended	Mar.	524

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	I.9319,9381,9405	Amended	Jan.	74
	I.Chapter 95	Amended	Jan.	75
	I.9513	Amended	Oct.	1979
	I.19303	Adopted	Sept.	1758
	V.Chapters 41-45	Amended	Feb.	330
	V.4501	Repealed	Feb.	330
	V.12317	Adopted	July	1393
	IX.Chapter 11	Adopted	April	664
50	I.3103	Amended	April	663
	I.3103	Amended	Aug.	1552
	II.Chapter 5	Amended	June	1178
	II.10156	Amended	Nov.	2187
	II.Chapter 200	Amended	Mar.	525
	II.20001	Amended	Nov.	2187
	II.20005	Amended	Jan.	82
	II.20019	Amended	Feb.	328
	III.1103	Amended	Dec.	2534
	III.2308	Amended	July	1389
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	V.953	Repromulgated	Sept.	1757
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	XV.27501,27503,27901,28101	Amended	Jan.	82
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	XXII.Chapters 21-27	Repealed	May	962
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	XXIX.705,711	Repealed	June	1180
	XXIX.917-925	Repealed	Aug.	1553
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	XXXIII.Chapters 1,3,7	Amended	Feb.	321
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51	VII.101	Amended	July	1391
	VII.309	Amended	July	1392
	XII.101,311,325,343,901-907,911,913	Amended	Jan.	83
	XII.319,912,1201	Adopted	Jan.	83
	XIII.101	Amended	May	966
	XIII.308	Adopted	May	966
	XXIII.2101	Amended	July	1392
55	I.101,207	Amended	April	676
	I.Chapter 13	Amended	April	671
	III.Chapter 1	Amended	Sept.	1759
	III.161	Adopted	July	1419
	III.807,819	Amended	Mar.	537
	V.101,103,301,303,307,309,1501	Amended	May	968
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	VII.333	Adopted	Aug.	1555

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55	VII.335	Adopted	Aug.	1556
	VII.337	Adopted	Aug.	1557
	IX.Chapter 1	Amended	May	967
58	I.101	Amended	Jan.	88
	I.103-107	Repealed	Jan.	88
	I.701,703,905,907,913,915	Amended	Oct.	1986
	VII.401	Amended	June	1187
	XXI.103,105,701	Amended	May	877
	XXI.107,901	Adopted	May	877
	XXIII.Chapter 1	Amended	July	1416
61	I.1605	Amended	Feb.	300
	I.1605,1607	Amended	Nov.	2102
	I.1607	Repromulgated	Dec.	2473
	I.1615,1621	Adopted	Feb.	300
	III.2701	Adopted	Feb.	342
	V.101,111,121,203,213,303,304,703,901	Amended	April	648
	V.907,1103,1307,1503,1701,1703,2503	Amended	April	648

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61	V.3101-3107,3501	Amended	April	648
67	V.1505	Amended	Sept.	1726
	V.Chapter 71	Amended	Feb.	245
	V.Chapter 71	Amended	Sept.	1725
	V.7108,7109	Adopted	Feb.	245
70	VII.Chapter 1	Amended	Oct.	1986
76	V.119	Adopted	Feb.	344
	V.701	Amended	Jan.	90
	VII.106	Amended	Jan.	90
	VII.327	Amended	Nov.	2194
	VII.335	Repromulgated	Jan.	89
	VII.357	Amended	June	1187
	VII.537	Amended	Jan.	91
	VII.701	Amended	Aug.	1558
	XIX.Chapter 1	Amended	July	1420

Potpourri

POTPOURRI

Department of Children and Family Services

Temporary Assistance for Needy Families (TANF)
Caseload Reduction

The Department of Children and Family Services, hereby gives notice that, in accordance with federal regulations at 45 CFR 261.40, the Temporary Assistance to Needy Families (TANF) caseload reduction report for Louisiana is now available to the public for review and comment.

In order to receive a caseload reduction credit for minimum participation rates, the agency must submit a report based on data from the Family Independence Temporary Assistance Program (FITAP) and the Strategies to Empower People Program (STEP) containing the following information:

1. a listing of, and implementation dates for, all state and Federal eligibility changes, as defined at §261.42, made by the State after FY 2005;
2. a numerical estimate of the positive or negative impact on the applicable caseload of each eligibility change (based, as appropriate, on application denials, case closures, or other analyses);
3. an overall estimate of the total net positive or negative impact on the applicable caseload as a result of all such eligibility changes;
4. an estimate of the state's caseload reduction credit;
5. a description of the methodology and the supporting data that it used to calculate its caseload reduction estimates;
6. certification that it has provided the public an appropriate opportunity to comment on the estimates and methodology, considered their comments, and incorporated all net reductions resulting from federal and state eligibility changes; and
7. a summary of all public comments.

Copies of the TANF caseload reduction report may be obtained by writing Brandy Bonney, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, LA 70804-9065, by telephone at (225) 342-4096, or via e-mail at brandy.bonney.dcfs@la.gov.

Written comments regarding the report should also be directed to Ms. Bonney. These must be received by close of business on February 19, 2018.

Marketa Garner Walters
Secretary

1801#035

POTPOURRI

Office of the Governor
Division of Administration
Office of Facility Planning and Control

Contract Limit Adjustment

Pursuant to authority granted by Act 759 of the Regular Session of 2014, the Office of Facility Planning and Control within the Division of Administration has determined that, effective upon the date of this publication, except as provided in paragraphs (2) and (3) of R.S. 38:2212(C), the term "contract limit" as used in chapter 10 of title 38 (Public Bid Law) shall be equal to the sum of $154,450 per project, including labor, materials, and equipment as per the rates in the latest edition of the *Associated Equipment Dealers Rental Rate Book* and administrative overhead not to exceed 15 percent. This limit was adjusted after applying the annual percentage increase in the Consumer Price Index in the preceding year.

It is the responsibility of the approving authority to comply with all applicable requirements of R.S. 38:2212 in regards to the “contract limit” as adjusted herein.

Mark A. Moses
Director

1801#016

POTPOURRI

Department of Health
Board of Veterinary Medicine

Board Nominations

The Louisiana Board of Veterinary Medicine announces that nominations for the position of board member will be taken by the Louisiana Veterinary Medical Association (LVMA) at the annual winter meeting to be held in late January 2018. Interested persons should submit the names of nominees directly to the LVMA as per R.S. 37:1515. It is not necessary to be a member of the LVMA to be nominated. The LVMA may be contacted at (225) 928-5862.

Wendy D. Parrish
Executive Director

1801#019

POTPOURRI

Department of Health
Office of Public Health

Public Hearing—Substantive Changes to Proposed Rule
Administrative Procedures (LAC 51:I.Chapter 1)

The Louisiana Department of Health and Hospitals, Office of Public Health published a Notice of Intent to amend its rules in the April 20, 2017 edition of the *Louisiana Register*. The notice solicited comments. As a result of the consideration of the comments, the Office of Public Health proposed substantive changes. The Office of Public Health proposes the following substantive changes to the originally proposed Notice of Intent to further clarify wording to Part I which sets forth the manner in which service of compliance orders and other matters required to be served or delivered to the respondents thereof may be accomplished.

Title 51
PUBLIC HEALTH—SANITARY CODE
Part I. General Provisions
Chapter 1. General
§101. Definitions
[Formerly paragraph 1:001]

A. Whenever any provision of law or of this Code requires or authorizes service of a letter, notice, order, or other document to be made upon a person, then, in addition to any other method authorized by this code for such service, the following shall constitute good and valid service for all purposes related to this Code:

A.1. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.A.(3)(7)(17)(19)(20)(21).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:

Public Hearing

LDH-OPH will conduct a public hearing on February 26, 2018, beginning at 9 a.m. in room 839 of the Bienville Building located at 628 North Fourth Street, Baton Rouge, LA 70802. Persons attending the hearing may have their parking ticket validated when one parks in the 7-story Galvez Parking Garage which is located between North Sixth and North Fifth/North Street and Main Street (cater-corner and across the street from the Bienville Building). All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Jimmy Guidry, MD
State Health Officer

1801#056

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
B & G Oil Company	Caddo Pine Island	S	Hobbs	005	36808
C. A. Hilburn	Caddo Pine Island	S	S C Mckenzie	001	33324
Frankfort Oil Company	East White Lake	L	Louisiana Fur Corp	001	60434
J. M. Huber & Pennzoil Co.	Sweet Lake	L	Pan Am Fee	002	109767
Joel B. Brown	Caddo Pine Island	S	Thigpen-Herold	012	173047
Lynal, Inc.	Wildcat-so la Lk Charles Dist	L	Cameron Meadows Land Company	001	138522
Monroe Well Service	Caddo Pine Island	S	Thigpen-Herold swd	011	175995(30)
Sailers Well Service Co.	West Hackberry	L	Eugene Hanszen et al	001	63453
Republic Natural Gas Company	Raceland	L	South Shore	002	67495(29)
Ross Exploration, Inc.	Caddo Pine Island	S	Bickham	019	48728(30)
Ross Exploration, Inc.	Caddo Pine Island	S	Spell B	006	41518(30)
Vernon V. Reppond	Monroe	M	GW Love	001	79165

Richard P. Ieyoub
Commissioner

1801#037

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