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This public document was published at a total cost of $1,550. Two hundred fifty copies of this public document were published in this monthly printing at a cost of $1,550. The total cost of all printings of this document including reprints is $1,550. This document was published by Moran Printing, Inc. 5425 Florida Boulevard, Baton Rouge, LA 70806, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-971 and R.S. 49:981-999. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

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Executive Orders

EXECUTIVE ORDER JBE 18-23

Governor's Task Force on DWI—Amending
Executive Order Number JBE 18-03

WHEREAS, the Governor's Taskforce on DWI (hereafter Taskforce), was established and created within the executive department, Office of the Governor, Office of Drug Policy through Executive Order Number JBE 18-03 on February 7, 2018;

WHEREAS, the Taskforce was created to address the high incidence of driving while intoxicated or under the influence of drugs, identify and implement effective DWI countermeasures, and act in an advisory capacity to the Governor and any other agency, department, commission, board, or office that is involved with DWI issues; and

WHEREAS, it is necessary to amend Executive Order Number JBE 18-03.

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, No. 15, of Executive Order Number JBE 18-03, issued on February 7, 2018, is hereby amended as follows:

One member appointed by the governor selected from a list of three nominees submitted by the president of the Louisiana Association of Chiefs of Police;

SECTION 2: This Order is effective upon signature and shall continue in effect until amended, modified, terminated or rescinded by the Governor.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 133th day of September, 2018.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
1810#068

EXECUTIVE ORDER JBE 18-24

Offender Labor

WHEREAS, Louisiana Revised Statute 15:832.1 was enacted by Act No. 933 of the 1988 Regular Session of the Louisiana Legislature relative to correctional facilities offender labor;

WHEREAS, as amended, La. R.S. 15:832.1 permits the governor to authorize the use of offender labor in certain projects or maintenance or repair work; and

WHEREAS, upon determining that it is appropriate and in furtherance of the rehabilitation and training of offenders, the governor may issue an executive order to authorize the use of offenders of a penal or correctional facility owned by the State of Louisiana for necessary labor in connection with a particular project.

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: In furtherance of the goals of the State of Louisiana of supporting positive offender welfare, rehabilitating offenders, reducing recidivism, and reintegrating offenders into society, offender labor is hereby authorized for the construction of a prison chapel at the Louisiana State Police Barracks, Zachary, Louisiana.

SECTION 2: 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 19th day of September, 2018.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
1810#069

Emergency Rules

DECLARATION OF EMERGENCY

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

Guava Root Knot Quarantine (LAC 7:XV.171)

In accordance with the emergency provisions of the Administrative Procedures Act, R.S. 49:953(B), and the authority of the state entomologist under the provisions of R.S. 3:1652, and in order to avoid a lapse in coverage until the Permanent Rule is in effect, notice is hereby given that Department of Agriculture and Forestry is adopting these emergency regulations establishing a quarantine for the following pest: guava root knot nematode, *Meloidogyne enterolobii*. The state entomologist has determined that guava root knot nematode has been found in this state and may be prevented, controlled, or eradicated by quarantine. The effective date of this Rule is October 10, 2018

Guava root knot nematode (GRKN) poses an imminent threat to the health and welfare of Louisiana's sweet potato, sugarcane, cotton, and soybean industries. In 2017, the total value of sweet potato production, including value added was $92.6 million (Louisiana State University AgCenter 2017 Louisiana Summary, Agriculture and Natural Resources). Sugarcane is also a host for GRKN. The gross farm value for sugarcane in Louisiana was $589.3 million and the total value of the sugarcane crop to producers, processors, etc. at the first processing level was $989.5 million (LSU AgCenter 2017 Louisiana Summary, Agriculture and Natural Resources). The gross farm value for cotton in Louisiana was $139.7 million and the total value of cotton production was $210.1 million (LSU AgCenter 2017 Louisiana Summary, Agriculture and Natural Resources). The gross farm value for soybeans in Louisiana was $679.4 million and when value–added activities are included the total economic impact of the soybean industry is estimated at $798.2 million (LSU AgCenter 2017 Louisiana Summary, Agriculture and Natural Resources).

In addition to the aforementioned crops, GRKN is also a threat to the nursery and commercial vegetable industries. The gross value of commercial nursery production was $107.1 million and the total value of nursery production was $166.04 million (LSU AgCenter 2017 Louisiana Summary, Agriculture and Natural Resources). Commercial vegetable production's gross value in 2017 was $79.4 million and the total value of commercial vegetable production was $186.7 million (LSU AgCenter 2017 Louisiana Summary, Agriculture and Natural Resources).

Guava root knot nematode has only been positively identified in a very small area of Louisiana but this pest could impact almost every agriculture related industry in Louisiana if it were to become established. GRKN has a wide host range of crops and also weeds that it infects. It also has a high rate of reproduction so the use of fumigants would only temporarily reduce the nematode's populations. In addition, GRKN has been found to attack the native Southern root knot nematode resistant varieties of cotton, tomato, pepper, soybean and sweet potato.

The natural dispersal of GRKN is limited to very short distances. However without quarantine restrictions, GRKN could spread through human assisted means over long distances through GRK infested sweet potatoes, nursery stock, and commercial farm equipment.

In other states where GRKN is found, sweet potatoes are not harvested because the potatoes are of such poor quality and shape that they cannot be sold. Also in some instances, only certain crops can be grown in GRKN infested soil limiting the farmer's ability to diversify their crops and markets.

For these reasons the presence of GRKN in Louisiana presents a peril to the integrity and stability of Louisiana's agriculture industries. As a result of this imminent peril, the Department of Agriculture and Forestry hereby exercises its full and plenary power pursuant to R.S. 3:1652 to deal with crop and fruit pests and contagious and infectious crop and fruit diseases by imposing the quarantines set out in these emergency regulations.

This Emergency Rule shall have the force and effect of law upon signature and will remain in effect 120 days, unless renewed by the commissioner of agriculture and forestry or until permanent rules are promulgated in accordance with law.

Title 7
AGRICULTURE AND ANIMALS
Part XV. Plant Protection and Quarantine
Chapter 1. Crop Pests and Diseases
Subchapter H. Guava Root Knot Nematode Quarantine
§171. Guava Root Knot Nematode Quarantine

A. The department issues the following quarantine because the state entomologist has determined that the guava root knot nematode, *Meloidogyne enterolobii*, has been found in this state and may be prevented, controlled, or eradicated by quarantine.

B. Quarantine areas: the states of Florida, North Carolina, and South Carolina

1. A declaration of quarantine for guava root knot nematode covering any specific parish or area in Louisiana or any other state shall be published in the official journal of the state and in the *Louisiana Register*.

C. No regulated articles as defined in this Section shall be moved into any area of this state, except as provided in this Section.

D. The following articles are hosts of guava root knot nematode or may harbor guava root knot nematode and are deemed to be regulated articles for purposes of this Subsection:

1. the guava root knot nematode in all of its life stages; plant parts, specifically sweet potatoes, from Florida, North Carolina, and South Carolina that can harbor the guava root knot nematode; soil from the above-mentioned quarantined states that may harbor the guava root knot nematode; commercial planting and/or harvesting equipment from the above-mentioned quarantined states;

2. Certified seed sweet potatoes may be moved within the state from the quarantine area under a special permit issued by Louisiana Department of Agriculture and Forestry.

3. Nursery crops may not be moved within the state from the quarantine area, whether direct from said area or by diversion or reconsignment from any other point, unless each shipment or lot is accompanied by a certificate issued by the authorized agricultural official of the state, certifying the material to be free from guava root knot nematode.

4. Any other article, product, or means of conveyance not listed in this Section may be designated as a regulated article if an inspector determines that it presents a risk of spreading guava root knot nematode and notifies the person in possession of the article, product, or means of conveyance that it is subject to the restrictions of the regulations.

E. Commercial planting and/or harvesting equipment may be moved from quarantined areas into Louisiana only if moved under the following conditions.

1. The commercial equipment being moved is accompanied by a state of origin certificate issued by the state regulatory agency.

2. The commercial equipment must be thoroughly cleaned of any soil and plant debris and inspected by the state regulatory agency. The state regulatory agency must issue a state phytosanitary certificate attesting to the inspection and cleaning of the equipment.

F. Any person violating this quarantine shall be subject to imposition of the remedies and penalties set forth in R.S. 3:1653.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652, 3:1653.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 44:

Mike Strain, DMV
Commissioner

1810#070

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Office of the Commissioner

Medical Marijuana—Laboratory Approval and Testing
(LAC 7:XLIX.Chapter 23)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 40:1046, the Commissioner of Agriculture and Forestry declares an emergency to exist and adopts by emergency process the attached regulations for the handling, testing analyzing medical marijuana or product in its laboratory.

To protect the public health and safety, Chapter 23 requires that medical marijuana product undergo rigorous laboratory testing for harmful contaminants before human consumption. Specifically, the laboratory testing required by LAC 7:XLIX.2303 is necessary to ensure medical marijuana product passes the recommendations or restrictions for: potency, pesticides, residual solvents, heavy metals, mycotoxins, microbiological contaminants, homogeneity, and active ingredient. At this time there is no approved laboratory for the testing of marijuana or product. Without a laboratory to test and analyze the therapeutic marijuana, the department is unable to verify that the medical marijuana product is safe for human consumption.

The department has the capability to handle, test and analyze the medical marijuana or product to ensure the medical marijuana or product complies with the standards set forth in by LAC 7:XLIX.2303. This Emergency Rule amends LAC 7:XLIX.2301-2303 to provide for a procedure for the department to handle, test and analyze medical marijuana or product in its laboratory.

This Emergency Rule become effective upon the signature of the Commissioner and shall remain in effect for 120 days, unless renewed or until permanent rules and regulations become effective.

Title 7
AGRICULTURE AND ANIMALS
Part XLIX. Medical Marijuana
Chapter 23. Laboratory Approval and Testing
§2301. Laboratory Approval

A. The department may handle, test, and analyze medical marijuana or product in its laboratory in accordance with this Chapter. No other laboratory shall handle, test or analyze medical marijuana or product unless approved by the department in accordance with this Chapter.

B. No laboratory, other than the department's laboratory, shall be approved to handle, test or analyze medical marijuana or product unless the laboratory meets the following qualification within 180 days following the notice of intent to award a contract for analytical services:

1. - 6. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1266 (July 2017), amended LR 44:

§2303. Laboratory Testing

A. Each batch of medical marijuana concentrate and product shall be made available by the licensee for an employee of the department, an approved laboratory, or otherwise independent sample collector to select a random and representative sample of sufficient volume to conduct required analyses, which shall be tested by the department's laboratory or an approved laboratory.

A.1. - K.…

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1266 (July 2017), amended LR 44:

Mike Strain, DVM
Commissioner

1810#004

DECLARATION OF EMERGENCY

Children and Family Services
Division of Child Welfare

Criminal Background and State Central Registry Checks;
State Repository, Central Registry
and Administrative Appeal
(LAC 67:I.203 and V.1103, 1105 and 1111)

The Department of Children and Family Services (DCFS) has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:I.203; and LAC 67:V.1103, 1105 and 1111.

These sections are being amended to update the effective date for implementation for certain provisions related to an administrative appeal when DCFS intends to justify/validate individuals for their involvement as a perpetrator of child abuse and/or neglect. 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 October 29, 2018 and will remain in effect until the Final Rule becomes effective.

The department considers emergency action necessary to ensure appropriate decision making with justified (valid) determinations of child abuse and neglect prior to the implementation of Children's Code Article 616.1.1.

Title 67
SOCIAL SERVICES
Part 1. General Administration
Chapter 2. Criminal Background and State Central Registry Checks
§203. Conditions of Employment

A. - A.2. ...

3. If the potential employee's name is recorded on the state central registry subsequent to January 1, 2010 and prior to August 1, 2018, they shall not be denied consideration for employment until the potential employee has exhausted their right to an administrative appeal and thereafter the potential employee's name is confirmed to be listed on the state central registry.

4. If the individual's name is recorded on the state central registry as a perpetrator of child abuse or neglect subsequent to August 1, 2018, they shall not be employed or considered for employment by the department in positions whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys.

B. Any current employee of the department whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys and whose name is recorded subsequent to January 1, 2010 and prior to August 1, 2018, shall not be terminated from their position in the department until the employee has exhausted their right to an administrative appeal and thereafter the employee's name is confirmed to be listed on the state central registry. If the employee's name is recorded on the state central registry subsequent to August 1, 2018, they shall be terminated from their current position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.2.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 36:851 (April 2010), amended by the Department of Children and Family Services, Division of Child Welfare, LR 44:997 (June 2018), amended LR 44:

Part V. Child Welfare
Subpart 3. Child Protective Services
Chapter 11. Administration and Authority
§1103. State Central Registry

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

2. Individuals who have been placed on the SCR as a perpetrator of abuse or neglect as the result of an investigation determined to be justified/valid prior to August 1, 2018, will have the right to an administrative appeal pursuant to LAC 67:V.1111. Information on such determinations will not be released until the individual has exhausted their right to an administrative appeal, unless otherwise allowed by law. Once the individual has exhausted their administrative appeal rights, if an SCR clearance has been received by DCFS, the clearance will be completed and information released consistent with the administrative hearing decision and as permitted for the purpose of the clearance request.

C.1. ...

2. Individuals in investigations in families who have been determined to be justified/valid as a perpetrator of child abuse and/or neglect for a tier 1, 2, or 3 finding, as defined in LAC 67:V.1103.A, subsequent to July 1, 2018, shall be provided written notice of the SCR and the rules governing maintenance and release of SCR records. As of August 1, 2018, the written notice shall also inform the individual of their right to an administrative appeal pursuant to LAC 67:V.1111. The individual's name will not be placed on the SCR until the individual has exhausted his right to an administrative appeal. If the individual fails to request an administrative appeal within 30 days of the written notification of the justified/valid finding, withdraws their request for an administrative appeal, or the justified/valid finding is upheld by an administrative law judge, the individual's name will be immediately placed on the SCR.

D. - E. ...

F.1. Any person whose name is included on the SCR subsequent to August 1, 2018, may file a rule to show cause against DCFS in the court exercising juvenile jurisdiction in the parish in which the investigation was conducted to show why the individual's name should not be removed from the SCR. A perpetrator of a tier 1 justified/valid determination cannot be removed through this procedure. This rule to show cause may be filed for a perpetrator of a tier 2 justified/valid determination after nine years from the date of the case closure, or, four years from the date of the case closure for a perpetrator of a tier 3 justified/valid determination with the following circumstances:

a. there was no child in need of care adjudication related to the justified/valid determination;

b. no criminal charges are currently pending, associated with the incident, or criminal conviction for any offense listed in R.S. 15:587.1; and

c. there have been no subsequent justified/valid determinations involving the individual as a perpetrator of child abuse or neglect.

F.2. - G.11. ...

AUTHORITY NOTE: Promulgated in accordance with the Children's Code, title VI, articles 615 and 616 and title XII, article 1173, R.S. 14:403(H), R.S. 46:51.2(A), R.S 46:56, R.S. 46:1414.1, 42 USC 15601 et seq., 28 CFR 115.6., and 42 USC 9858f.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992), amended LR 20:198 (February 1994), LR 21:583 (June 1995), LR 23:590 (May 1997), LR 26:790 (April 2000), LR 31:1609 (July 2005), LR 36:838 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Child Welfare Section, LR 42:862 (June 2016), amended by the Department of Children and Family Services, Division of Child Welfare, LR 44:998 (June 2018), amended LR 44:

§1105. Maintenance and Disclosure of Information on Reports and Investigations on the State Repository

A. - L.7. ...

M. Any person whose name is included on the SCR prior to August 1, 2018 with a justified/valid determination may file a rule to show cause against DCFS in the court exercising juvenile jurisdiction in the parish in which the investigation was conducted to show why the information on file should not be expunged. DCFS will expunge the petitioner's name and other identifying information from the SCR upon receipt of a court order to do so. Any expungement order issued by a court shall not take effect as to non-identifying statistical information on file until the three-year record retention period required by federal law for audit purposes has expired, counting from the month and year of the determination. During the three-year record retention period, such records bearing the non-identifying statistical information shall be sealed and accessible only to the financial auditors.

N. - O. ...

AUTHORITY NOTE: Promulgated in accordance with Louisiana Children's Code Article 616.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 26:96 (January 2000), amended LR 31:1608 (July 2005), LR 36:840 (April 2010), amended by the Department of Children and Family Services, Division of Child Welfare, LR 44:1000 (June 2018), amended LR 44:

§1111. Child Protective Services Administrative Appeal

A. ...

B. Individuals with justified/valid findings in an investigation prior to August 1, 2018, will have the right to an administrative appeal of any/all of their DCFS findings of justified/valid. When a request for an SCR clearance is received by DCFS, or DCFS verifies that an individual has a justified/valid finding, and the individual is listed as a perpetrator with a justified/valid finding of abuse or neglect in an investigation prior to August 1, 2018; the individual will be notified in writing of their right to an administrative appeal. The individual will have 30 calendar days from the date of the written notification to request an appeal through DAL.

C. Any individual notified of a DCFS justified/valid finding in an investigation subsequent to August 1, 2018, will have the right to an administrative appeal of any/all of their DCFS findings of justified/valid. The individual will have 30 calendar days from the date of the written notification to request an appeal through the DAL.

D. - K. ...

AUTHORITY NOTE: Promulgated in accordance with Act 348 of 2017 and Children's Code Article 616.1.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Child Welfare, LR 44:1002 (June 2018), amended LR 44:

Marketa Garner Walters
Secretary

1810#045

DECLARATION OF EMERGENCY

Department of Children and Family Services
Licensing Section

State Central Registry—Child Residential Care, Class B
(LAC 67:V.Chapter 69)

The Department of Children and Family Services (DCFS) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:V, Subpart 8, Chapter 69, Child Residential Care, Class B. This Emergency Rule shall be effective October 1, 2018, and shall remain in effect for a period of 120 days.

The proposed rule amends Chapter 69, Child Residential Care, Class B, §§6955, 6957, 6959, and 6961, and promulgates §6962. In accordance with R.S. 46:1414.1 of the 2017 Regular Legislative Session, any owner, current or prospective employee, or volunteer requesting licensure or licensed by the DCFS is prohibited from ownership or employment if that person's name is recorded on the state central registry as a perpetrator with a justified finding of child abuse and/or neglect. Each provider licensed by the DCFS shall submit a request for a state central registry check for all owners, staff, contractors, and volunteers prior to October 15, 2018. The implementation of this rule will ensure that no individual with a justified finding of child abuse and/or neglect listed on the state central registry owns or is employed in a facility licensed by DCFS.

Pursuant to R.S. 46:1414.1 of the 2017 Regular Legislative Session, the department shall adopt rules in accordance with the required law effective October 1, 2018. The department considers emergency action necessary in order to meet the requirements of R.S. 46:1414.1.

Title 67
SOCIAL SERVICES
Part V. Child Welfare
Subpart 8. Residential Licensing
Chapter 69. Child Residential Care, Class B
§6955. Procedures [Formerly LAC 67:I.1955]

A. - D.2.g. ...

h. any validated instance of abuse and/or neglect as noted by inclusion on the state central registry if the owner's name appears on the registry, or if the staff member's name appears on the registry and remains in the employment of the licensee;

i. knowingly permit an individual with a justified (valid) finding of child abuse and/or neglect to be on the premises without being directly supervised by another paid employee of the facility, who has not disclosed that their name appears with a justified (valid) finding prior to receipt of the

official notification from Child Welfare that the individual is listed on the state central registry;

j. - k. ...

l. have knowledge that a convicted sex offender is on the premises of the child care facility and fail to notify law enforcement and licensing management staff immediately upon receipt of such knowledge;

m. have knowledge that a convicted sex offender is physically present within 1,000 feet of the child care facility and fail to notify law enforcement immediately upon receipt of such knowledge; or

n. permit an individual to be on the premises or to have access to children/youth when listed on the state central registry.

E. - G.2.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477, R.S. 46:1410 et seq., R.S.46:1401-1424 and R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1565 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2740 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1617 (August 2009), amended LR 36:331 (February 2010), LR 36:836, 842 (April 2010), repromulgated LR 36:1032 (May 2010), repromulgated LR 36:1277 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:1463 (July 2010), amended by the Department of Children and Family Services, Child Welfare Section and Economic Stability and Self-Sufficiency Section, LR 36:2522 (November 2010), repromulgated LR 36:2838 (December 2010), amended by the Department of Children and family Services, Division of Programs, Licensing Section, LR 38:971 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§6957. Definitions [Formerly LAC 67:I.1957]

* * *

Individual Owner—Repealed.

* * *

Owner or *Operator*—individual or juridical entity exercising direct or indirect control over a licensed entity.

1. For licensing purposes the following are considered owners:

a. *Individual Ownership*—individual and spouse who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or are present at any time on the premises of the facility.

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or are present at any time on the premises of the facility;

c. *Church-Owned, University-Owned* or *Governmental Entity*—any clergy and/or board of directors members who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or are present at any time on the premises of the facility.

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer with the Louisiana Secretary of State and/or listed on the licensing application submitted and has access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the premises of the facility.

Ownership—Repealed.

* * *

Reasonable Suspicion—suspicion based on specific and articulable facts which indicate that an owner, or current or potential employee or volunteer has been investigated and determined to be the perpetrator of abuse and/or neglect of a minor resulting in a justified and/or valid finding prior to official notification from child welfare whether the person is or is not listed on the state central registry.

* * *

State Central Registry—a subsystem of the state repository that maintains information on perpetrators of child abuse and neglect with valid findings on tiers I, II, and III of the child welfare tiered validity system.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1410 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1567 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2742 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1619 (August 2009), amended by the Department of Children and Family Services, Division of Program, Licensing Sections, LR 38:972 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§6959. Administration and Organization [Formerly LAC 67:I.1959]

A. - B.2. ...

3. Any owner/owners of a child residential facility shall provide documentation of a satisfactory criminal record check, as required by R.S. 46:51.2 and 15:587.1. A copy of the criminal background check shall be submitted for each owner of a facility with an initial application, a change of ownership (CHOW) application, a change of location (CHOL) application, and/or an application for renewal for a child residential license. No person with a criminal conviction for, or a plea of guilty or nolo contendere to, any offense included in R.S. 15:587.1, or any offense involving a juvenile victim, shall directly or indirectly own, operate, or participate in the governance of a child residential facility. In addition, an owner, or director shall not have a conviction of, or plea of guilty or nolo contender to any crime in which an act of fraud or intent to defraud is an element of the offense.

4. - 5. ...

6. All owners shall have documentation of a state central registry clearance as required in §6962.

7. In accordance with R.S. 46:1428 providers shall make available to each child's parent or legal guardian information relative to the risks associated with influenza and the availability, effectiveness, known contraindications and possible side effects of the influenza immunization. This information shall include the causes and symptoms of influenza, the means by which influenza is spread, the places a parent or legal guardian may obtain additional information and where a child may be immunized against influenza. The information shall be updated annually if new information on the disease is available. The information shall be provided annually to each licensed facility by the Department of

Children and Family Services and shall be made available to parents or legal guardians prior to November 1 of each year.

C. - O.1.h. ...

i. documentation of a state central registry clearance as required in §6962.

O.2. - R.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1567 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2743 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1620 (August 2009), amended LR 36:331 (February 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:973 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§6961. Human Resources [Formerly LAC 67:I.1961]

A. - E.5. ...

6. free of a valid finding of child abuse and/or neglect as noted on the state central registry in accordance with §6962.

F. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1410 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1570 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2745 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1622 (August 2009), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:975 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§6962. State Central Registry

A. On October 1, 2018, and no later than October 3, 2018, provider shall submit a list of all owners including board members, contractors, and all staff (paid, non-paid, and volunteers) employed/providing services as of October 1, 2018, to licensing management staff and shall attest that the information submitted is true and correct. The list shall be signed and dated by the director on file with the Licensing Section or by the owner. In addition, provider shall submit a list of all owners/operators, board members, contractors, and staff (paid, non-paid, and volunteers) that have resided in another state within the previous five years which shall include the individual's name and state(s) in which the individual resided. The list shall be signed and dated by the director on file with the Licensing Section or by the owner. If no owner, contractor or staff resided in another state within the previous five years, provider shall submit a signed statement attesting to such to Licensing Section management staff.

B. Current owners as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a state central registry search request for each owner including board members to DCFS child welfare to conduct a state central registry check of the state central registry. The request shall be submitted to child welfare no later than October 15, 2018. For owners including board members who have resided in another state within the proceeding five years, provider shall submit a state central registry search request to that state's child abuse and neglect registry no later than October 15, 2018. Documentation of request shall be available for review.

2. A search of the state central registry will determine if the owner is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state central registry with a valid (justified) finding of abuse and/or neglect of a child shall be eligible to own, operate, or participate in the governance or management of the residential home.

3. Provider shall submit a state central registry search request to child welfare every five years from the issue date noted on the notification form for all owners including board members and at any time upon the request of DCFS when reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a residential home in the state of Louisiana, provider shall submit a state central registry search request to that state's child abuse and neglect registry every five years from the issue date noted on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the owner is not listed on the state central registry, the provider shall maintain on file the notification(s) that his/her name does not appear on the registry.

5. Upon notification to the residential home from child welfare or any other state that the owner is listed on the state central registry, the owner shall no longer be eligible to own, operate, or participate in the governance or management of the residential home. The owner can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner is a member of the board or clergy, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual has resigned or been relieved of his position with an effective date of the resignation/removal. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to licensing within seven calendar days verifying that the individual's name has been removed from the Secretary of State's website.

6. If after an initial notification form is received by the residential home from child welfare noting that the owner is not listed on the state central registry and due to a new valid finding, the owner receives a subsequent notice that he/she is listed on the state central registry and advises the residential home of the new information prior to receiving official notification from child welfare, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The owner shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she is on the premises and/or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the owner, with the valid (justified) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official

determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

C. Prospective owners effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all owners (including board of directors members) shall be conducted prior to a license being issued. If the owner resided in another state within the proceeding five years, provider shall request a state central registry check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the license being issued.

2. A search of the state central registry will determine if the owner is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect of a child shall be eligible to own, operate, or participate in the governance or management of the residential home.

3. Provider shall submit a state central registry search request to child welfare every five years from the issue date noted on the child welfare notification form for all owners including board members and at any time upon the request of DCFS if reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a residential home in the state of Louisiana, provider shall submit a state central registry search request to that state's child abuse and neglect registry every five years from the issue date noted on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the owner(s) is not listed on the state central registry, the provider shall maintain on file the notification(s) that his/her name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the owner is listed on the state central registry, the owner shall no longer be eligible to own, operate, or participate in the governance or management of the residential home. The owner can voluntarily withdraw the application for licensure or if he/she chooses not to withdraw the application, the application shall be immediate ly denied. If the individual with the valid (justified) finding of abuse and/or neglect is a member of the residential home board, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the board member has resigned his/her position on the board/been relieved of his position on the board with the effective date of the resignation/removal. Within seven calendar days, provider shall also submit documentation verifying that the individual's name has been removed from the Secretary of State's website to licensing. After receipt of the statement, the application for licensure can continue to be processed.

6. If after an initial notification form is received by residential home from child welfare noting that the owner is not listed on the state central registry and due to a new valid finding against the owner receives a subsequent notice (issued after the provider was licensed) that he/she is listed on the state central registry and the owner advises the residential home of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The owner, shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she is on the premises or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the owner, with the valid (justified) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

D. Current staff as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a state central registry search request for each currently employed staff (paid and non-paid staff and volunteers) to DCFS child welfare to conduct a state central registry check of the state central registry. The request shall be submitted to child welfare no later than October 15, 2018. For staff who have resided in another state within the proceeding five years, provider shall request information from that state's child abuse and neglect registry no later than October 15, 2018. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry shall be eligible for employment or to provide volunteer services with the agency.

3. Provider shall submit a state central registry search request to child welfare every five years from the issue date noted on the child welfare notification form for all staff and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a residential home in the state of Louisiana, provider shall submit a state central registry search request to that state's child abuse and neglect registry every five years for this staff from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the staff is not listed on the state central registry, the provider shall maintain on file the notification(s) that the staff's name does not appear on the registry.

5. Upon notification to the provider from child welfare or any other state that the staff is listed on the state central registry, the staff shall no longer be eligible for employment with the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the staff has been relieved of his/her position at the agency with an effective date of the termination. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. If after the initial notification form is received by provider from child welfare noting that the staff is not listed on the state central registry and due to a new valid finding the staff receives a subsequent notice that he/she is listed on the

state central registry and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff with the valid (justified) finding of abuse and/or neglect, at any and all times when he/she is on the premises and/or in the presence of a child/youth, shall be directly supervised by another paid staff (employee) of the residential home. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

E. Prospective staff effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire or volunteer services provided. Staff persons who have resided in another state within the proceeding five years, provider shall request a state central registry check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the staff being present on the premises or having access to children/youth.

2. A search of the state central registry will determine if the staff is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or to provide volunteer services in a licensed residential home.

3. Provider shall submit a state central registry search request to child welfare every five years for staff from the issue date noted on the notification form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a residential home in the state of Louisiana, provider shall submit a state central registry search request to that state's child abuse and neglect registry every five years for this staff from the issue date noted on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the staff is not listed on the state central registry, the provider shall maintain on file the notification(s) that the staff's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the staff is listed on the state central registry, the staff shall no longer be eligible for employment or to provide volunteer services for the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the staff with the valid (justified) finding of abuse and/or neglect will not be hired for a position at the agency. If this statement is not received by licensing within the aforementioned timeframe, the application shall be denied or license shall be immediately revoked.

6. If after the initial notification form is received by the residential home from child welfare noting that the staff is not listed on the state central registry and due to a new valid finding, the staff receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff with the valid (justified) finding of abuse and/or neglect shall be directly supervised by another paid staff (employee) of the residential home , at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

F. Current contractors as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a state central registry search request to DCFS child welfare for a state central registry check of the state central registry for each contractor. The request shall be submitted to child welfare no later than October 15, 2018. For contractors who have resided in another state within the proceeding five years, provider shall request a state central registry check no later than October 15, 2018 and obtain information from that state's child abuse and neglect registry. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry shall be eligible to provide contracted services for the residential home.

3. Provider shall submit a state central registry search request to child welfare every five years for contractors from the issue date noted on the notification form and at any time upon the request of DCFS when reasonable suspicion exists that an individual may be listed on the state central registry. If a contractor resides in another state and provides services in a residential home in the state of Louisiana, provider shall submit a state central registry search request to that state's child abuse and neglect registry every five years for this contractor from the issue date noted on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the individual is not listed on the state central registry, the provider shall maintain on file the notification(s) that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the individual is listed on the state central registry, the contractor shall no longer be eligible to provide services for the residential home. The provider shall

submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual will no longer provide services to the agency and the effective date of the termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. If after the initial notification form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding the contractor receives a subsequent notice that he/she is listed on the state central registry and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she is on the premises or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the contractor with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

G. Prospective contractors providing services effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all contractors shall be conducted prior to providing contracted services or having access to children/youth. For contractors who have resided in another state within the proceeding five years, provider shall request a state central registry check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible to provide services for the residential home.

3. Provider shall submit a state central registry search request to child welfare every five years for contractors from the issue date noted on the notification form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a contractor resides in another state and provides services in a residential home in the state of Louisiana, provider shall submit a state central registry search request to that state's child abuse and neglect registry every five years for this contractor from the issue date noted on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the individual is not listed on the state central registry, the provider shall maintain on file the notification(s) that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. The state central registry clearance form shall be dated no earlier than 45 days of the individual being present on the residential home premises or having access to children/youth.

6. Upon notification to the provider from child welfare or any other state that the contractor is listed on the state central registry, the individual shall no longer be eligible to provide services for the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual with the valid (justified) finding of abuse and/or neglect has been relieved of his duties with the residential home with the effective date of termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

7. If after the initial notification form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding, the contractor receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the residential home of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

8. State central registry clearances are not transferable between owners.

H. Reasonable Suspicion

1. Any information received or knowledge acquired by the provider that a current owner, contractor, volunteer and/or staff, is a perpetrator of abuse and/or neglect after October 1, 2018, with a justified (valid) determination of abuse and/or neglect prior to receipt of official notification from child welfare, shall be verbally immediately reported to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 44:

Marketa Garner Walters
Secretary

1810#007

DECLARATION OF EMERGENCY

Department of Children and Family Services
Licensing Section

State Central Registry—Maternity Homes, Residential Homes—Type IV, and Child Placing Agencies—General Provisions (LAC 67:V. 6703, 6708, 6710, 6712, 7105, 7107, 7109, 7111, 7112, 7307, 7308, 7311, 7313 and 7315)

The Department of Children and Family Services (DCFS) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67: V, Subpart 8, Residential Licensing, Chapter 71, Residential Homes-Type IV, Chapter 67, Maternity Home, and Chapter 73, Child Placing Agencies. This Emergency Rule shall be effective October 1, 2018, and shall remain in effect for a period of 120 days.

The proposed Rule amends Chapter 67, Maternity Home, §§6703, 6708, and 6710; Chapter 71, Residential Homes—Type IV, §§7105, 7107, 7109, and 7111; and Chapter 73, Child Placing Agencies, §§7307, 7311, 7313, and 7315. The proposed Rule also promulgates Chapter 67, Maternity Home, §6712; Chapter 71, Residential Homes—Type IV, §7112; and Chapter 73, Child Placing Agencies, §7308. In accordance with R.S. 46:1414.1 of the 2017 Regular Legislative Session, any owner, current or prospective employee, contractor, or volunteer requesting licensure or licensed by the DCFS is prohibited from ownership or employment if that person's name is recorded on the state central registry as a perpetrator with a justified finding of child abuse and/or neglect. Each provider licensed by the DCFS shall submit a request for a state central registry check for all owners, staff, and volunteers prior to October 15, 2018. The implementation of this Rule will ensure that no individual with a justified finding of child abuse and/or neglect listed on the state central registry owns, provides services for, or is employed in a facility licensed by DCFS.

Pursuant to R.S. 46:1414.1 of the 2017 Regular Legislative Session, the department shall adopt rules in accordance with the required law effective October 1, 2018. The department considers emergency action necessary in order to meet the requirements of R.S. 46:1414.1.

Title 67
SOCIAL SERVICES
Part V. Child Welfare
Subpart 8. Residential Licensing
Chapter 67. Maternity Home
§6703. Definitions

A. - B.1. ...

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Individual Owner—Repealed.

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Owner or Operator—individual or juridical entity exercising direct or indirect control over a licensed entity.

a. For licensing purposes, the following are considered owners.

i. *Individual Ownership*—individual and spouse who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or are present at any time on the premises of the facility.

ii. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or are present at any time on the premises of the facility.

iii. *Church Owned, university owned or governmental entity*—any clergy and/or board members who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or are present at any time on the premises of the facility.

iv. *Corporation (includes limited liability companies)*—individual(s) who is registered as an officer with the Louisiana Secretary of State and/or listed on the licensing application submitted and has access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the premises of the facility.

Ownership—Repealed.

Provider—all owners or operators of a facility, including the director of such facility.

* * *

Reasonable Suspicion—suspicion based on specific and articulable facts which indicate that an owner, or current or potential employee or volunteer has been investigated and determined to be the perpetrator of abuse and/or neglect against a minor resulting in a justified and/or valid finding prior to official notification from child welfare whether the person is or is not listed on the state central registry.

* * *

State Central Registry (SCR)—a subsystem of the state repository that maintains information on perpetrators of child abuse and/or neglect with valid findings on tiers I, II, and III of the child welfare tiered validity system.

* * *

2. - 2.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2694 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1570 (August 2009), amended LR 36:799, 835 (April 2010), repromulgated LR 36:1275 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:2521 (November 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:968 (April 2012), LR 42:220 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§6708. General Provisions

A. Conditions for Participation in a Child-Related Business

1. Any owner/owners of a maternity home shall provide documentation of a satisfactory criminal record check, as required by R.S. 46:51.2 and 15:587.1. A copy of the criminal background check shall be submitted for each owner of a facility with an initial application, a change of ownership (CHOW) application, a change of location (CHOL) application, and/or an application for renewal for maternity home license. No person with a criminal conviction of a felony, or a plea of guilty or nolo contendere of a felony, or plea of guilty or nolo contendere to any offense included in R.S. 15:587.1, or any offense involving a juvenile victim, shall directly or indirectly own, operate, or participate in the governance of a maternity home. In addition, an owner, or director shall not have a conviction of, or plea of guilty or nolo contender to any crime in which an act of fraud or intent to defraud is an element of the offense.

2. - 3. ...

B. State Central Registry

1. All owners shall have documentation of a state central registry clearance as required in §6712.

C. - C.3.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:969 (April 2012), amended LR 42:220 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§6710. Personnel Files

A. No person, having any supervisory or other interaction with residents, shall be hired or on the premises of the facility until such person has submitted his or her fingerprints to the Louisiana Bureau of Criminal Identification and Information and it has been determined that such person has not been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C). This shall include any employee/volunteer or non-employee who performs paid or unpaid work with the provider to include contractors, consultants, students, volunteers, trainees, or any other associated person, as defined in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:970 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§6712. State Central Registry

A. On October 1, 2018, and no later than October 5, 2018, provider shall submit a list of all owners including board members, contractors, and all staff (paid, non-paid, and volunteers) employed/providing services as of October 1, 2018, to licensing management staff and shall attest that the information submitted is true and correct. The list shall be signed and dated by the director on file with the Licensing Section or by the owner. In addition, provider shall submit a list of all owners, board members, contractors, and staff (paid, non-paid, and volunteers) that have resided in another state within the previous five years which shall include the individual's name and state(s) in which the individual resided. The list shall be signed and dated by the director on file with the Licensing Section or by the owner. If no owner, contractor, or staff resided in another state within the previous five years, provider shall submit a signed statement attesting to such to Licensing Section management staff.

B. Current Owners as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request for each owner including board members to DCFS child welfare to conduct a check of the state central registry. The request shall be submitted to child welfare no later than October 15, 2018. For owners including board members who have resided in another state within the proceeding five years, provider shall submit a request to that state's child abuse and neglect registry no later than October 15, 2018. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the owner is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state central registry with a valid (justified) finding of abuse and/or neglect of a child shall be eligible to own, operate, or participate in the governance or management of the maternity home.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the notification form for all owners including board members and at any time upon the request of DCFS when reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a maternity home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the owner is not listed on the state central registry, the provider shall maintain on file the notification(s) that his/her name does not appear on the registry.

5. Upon notification to the maternity home from child welfare or any other state that the owner is listed on the state central registry, the owner shall no longer be eligible to own, operate, or participate in the governance or management of the maternity home. The owner can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner is a member of the board or clergy, the provider shall submit a signed, dated statement to licensing within 24 hours or no

later than the next business day indicating that the individual has resigned or been relieved of his position with an effective date of the resignation/removal. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to licensing within seven calendar days verifying that the individual's name has been removed from the Secretary of State's website.

6. If after an initial notification form is received by the maternity home from child welfare noting that the owner is not listed on the state central registry and due to a new valid finding, the owner receives a subsequent notice that he/she is listed on the state central registry and advises the maternity home of the new information prior to receiving official notification from child welfare, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The owner shall be directly supervised by a paid staff (employee) of the maternity home at any and all times when he/she is on the premises and/or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the owner, with the valid (justified) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

C. Prospective Owners Effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all owners (including board members) and operators shall be conducted prior to a license being issued. If the owner resided in another state within the proceeding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the license being issued.

2. A search of the state central registry will determine if the owner is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance or management of the maternity home.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the child welfare notification form for all owners including board members and at any time upon the request of DCFS if reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a maternity home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the owner(s) is not listed on the state central registry, the provider shall maintain on file the notification(s) that his/her name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the owner is listed on the state central registry, the owner shall no longer be eligible to own, operate, or participate in the governance or management of the maternity home. The owner can voluntarily withdraw the application for licensure or if he/she chooses not to withdraw the application, the application shall be immediately denied. If the individual with the valid (justified) finding of abuse and/or neglect is a member of the maternity home board, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the board member has resigned his/her position on the board/been relieved of his position on the board with the effective date of the resignation/removal. Within seven calendar days, provider shall also submit documentation verifying that the individual's name has been removed from the Secretary of State's website to licensing. After receipt of the statement, the application for licensure can continue to be processed.

6. If after an initial notification form is received by maternity home from child Welfare noting that the owner is not listed on the state central registry and due to a new valid finding against the owner receives a subsequent notice (issued after the provider was licensed) that he/she is listed on the state central registry and the owner advises the maternity home of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The owner, shall be directly supervised by a paid staff (employee) of the maternity home at any and all times when he/she is on the premises or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the owner, with the valid (justified) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

D. Current Staff as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request for each currently employed staff (paid and non-paid staff and volunteers) to DCFS child welfare to conduct a check of the state central registry. The request shall be submitted to child welfare no later than October 15, 2018. For staff who have resided in another state within the proceeding five years, provider shall request information from that state's child abuse and neglect registry no later than October 15, 2018. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry shall be eligible for employment or to provide volunteer services with the agency.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the child welfare notification form for all staff and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be

listed on the state central registry. If a person resides in another state and is employed at a maternity home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this staff from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the staff is not listed on the state central registry, the provider shall maintain on file the notification(s) that the staff's name does not appear on the registry.

5. Upon notification to the provider from child welfare or any other state that the staff is listed on the state central registry, the staff shall no longer be eligible for employment with the maternity home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the staff has been relieved of his/her position at the agency with an effective date of the termination. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. If after the initial notification form is received by provider from child welfare noting that the staff is not listed on the state central registry and due to a new valid finding the staff receives a subsequent notice that he/she is listed on the state central registry and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff with the valid (justified) finding of abuse and/or neglect, at any and all times when he/she is on the premises and/or in the presence of a child/youth, shall be directly supervised by another paid staff (employee) of the maternity home. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

E. Prospective Staff Effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire or volunteer services provided. Staff persons who have resided in another state within the proceeding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the staff being present on the premises or having access to children/youth.

2. A search of the state central registry will determine if the staff is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or to provide volunteer services in a licensed maternity home.

3. Provider shall submit a request to child welfare every five years for staff from the issue date noted on the notification form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a maternity home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this staff from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the staff is not listed on the state central registry, the provider shall maintain on file the notification(s) that the staff's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the staff is listed on the state central registry, the staff shall no longer be eligible for employment or to provide volunteer services for the maternity home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the staff with the valid (justified) finding of abuse and/or neglect will not be hired for a position at the agency. If this statement is not received by licensing within the aforementioned timeframe, the application shall be denied or license shall be immediately revoked.

6. If after the initial notification form is received by the maternity home from child welfare noting that the staff is not listed on the state central registry and due to a new valid finding, the staff receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff with the valid (justified) finding of abuse and/or neglect shall be directly supervised by another paid staff (employee) of the maternity home, at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

F. Current Contractors as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request to DCFS child welfare for a check of the state central registry for each contractor. The request shall be submitted to child welfare no later than October 15, 2018. For contractors who have resided in another state within the proceeding five years, provider shall request a check no later than October 15, 2018 and obtain information from that state's child abuse and neglect registry. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry shall be eligible to provide contracted services for the maternity home.

3. Provider shall submit a request to child welfare every five years for contractors from the issue date noted on the notification form and at any time upon the request of DCFS when reasonable suspicion exists that an individual may be listed on the state central registry. If a contractor resides in another state but provides services in a maternity home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this contractor from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the individual is not listed on the state central registry, the provider shall maintain on file the notification(s) that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the individual is listed on the state central registry, the contractor shall no longer be eligible to provide services for the maternity home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual will no longer provide services to the agency and the effective date of the termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. If after the initial notification form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding the contractor receives a subsequent notice that he/she is listed on the state central registry and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the maternity home at any and all times when he/she is on the premises or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the contractor with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

G. Prospective Contractors Providing Services Effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all contractors shall be conducted prior to providing contracted services or having access to children/youth. For contractors who have resided in another state within the proceeding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible to provide services for the maternity home.

3. Provider shall submit a request to child welfare every five years for contractors from the issue date noted on the notification form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a contractor resides in another state but provides services in a maternity home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this contractor from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the individual is not listed on the state central registry, the provider shall maintain on file the notification(s) that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. The state central registry clearance form shall be dated no earlier than 45 days of the individual being present on the maternity home premises or having access to children/youth.

6. Upon notification to the provider from child welfare or any other state that the contractor is listed on the state central registry, the individual shall no longer be eligible to provide services for the maternity home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual with the valid (justified) finding of abuse and/or neglect has been relieved of his duties with the maternity home with the effective date of termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

7. If after the initial notification form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding, the contractor receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the maternity home of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the maternity home at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

8. State central registry clearances are not transferable between owners.

H. Reasonable Suspicion

1. Any information received or knowledge acquired by the provider that a current owner, contractor, volunteer and/or staff, is a perpetrator of abuse and/or neglect after October 1, 2018, with a justified (valid) determination of abuse and/or neglect prior to receipt of official notification from child welfare, shall be verbally immediately reported to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the maternity home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 44:

Chapter 71. Residential Homes—Type IV

§7105. Definitions

A. As used in this Chapter:

* * *

Individual Owner—Repealed.

* * *

Owner—Repealed.

Owner or Operator—individual or juridical entity exercising direct or indirect control over a licensed entity. For licensing purposes the following are considered owners.

a. *Individual Ownership*—individual and spouse who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the premises of the facility.

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the premises of the facility.

c. *Church Owned, University Owned* or *Governmental Entity*—any clergy and/or board members who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the premises of the facility.

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer with the Louisiana Secretary of State and/or listed on the licensing application submitted and has access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the premises of the facility.

Ownership—Repealed.

* * *

Reasonable Suspicion—suspicion based on specific and articulable facts which indicate that an owner, or current or potential employee or volunteer has been investigated and determined to be the perpetrator of abuse and/or neglect against a minor resulting in a justified and/or valid finding prior to official notification from child welfare whether the person is or is not listed on the state central registry.

* * *

State Central Registry—a subsystem of the State Repository that maintains information on perpetrators of child abuse and/or neglect with valid findings on tiers I, II, and III of the child welfare tiered validity system.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:805 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:976 (April 2012), LR 42:220 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 43:246 (February 2017), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§7107. Licensing Requirements

A. - A.4. ...

5. Documentation of a satisfactory fingerprint based criminal background check from Louisiana State Police shall be submitted for all owners of a residential home, as required by R.S. 46:51.2 and R.S. 15:587.1. No person with a criminal conviction for, or a plea of guilty or *nolo contendere* to, any offense included in R.S. 15:587.1, or any offense involving a juvenile victim, shall directly or indirectly own, operate, or participate in the governance of a residential home. In addition, an owner, or director shall not have a conviction of, or plea of guilty or nolo contender to any crime in which an act of fraud or intent to defraud is an element of the offense. Effective August 1, 2016, criminal background checks (CBC) shall be dated no earlier than 30 days of the individual being present in the facility or having access to the residents or children of residents. If an individual has previously obtained a certified copy of their criminal background check from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police, such certified copy shall be acceptable as meeting the CBC requirements. If an owner obtains a certified copy of their criminal background check from the Louisiana State Police, this criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. This certified copy shall be kept on file at the facility. Prior to the one-year expiration of the certified criminal background check, a new fingerprint-based satisfactory criminal background check shall be obtained from Louisiana State Police. If the clearance is not obtained prior to the one-year expiration of the certified criminal background check, the owner is no longer allowed on the premises until a clearance is received.

6. Documentation of a state central registry clearance as required in §7112.

A.7. - B.2.p. ...

q. documentation of a state central registry clearance as required in §7112;

B.2.r. - E.2.f. ...

g. copy of current state central registry clearance forms for all owners and program directors/administrators.

E.3. - F.1.b.xvi....

xvii. documentation of a state central registry clearance as required in §7112;

1.b.xviii. - 3.xvi. ...

xvii. documentation of a state central registry clearances for all owners and staff as required in §7112;

F.3.xviii - G.1.c. ...

d. any validated instance of abuse and/or neglect as noted by inclusion on the state central registry if the owner is responsible or if the staff member who is responsible remains in the employment of the licensee;

e. - m. ...

n. knowingly permit an individual with a justified (valid) finding of child abuse and/or neglect to be on the premises without being directly supervised by another paid employee of the facility, who has not disclosed that their name appears with a justified (valid) finding prior to receipt of the official notification from child welfare that the individual is listed on the state central registry;

o. permit an individual to be on the premises or to have access to children/youth when listed on the state central registry;

G.1.p. - L.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477, R.S.46:1401 et seq., and R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 36:807 (April 2010), amended LR 36:843 (April 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:1463 (July 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:977, 984 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 43:249 (February 2017), LR 43:1725 (September 2017), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§7109. Critical Violations/Fines

A. - A.1. ...

2. §7111.A.9.a.i-v, vii, ix, or x—staffing ratios;

3. §7117.F.19—motor vehicle checks;

4. §7111.D.1.a if sections noted in §7111.D.7. also cited or §7111.D.1.b.i. if sections noted in §7111.D.7 also cited or §7111.D.2.—critical incident reporting; and/or

5. §7111.A.9.a.vi, §7111.A.9.a.xi, §7111.A.9.a.xiii-xv, §7111.A.4.c, §7123.B.5, or §7123.B.6—supervision.

B. - E.1.e. ...

f. If the provider exceeds staffing ratios by more than one resident, increase the fine by $25.

g. If the provider failed to meet staffing ratios related to children of residents, increase the fine by $25.

h. If the provider self-reported the incident which caused the critical violation to be cited, decrease the fine by $25.

i. If the provider failed to self-report the incident which caused the critical violation to be cited, increase the fine by $25.

j. If a critical violation for supervision was cited due to residents or children of residents being unsupervised in a vehicle, increase the fine by $25.

k. If a critical violation for supervision was cited due to staff not knowing the whereabouts of residents to which they are assigned, increase the fine by $25.

F. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 43:258 (February 2017), amended LR 43:1725 (September 2017), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§7111. Provider Requirements

A. - A.2.c.ii. ...

iii. have a state central registry notification form from child welfare has required in §7112;

2.c.iv. - 5.b. ...

c. All contractors with direct or indirect contact with children/youth shall have documentation of a state central registry clearance as required in §7112.

A.6. - B.2.a.ix. ...

x. state central registry clearance forms as required in §7112.

B.2.b. - J.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:811 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:979, 984 (April 2012), LR 42:221 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 43:261 (February 2017), LR 43:1725 (September 2017), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§7112. State Central Registry

A. On October 1, 2018, and no later than October 5, 2018, provider shall submit a list of all owners including board members, contractors, and all staff (paid, non-paid, and volunteers) employed/providing services as of October 1, 2018, to Licensing management staff and shall attest that the information submitted is true and correct. The list shall be signed and dated by the director on file with the Licensing section or by the owner. In addition, provider shall submit a list of all owners, board members, contractors and staff (paid, non-paid, and volunteers) that have resided in another state within the previous five years which shall include the individual's name and state(s) in which the individual resided. The list shall be signed and dated by the director on file with the Licensing section or by the owner. If no owner, contractor or staff resided in another state within the previous five years, provider shall submit a signed statement attesting to such to Licensing section management staff.

B. Current Owners as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request for each owner including board members to DCFS child welfare to conduct a check of the state central registry. The request shall be submitted to child welfare no later than October 15, 2018. For owners including board members who have resided in another state within the proceeding five years, provider shall submit a request to that state's child abuse and neglect

registry no later than October 15, 2018. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the owner is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state central registry with a valid (justified) finding of abuse and/or neglect of a child shall be eligible to own, operate, or participate in the governance or management of the residential home.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the notification form for all owners including board members and at any time upon the request of DCFS when reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a residential home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the owner is not listed on the state central registry, the provider shall maintain on file the notification(s) that his/her name does not appear on the registry.

5. Upon notification to the residential home from child welfare or any other state that the owner is listed on the state central registry, the owner shall no longer be eligible to own, operate, or participate in the governance or management of the residential home. The owner can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner is a member of the board or clergy, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual has resigned or been relieved of his position with an effective date of the resignation/removal. If this statement is not received by Licensing within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to Licensing within seven calendar days verifying that the individual's name has been removed from the Secretary of State's website.

6. If after an initial notification form is received by the residential home from child welfare noting that the owner is not listed on the state central registry and due to a new valid finding, the owner receives a subsequent notice that he/she is listed on the state central registry and advises the residential home of the new information prior to receiving official notification from child welfare, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The owner shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she is on the premises and/or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the owner, with the valid (justified) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

C. Prospective Owners Effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all owners (including board members) shall be conducted prior to a license being issued. If the owner resided in another state within the proceeding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the license being issued.

2. A search of the state central registry will determine if the owner is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance or management of the residential home.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the child welfare notification form for all owners including board members and at any time upon the request of DCFS if reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a residential home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the owner is not listed on the state central registry, the provider shall maintain on file the notification(s) that his/her name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the owner is listed on the state central registry, the owner shall no longer be eligible to own, operate, or participate in the governance or management of the Residential home. The owner can voluntarily withdraw the application for licensure or if he/she chooses not to withdraw the application, the application shall be immediately denied. If the individual with the valid (justified) finding of abuse and/or neglect is a member of the residential home board, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the board member has resigned his/her position on the board/been relieved of his position on the board with the effective date of the resignation/removal. Within seven calendar days, provider shall also submit documentation verifying that the individual's name has been removed from the Secretary of State's website to Licensing. After receipt of the statement, the application for licensure can continue to be processed.

6. If after an initial notification form is received by residential home from child welfare noting that the owner is not listed on the state central registry and due to a new valid finding against the owner receives a subsequent notice (issued after the provider was licensed) that he/she is listed on the state central registry and the owner advises the

residential home of the new information prior to their appeal rights being exhausted, Licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The owner, shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she is on the premises or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the owner, with the valid (justified) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

D. Current Staff as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request for each currently employed staff (paid and non-paid staff and volunteers) to DCFS child welfare to conduct a check of the state central registry. The request shall be submitted to child welfare no later than October 15, 2018. For staff who have resided in another state within the proceeding five years, provider shall request information from that state's child abuse and neglect registry no later than October 15, 2018. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry shall be eligible for employment or to provide volunteer services with the agency.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the child welfare notification form for all staff and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a residential home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this staff from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the staff is not listed on the state central registry, the provider shall maintain on file the notification(s) that the staff's name does not appear on the registry.

5. Upon notification to the provider from child welfare or any other state that the staff is listed on the state central registry, the staff shall no longer be eligible for employment with the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the staff has been relieved of his/her position at the agency with an effective date of the termination. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. If after the initial notification form is received by provider from child welfare noting that the staff is not listed on the state central registry and due to a new valid finding the staff receives a subsequent notice that he/she is listed on the state central registry and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff with the valid (justified) finding of abuse and/or neglect, at any and all times when he/she is on the premises and/or in the presence of a child/youth, shall be directly supervised by another paid staff (employee) of the residential home. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

E. Prospective Staff Effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire or volunteer services provided. Staff persons who have resided in another state within the proceeding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the staff being present on the premises or having access to children/youth.

2. A search of the state central registry will determine if the staff is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or to provide volunteer services in a licensed residential home.

3. Provider shall submit a request to child welfare every five years for staff from the issue date noted on the notification form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a residential home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this staff from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the staff is not listed on the state central registry, the provider shall maintain on file the notification(s) that the staff's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the staff is listed on the state central registry, the staff shall no longer be eligible for employment or to provide volunteer services for the residential home. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day indicating that the staff with the valid (justified) finding of abuse and/or neglect will not be hired for a position at the agency. If this statement is not received by licensing within the aforementioned timeframe, the application shall be denied or license shall be immediately revoked.

6. If after the initial notification form is received by the residential home from child welfare noting that the staff is not listed on the state central registry and due to a new valid finding, the staff receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff with the valid (justified) finding of abuse and/or neglect shall be directly supervised by another paid staff (employee) of the residential home , at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

F. Current Contractors as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request to DCFS child welfare for a check of the state central registry for each contractor. The request shall be submitted to child welfare no later than October 15, 2018. For contractors who have resided in another state within the proceeding five years, provider shall request a check no later than October 15, 2018 and obtain information from that state's child abuse and neglect registry. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry shall be eligible to provide contracted services for the residential home.

3. Provider shall submit a request to child welfare every five years for contractors from the issue date noted on the notification form and at any time upon the request of DCFS when reasonable suspicion exists that an individual may be listed on the state central registry. If a contractor resides in another state and provides services in a residential home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this contractor from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the individual is not listed on the state central registry, the provider shall maintain on file the notification(s) that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the individual is listed on the state central registry, the contractor shall no longer be eligible to provide services for the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual will no longer provide services to the agency and the effective date of the termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. If after the initial notification form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding the contractor receives a subsequent notice that he/she is listed on the state central registry and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she is on the premises or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the contractor with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

G. Prospective Contractors Providing Services Effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all contractors shall be conducted prior to providing contracted services or having access to children/youth. For contractors who have resided in another state within the proceeding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible to provide services for the residential home.

3. Provider shall submit a request to child welfare every five years for contractors from the issue date noted on the notification form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a contractor resides in another state and provides services in a residential home in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this contractor from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the individual is not listed on the state central registry, the provider shall maintain on file the notification(s) that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. The state central registry clearance form shall be dated no earlier than 45 days of the individual being present on the residential home premises or having access to children/youth.

6. Upon notification to the provider from child welfare or any other state that the contractor is listed on the state central registry, the individual shall no longer be eligible to provide services for the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual with the valid (justified) finding of abuse and/or neglect has been relieved of his duties with the residential home with the effective date of termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

7. If after the initial notification form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding, the contractor receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the residential home of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

8. State central registry clearances are not transferable between owners.

H. Reasonable Suspicion

1. Any information received or knowledge acquired by the provider that a current owner, contractor, volunteer and/or staff, is a perpetrator of abuse and/or neglect after October 1, 2018 with a justified (valid) determination of abuse and/or neglect prior to receipt of official notification from child welfare, shall be verbally immediately reported to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 44:

Chapter 73. Child Placing Agencies—General Provisions

§7305. Definitions

* * *

Owner or *Operator*—individual or juridical entity exercising direct or indirect control over a licensed entity.

1. For licensing purposes the following are considered owners.

a. *Individual Ownership*—individual and spouse who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the agency premises when children/youth are present.

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the agency premises when children/youth are present.

c. *Church Owned*, university owned or governmental entity—any clergy and/or board members who are listed on the licensing application submitted and have access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the agency premises when children/youth are present.

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer with the Louisiana Secretary of State and/or listed on the licensing application submitted and has access to the children/youth in care and/or who receive services from the provider and/or is present at any time on the agency premises when children/youth are present.

* * *

Provider—an entity that is responsible for the placement of children in foster care to include the Department of Children and Family Services and any private child placing provider licensed by the department. All owners or operators of a facility, including the director of such facility.

* * *

Reasonable Suspicion—suspicion based on specific and articulable facts which indicate that an owner, or current or potential employee or volunteer has been investigated and determined to be the perpetrator of abuse and/or neglect against a minor resulting in a justified and/or valid finding prior to official notification from child welfare whether the person is or is not listed on the state central registry.

* * *

State Central Registry (SCR)—a subsystem of the state repository that maintains information on perpetrators of child abuse and/or neglect with valid findings on tiers I, II, and III of the child welfare tiered validity system.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and ACT 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:821 (March 2011), amended LR 42:221 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§7307. Licensing Requirements

A. - G.1.d. ...

e. any validated instance of abuse and/or neglect as noted by inclusion on the state central registry if the owner is responsible or if the staff member who is responsible remains in the employment of the licensee;

f. - g. ...

h. provider refuses to allow the Licensing Section to perform mandated duties, i.e., denying entrance to the facility, lack of cooperation for completion of duties, intimidating or threatening DCFS staff, etc.;

i. knowingly permit an individual with a justified (valid) finding of child abuse and/or neglect to be on the premises without being directly supervised by another paid employee of the facility, who has not disclosed that their name appears with a justified (valid) finding prior to receipt of the official notification from child welfare that the individual is listed on the state central registry.

G.2. - L.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and ACT 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:823 (March 2011), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§7308. State Central Registry

A. On October 1, 2018, and no later than October 5, 2018, provider shall submit a list of all owners including board members, contractors and a list of all staff (paid, non-paid, and volunteers) employed/providing services as of October 1, 2018 to licensing management staff and shall attest that the information submitted is true and correct. The list shall be signed and dated by the director on file with the Licensing section or by the owner. In addition, provider shall submit a list of all owners, board members, contractors and staff (paid, non-paid, and volunteers) that have resided in another state within the previous five years which shall include the individual's name and state(s) in which the individual resided. The list shall be signed and dated by the director on file with the Licensing Section or by the owner. If no owner, contractor or staff resided in another state within the previous five years, provider shall submit a signed statement attesting to such to Licensing Section management staff.

B. Current Owners as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request for each owner including board members to DCFS child welfare to conduct a check of the state central registry. The request shall be submitted to child welfare no later than October 15, 2018. For owners including board members who have resided in another state within the proceeding five years, provider shall submit a request to that state's child abuse and neglect registry no later than October 15, 2018. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the owner is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state central registry with a valid (justified) finding of abuse and/or neglect of a child shall be eligible to own, operate, or participate in the governance or management of the child placing agency.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the notification form for all owners including board members and at any time upon the request of DCFS when reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a child placing agency in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the owner is not listed on the state central registry, the provider shall maintain on file the notification(s) that his/her name does not appear on the registry.

5. Upon notification to the child placing agency from child welfare or any other state that the owner is listed on the state central registry, the owner shall no longer be eligible to own, operate, or participate in the governance or management of the child placing agency. The owner can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner is a member of the board or clergy, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual has resigned or been relieved of his position with an effective date of the resignation/removal. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to licensing within seven calendar days verifying that the individual's name has been removed from the Secretary of State's website.

6. If after an initial notification form is received by the child placing agency from child welfare noting that the owner is not listed on the state central registry and due to a new valid finding, the owner receives a subsequent notice that he/she is listed on the state central registry and advises the child placing agency of the new information prior to receiving official notification from child welfare, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The owner shall be directly supervised by a paid staff (employee) of the child placing agency at any and all times when he/she is on the premises and/or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the owner, with the valid (justified) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

C. Prospective Owners Effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all owners (including board members) shall be conducted prior to a license being issued. If the owner resided in another state within the proceeding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the license being issued.

2. A search of the state central registry will determine if the owner is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance or management of the child placing agency.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the child welfare notification form for all owners including board members and at any time upon the request of DCFS if reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a child placing agency in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the owner(s) is not listed on the state central registry, the provider shall maintain on file the notification(s) that his/her name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the owner is listed on the state central registry, the owner shall no longer be eligible to own, operate, or participate in the governance or management of the child placing agency. The owner can voluntarily withdraw the application for licensure or if he/she chooses not to withdraw the application, the application shall be immediately denied. If the individual with the valid (justified) finding of abuse and/or neglect is a member of the child placing agency board, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the board member has resigned his/her position on the board/been relieved of his position on the board with the effective date of the resignation/removal. Within seven calendar days, provider shall also submit documentation verifying that the individual's name has been removed from the Secretary of State's website to licensing. After receipt of the statement, the application for licensure can continue to be processed.

6. If after an initial notification form is received by child placing agency from child welfare noting that the owner is not listed on the state central registry and due to a new valid finding against the owner receives a subsequent notice (issued after the provider was licensed) that he/she is listed on the state central registry and the owner advises the child placing agency of the new information prior to their appeal rights being exhausted, Licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The owner, shall be directly supervised by a paid staff (employee) of the child placing agency at any and all times when he/she is on the premises or in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the owner, with the valid (justified) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

D. Current Staff as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request for each currently employed staff (paid and non-paid staff and volunteers) to DCFS child welfare to conduct a check of the state central registry. The request shall be submitted to child welfare no later than October 15, 2018. For staff who have resided in another state within the proceeding five years, provider shall request information from that state's child abuse and neglect registry no later than October 15, 2018. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry shall be eligible for employment or to provide volunteer services with the agency.

3. Provider shall submit a request to child welfare every five years from the issue date noted on the child welfare notification form for all staff and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a child placing agency in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this staff from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the staff is not listed on the state central registry, the provider shall maintain on file the notification(s) that the staff's name does not appear on the registry.

5. Upon notification to the provider from child welfare or any other state that the staff is listed on the state central registry, the staff shall no longer be eligible for employment with the child placing agency. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the staff has been relieved of his/her position at the agency with an effective date of the termination. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. If after the initial notification form is received by provider from child welfare noting that the staff is not listed on the state central registry and due to a new valid finding the staff receives a subsequent notice that he/she is listed on the state central registry and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff with the valid (justified) finding of abuse and/or neglect, at any and all times when he/she is on the premises and/or in the presence of a child/youth, shall be directly supervised by another paid staff (employee) of the child placing agency. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child

welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

E. Prospective Staff Effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire or volunteer services provided. Staff persons who have resided in another state within the proceeding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the staff being present on the premises or having access to children/youth.

2. A search of the state central registry will determine if the staff is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or to provide volunteer services in a licensed child-placing agency.

3. Provider shall submit a request to child welfare every five years for staff from the issue date noted on the notification form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a child placing agency in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this staff from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the staff is not listed on the state central registry, the provider shall maintain on file the notification(s) that the staff's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the staff is listed on the state central registry, the staff shall no longer be eligible for employment or to provide volunteer services for the child placing agency. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the staff with the valid (justified) finding of abuse and/or neglect will not be hired for a position at the agency. If this statement is not received by licensing within the aforementioned timeframe, the application shall be denied or license shall be immediately revoked.

6. If after the initial notification form is received by the child placing agency from child welfare noting that the staff is not listed on the state central registry and due to a new valid finding, the staff receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff with the valid (justified) finding of abuse and/or neglect shall be directly supervised by another paid staff (employee) of the child placing agency, at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

F. Current Contractors as of October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, provider shall submit a request to DCFS child welfare for a check of the state central registry for each contractor. The request shall be submitted to child welfare no later than October 15, 2018. For contractors who have resided in another state within the proceeding five years, provider shall request a check no later than October 15, 2018 and obtain information from that state's child abuse and neglect registry. Documentation of submission shall be available for review.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry shall be eligible to provide contracted services for the child placing agency.

3. Provider shall submit a request to child welfare every five years for contractors from the issue date noted on the notification form and at any time upon the request of DCFS when reasonable suspicion exists that an individual may be listed on the state central registry. If a contractor resides in another state but provides services in a child placing agency in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this contractor from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the individual is not listed on the state central registry, the provider shall maintain on file the notification(s) that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. Upon notification to the provider from child welfare or any other state that the individual is listed on the state central registry, the contractor shall no longer be eligible to provide services for the child-placing agency. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual will no longer provide services to the agency and the effective date of the termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. If after the initial notification form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding the contractor receives a subsequent notice that he/she is listed on the state central registry and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the child placing agency at any and all times when he/she is on the premises or in the presence of a child/youth. The

employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the contractor with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

7. State central registry clearances are not transferable between owners.

G. Prospective contractors providing services effective October 1, 2018

1. Effective October 1, 2018, and in accordance with R.S. 1414.1, an inquiry of the state central registry for all contractors shall be conducted prior to providing contracted services or having access to children/youth. For contractors who have resided in another state within the proceeding five years, provider shall request a check and obtain information from that state's child abuse and neglect registry. State central registry clearances shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth.

2. A search of the state central registry will determine if the individual is currently listed on the state central registry as a perpetrator of valid (justified) abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible to provide services for the child placing agency.

3. Provider shall submit a request to child welfare every five years for contractors from the issue date noted on the notification form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry. If a contractor resides in another state but provides services in a child placing agency in the state of Louisiana, provider shall submit a request to that state's child abuse and neglect registry every five years for this contractor from the issue date on the previous year's registry check form.

4. Upon notification from child welfare or any other state that the individual is not listed on the state central registry, the provider shall maintain on file the notification(s) that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

5. The child welfare notification form shall be dated no earlier than 45 days of the individual being present on the child placing agency premises or having access to children/youth.

6. Upon notification to the provider from child welfare or any other state that the contractor is listed on the state central registry, the individual shall no longer be eligible to provide services for the child placing agency. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual with the valid (justified) finding of abuse and/or neglect has been relieved of his duties with the child placing agency with the effective date of termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

7. If after the initial notification form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding, the contractor receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the child placing agency of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the child placing agency at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

8. State central registry clearances are not transferable between owners.

H. Reasonable Suspicion

1. Any information received or knowledge acquired by the provider that a current owner, contractor, volunteer and/or staff, is a perpetrator of abuse and/or neglect after October 1, 2018, with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be verbally immediately reported to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the child placing agency, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 44:

§7311. Provider Responsibilities

A. – A.7.a.ii. ...

iii. have a state central registry notification form from child welfare has required in §7308.

A.8. – B.2.a.ix. ...

x. documentation of a state central registry clearance as required in §7308.

B.2.b. – H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and ACT 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:828 (March 2011), amended LR 42:221 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§7313. Foster Care Services

A. - A.3.a. ...

b. An inquiry of the state central registry for members of the household 18 years of age and older shall be conducted prior to certification and annually thereafter. No person whose name is recorded on the state central registry with a valid (justified) finding of abuse and/or neglect of a child can reside in the home. If any member of the household 18 years of age or older resided in one or more other states within the proceeding five years, the provider shall request and obtain information from each state's child abuse and neglect registry prior to certifying the foster/adoptive parents. Out of state clearances shall be requested and obtained after the application is received by the CPA and prior to certification and placement of a child in the home.

i. Effective October 1, 2018, state central registry clearances shall be accepted for a period of one year from the date of issuance and shall be kept on file at the agency. Prior to the one year expiration of the SCRs, new SCR clearances shall be obtained for all foster parents and household members aged 18 years and older from DCFS.

ii. State central registry clearances obtained prior to October 1, 2018 are acceptable for one year from date of issuance. For SCR clearances dated prior to October 1, 2017, the provider shall submit a new request to DCFS for a SCR clearance no later than November 30, 2018.

c. An inquiry of the state central registry shall be submitted within 30 calendar days of a household member attaining their 18th birthday. Prior to any person 18 years or older moving into the home, a state central registry clearance shall be obtained. If any potential member of the household resided in one or more other states within the proceeding five years, the provider shall request and obtain information from each state's child abuse and neglect registry prior to allowing them to move into the home.

i. Effective October 1, 2018, state central registry clearances shall be accepted for a period of one year from the date of issuance and shall be kept on file at the agency. Prior to the one year expiration of the SCRs, new SCR clearances shall be obtained for all foster parents and household members aged 18 years and older from DCFS.

ii. State central registry clearances obtained prior to October 1, 2018 are acceptable for one year from date of issuance. For SCR clearances dated prior to October 1, 2017, the provider shall submit a new request to DCFS for a SCR clearance no later than November 30, 2018.

d. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse or neglect of a child can reside in the home. If an individual recorded on the state central registry is found to be living in the home, the children placed in the home shall be immediately removed and the foster/adoptive parents decertified.

e. The DCFS child welfare notification form shall be dated no earlier than 45 days of the foster/adoptive parents being certified or household members over the age of 18 years being present in the home.

f. State central registry clearance forms are not transferable between owners.

A.4. - C.5.b.vii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and Act 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:833 (March 2011), amended LR 38:985 (April 2012), LR 42:222 (February 2016), LR 42:1508 (September 2016), amended by the Department of Children and Family Services, Licensing Section, LR 44:

§7315. Adoption Services

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

b. An inquiry of the state central registry for members of the household 18 years of age and older shall be conducted prior to certification and annually thereafter. No person whose name is recorded on the state central registry with a valid (justified) finding of abuse and/or neglect of a child can reside in the home. If any member of the household 18 years of age or older resided in one or more other states within the proceeding five years, the provider shall request and obtain information from each state's child abuse and neglect registry prior to certifying the foster/adoptive parents. Out of state clearances shall be requested and obtained after the application is received by the CPA and prior to certification and placement of a child in the home.

i. Effective October 1, 2018, state central registry clearances shall be accepted for a period of one year from the date of issuance and shall be kept on file at the agency. Prior to the one year expiration of the SCRs, new SCR clearances shall be obtained for all foster parents and household members aged 18 years and older from DCFS.

ii. State central registry clearances obtained prior to October 1, 2018 are acceptable for one year from date of issuance. For SCR clearances dated prior to October 1, 2017, the provider shall submit a new request to DCFS for a SCR clearance no later than November 30, 2018.

c. An inquiry of the state central registry shall be submitted within 30 calendar days of a household member attaining their 18th birthday. Prior to any person 18 years or older moving into the home, a state central registry clearance shall be obtained. If any potential member of the household resided in one or more other states within the proceeding five years, the provider shall request and obtain information from each state's child abuse and neglect registry prior to allowing them to move into the home.

i. Effective October 1, 2018, state central registry clearances shall be accepted for a period of one year from the date of issuance and shall be kept on file at the agency. Prior to the one year expiration of the SCRs, new SCR clearances shall be obtained for all foster parents and household members aged 18 years and older from DCFS.

ii. State central registry clearances obtained prior to October 1, 2018 are acceptable for one year from date of issuance. For SCR clearances dated prior to October 1, 2017, the provider shall submit a new request to DCFS for a SCR clearance no later than November 30, 2018.

d. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect of a child can reside in the home. If an individual recorded on the state central registry is found to be living in the home, the children placed in the home shall be immediately removed and the foster/adoptive parents decertified.

e. The DCFS child welfare notification form shall be dated no earlier than 45 days of the foster/adoptive parents

being certified or household members over the age of 18 years being present in the home.

f. state central registry clearance forms are not transferable between owners.

A.3. - J.4.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and Act 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section LR 37:842 (March 2011), amended LR 42:1508 (September 2016), amended by the Department of Children and Family Services, Licensing Section, LR 44:

Marketa Garner Walters
Secretary

1810#006

DECLARATION OF EMERGENCY

Board of Regents
Office of Student Financial Assistance

Scholarship/Grant Programs—Chafee Educational and Training Voucher Program (LAC 28:IV.1805 and 1813)

The Louisiana Board of Regents is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:950 et seq.)] to amend and re-promulgate the rules of the Scholarship/Grant programs (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1.1-3042.8, R.S. 17:5001 et seq., and R.S. 56:797.D(2)).

This rulemaking implements the Family First Prevention Services Act of 2018 as it relates to the eligibility of students to participate in and receive funding under the federal Chafee Educational and Training Voucher Program.

This Emergency Rule is necessary to implement changes to the Scholarship/Grant programs to allow the Louisiana Office of Student Financial Assistance to administer the payments to postsecondary institutions for this program on behalf of the Louisiana Department of Children and Family Services. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students who are or have aged out of the foster care program. The Board of Regents has determined that this Emergency Rule is necessary in order to prevent imminent financial peril to the welfare of the affected students.

This Declaration of Emergency is effective September 26, 2018, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (SG19184E)

Title 28
EDUCATION
Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs
Chapter 18. Chafee Educational and Training Voucher Program

§1805. Eligibility

A. To establish eligibility through the 2017-2018 academic year, a student must:

1. be ages 16 to 21, except that a student who was participating in the Chafee ETV Program at age 21 may continue to receive ETVs until he attains the age of 23; and

2. be in the foster care system, or aged out of the foster care system, or was under legal guardianship, or was in the foster care system or under legal guardianship and was adopted after age 16; and

3. be enrolled in postsecondary education; and

4. annually complete the free application for federal student aid.

B. To establish eligibility beginning in the 2018-2019 academic year, a student must:

1. be ages 14 to 26;

2. be in the foster care system, aged out of the foster care system, exited the foster care system through legal guardianship or adoption after attaining the age of 16, or was in the foster care system after the age of 14 and exited for reasons other than adoption, guardianship, or aging out; and

3. be enrolled in postsecondary education; and

4. annually complete the free application for federal student aid.

C. To continue to receive Chafee ETV through the 2017-2018 academic year, a student must:

1. not have attained the age of 21, or the age of 23 if the student was receiving a Chafee ETV at the age of 21 and received the Chafee ETV continuously; and

2. be making satisfactory academic progress in his program of study.

D. To continue to receive Chafee ETV beginning in the 2018-2019 academic year, a student must:

1. not have attained the age of 26; and

2. be enrolled in postsecondary education; and

3. not have participated in the program for more than five years, whether or not consecutively; and

4. be making satisfactory academic progress in his program of study.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 36:2548 (November 2010), amended LR 40:52 (January 2014), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:555 (March 2018), LR 44:

§1813. Responsibilities of the Louisiana Department of Children and Family Services (DCFS)

A. Through the 2017-2018 academic year, DCFS shall verify that a student:

1. was in the foster care system, or aged out of the foster care system; or

2. was under legal guardianship; or

3. was in the foster care system or under legal guardianship and was adopted after age 16; or

4. is a Native American whose Indian tribe has an approved plan under Title IV-E of the Social Security Act for foster care, adoption assistance, and kinship guardianship within that Indian tribe.

B. Beginning in the 2018-2019 academic year, DCFS shall verify that a student:

1. be in the foster care system, aged out of the foster care system, exited the foster care system through legal guardianship or adoption after attaining the age of 16, or was in the foster care system after the age of 14 and exited for reasons other than adoption, guardianship, or aging out; or

2. is a Native American whose Indian tribe has an approved plan under Title IV-E of the Social Security Act for

foster care, adoption assistance, and kinship guardianship within that Indian tribe.

C. DCFS will notify LOSFA of any students who are eligible to receive a Chafee ETV and for whom LOSFA did not previously request verification in accordance with §1817.A, including those students who may be attending school in a state other than Louisiana.

D. In the event of receipt of notice of a shortfall and additional funds are not allocated for payment of all anticipated awards for subsequent semesters, terms and sessions during the academic year, DCFS shall develop, approve and deliver a plan to LOSFA to address the shortfall.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 36:2549 (November 2010), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:556 (March 2018), LR 44:

Robyn Rhea Lively
Senior Attorney

1810#005

DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing
and
Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers
New Opportunities Waiver
Complex Care Services
(LAC 50:XXI.Chapter 137 and 13933 and 14301)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.Chapter 137 and §13933 and §14301 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, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing the New Opportunities Waiver (NOW) in order to provide additional reimbursement for services rendered to participants with complex medical and behavioral needs, and to align the minimum age requirement for participation with the waiver amendment approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

This action is being taken to prevent imminent peril to the public health, safety or welfare of New Opportunities Waiver participants with complex medical and/or behavioral health support needs. The provisions of this Rule are critical in promoting the health and well-being of individuals who currently have a very difficult time locating a provider who can render them quality and appropriate services in the community. This Emergency Rule will also help to reduce the long-range health care cost associated with these individuals not receiving the proper treatment in the more cost-effective, community setting. It is estimated that implementation of this Emergency Rule will increase NOW expenditures by approximately $353,030 for state fiscal year 2018-2019.

Effective October 20, 2018, the Department of Health, Bureau of Health Services Financing amends the provisions governing the New Opportunities Waiver to add complex care to the home and community-based services covered under the NOW and to align the minimum age requirement for participation with the CMS-approved waiver amendment.

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. - D. ...

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;
3. complex care service; and
   a. - e. Repealed.
4. skilled nursing services. Skilled nursing services may be provided with:
   a. substitute family care;
   b. supported independent living;
   c. day habilitation;
   d. supported employment (all three modules); and/or
   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 44:50 (January 2018), LR 45:

§13703. Participant Qualifications and Admissions Criteria

A. In order to qualify for the New Opportunities Waiver (NOW), an individual must be three years of age or older and meet all of the following criteria:

1. - 8. ...

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 Community Supports and Services, LR 30:1201 (June 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:96 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for

Citizens with Developmental Disabilities, LR 43:2528 (December 2017), LR 45:

§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. - 6. ...

7. the individual fails to cooperate in the eligibility determination/re-determination process and in the development or implementation of the approved POC;

8. continuity of services is interrupted as a result of the individual not receiving a NOW service during a period of 30 or more consecutive days. This does not include interruptions in NOW services because of hospitalization, institutionalization (such as ICFs-DD or nursing facilities), or non-routine lapses in services where the family agrees to provide all needed or paid natural supports. There must be documentation from the treating physician that this interruption will not exceed 90 days. During this 90-day period, the Office for Citizens with Developmental Disabilities (OCDD) will not authorize payment for NOW services; and/or

9. there is no justification, based on a uniform needs-based assessment and a person-centered planning discussion, that the NOW is the only OCDD waiver that will meet the participant's needs.

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), LR 45:

Chapter 139. Covered Services

§13933. Complex Care

A. The complex care service provides additional support to individuals currently receiving qualified waiver services who have complex medical and/or behavioral needs, and are at a higher risk of institutionalization.

1. The integration of the complex care waiver service provides supports that focus on the prevention of deteriorating or worsening medical or behavioral conditions.

2. The complex care service will be re-evaluated to determine ongoing need.

B. Determination Process

1. Medical

a. Non-complex medical tasks must be delegated by a registered nurse to a non-licensed direct service worker (DSW) according to the provisions of LAC 48:I.Chapter 92, Subchapter D, Medication Administration and Noncomplex Tasks in Home and Community-Based Settings.

b. Individuals must require at least two of the following non-complex nursing tasks:

i. suctioning of a clean, well-healed, uncomplicated mature tracheostomy in an individual who has no cardiopulmonary problems and is able to cooperate with the person performing the suctioning (excludes deep suctioning);

ii. care of a mature tracheostomy site;

iii. removing/cleaning/replacing inner tracheostomy cannula for mature tracheostomy;

iv. providing routine nutrition, hydration or medication through an established gastrostomy or jejunostomy tube (excludes naso-gastrostomy tube);

v. clean intermittent urinary catheterization;

vi. obtaining a urinary specimen from a port of an indwelling urinary catheter; or

vii. changing a colostomy appliance;

viii. ensuring proper placement of nasal cannula (excludes initiation/changing of flow rate;

ix. capillary blood glucose testing;

x. simple wound care (including non-sterile/clean dressing removal/application);

xi. Other delegable non-complex tasks as approved by OCDD; and

b. documented evidence that home health/skilled nursing agencies cannot provide the service via other available options, such as the Medicaid State Plan.

2. Behavioral

a. The individual meets two of the following items:

i. specific behavioral programming/procedures are required, or the individual receives behavioral health treatment/therapy and needs staff assistance on a daily basis to complete therapeutic homework or use skills/coping mechanisms being addressed in therapy;

ii. staff must sometimes intervene physically with the individual beyond a simple touch prompt or redirect, or the individual's environment must be carefully structured based on professionally driven guidance/assessment to avoid behavior problems or minimize symptoms; or

iii. a supervised period of time away is needed at least once per week. This may manifest by the presence of severe behavioral health symptoms on a weekly basis that restricts the individual's ability to work, go to school and/or participate in his/her community; and

b. The individual requires one of the following due to the items listed in a-a.iii above:

i. higher credentialed staff (college degree, specialized licensing, such as registered behavior technician [RBT], applied behavior analysis [ABA], etc.), advanced behavioral training for working with individuals with severe behavioral health symptoms or significant experience working with this population; or

ii. the need for higher qualified supervision of the direct support of staff (master's degree, additional certification, such as board certified behavior analyst [BCBA], etc.) and the expertise is not available through other professionals/services.

C. Complex care is not a billable service for waiver participants who do not receive individual and family support services.

D. Complex care service must be approved for waiver participants receiving IFS hours in addition to 12 or more hours of skilled nursing per day.

E. Complex care service providers must be licensed home and community-based services (HCBS) providers with a personal care attendant module.

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 45:

Chapter 143. Reimbursement

§14301. Unit of Reimbursement

A. - B.3. ...

C. The following services are paid through a per diem:

1. - 2. ...

3. supported employment-follow along;

4. adult companion care; and

5. complex care.

D. - 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 30:1209 (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), LR 45:

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

1810#063

DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing

Intermediate Care Facilities for Individuals with Intellectual Disabilities—Public Facilities
Transitional Rate Extension
(LAC 50:VII.32915 and 32969)

The Department of Health, Bureau of Health Services Financing amends LAC 50:VII.32915 and §32969 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for public intermediate care facilities for persons with intellectual disabilities (ICFs/IID) in order to extend the period of transitional rates for large facilities that provide continuous nursing coverage to medically fragile populations for an additional year (*Louisiana Register*, Volume 44, Number 1). The department has now determined that it is necessary to extend the period of transitional rates for two additional years. This Emergency Rule also amends the provisions governing ICFs/IID to align the Rule language with the language currently used in the Medicaid State Plan amendment approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

This action is being taken to protect the public health and welfare of Medicaid recipients transitioning from public ICFs/IID by ensuring continued provider participation in the Medicaid Program. It is estimated that implementation of this Emergency Rule will have net programmatic savings of $28,924 for state fiscal year 2018-2019.

Effective October 11, 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 Individuals with Intellectual Disabilities

Chapter 329. Reimbursement Methodology

Subchapter A. Non-State Facilities

§32915. Complex Care Reimbursements

A. Private (non-state) intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) may receive an add-on payment to the per diem rate for providing complex care to Medicaid recipients who require such services. The add-on rate adjustment shall be a flat fee amount and may consist of payment for any one of the following components:

1. - 7. ...

B. Private (non-state) owned ICFs/IID may qualify for an add-on rate for recipients meeting documented major medical or behavioral complex care criteria. This must be documented on the complex support need screening tool provided by the department. All medical documentation indicated by the screening tool form and any additional documentation requested by the department must be provided to qualify for the add-on payment.

C. - I.3.e. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:276 (February 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1447 (August 2018), LR 44:

Subchapter C. Public Facilities

§32969. Transitional Rates for Public Facilities

A. - B. ...

1. The department may extend the period of transition up to September 30, 2020, if deemed necessary, for an active CEA facility that is:

B.1.a. - 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, 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), LR 44:772 (April 2018), 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

1810#012

DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing

Nursing Facilities
Reimbursement Methodology
Transition of Private Facilities to State-Owned or Operated Facilities through Change of Ownership
(LAC 50:II.20023 and 20024)

The Department of Health, Bureau of Health Services Financing amends LAC 50:II.20023 and adopts LAC 50:II.20024 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.

In compliance with the directives of Act 933 of the 2010 Regular Session of the Louisiana Legislature, the Department of Health, Bureau of Health Services Financing currently provides reimbursement for the transition of a state-owned or operated nursing facility to a private nursing facility.

As a result of a budgetary shortfall in state fiscal year 2018-2019, the department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for nursing facilities in order to adopt provisions governing the transition of a private nursing facility to a state-owned or operated nursing facility through a change of ownership (*Louisiana Register,* Volume 44, Number 7). This Emergency Rule is being promulgated in order to continue the provisions of the July 5, 2018 Emergency Rule. This action is being taken to avoid a budget deficit in the Medical Assistance Program.

Effective November 3, 2018, the Department of Health, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for nursing facilities.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part II. Nursing Facilities
Subpart 5. Reimbursement
Chapter 200. Reimbursement Methodology
§20023. Transition of State-Owned or Operated Nursing Facility to a Private Facility

A. – D.7. ...

E. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:903 (March 2011), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

§20024. Transition of Private Nursing Facility to a State-Owned or Operated Nursing Facility through a Change of Ownership

A. Any private nursing facility that undergoes a change of ownership (CHOW) to a state-owned or operated nursing facility will be exempt from the prospective reimbursement system for public nursing facilities during the transitional period.

1. The transitional period will be effective from the date of the CHOW until the July 1 rate setting period following when the state-owned or operated nursing facility has an audited or reviewed 12 month or greater cost reporting period available for use in rate setting.

2. After the transitional period, the nursing facility will be reimbursed pursuant to the requirements of the prospective reimbursement system for public nursing facilities.

B. Effective for dates of service on or after July 5, 2018, the reimbursement amount paid to a public nursing facility during the transitional period shall be as follows:

1. Public nursing facilities transitioning from private ownership shall receive a monthly interim payment based on occupancy, which shall be a per diem rate of $365.68.

2. For each cost reporting period ending during the transitional period a cost settlement process shall be performed. The cost settlement process shall ensure that Medicaid reimbursement for each public nursing facility transitioning from private ownership is equal to 100 percent of the nursing facility's Medicaid allowable cost for the applicable cost reporting period.

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:

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

1810#065

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections
Office of State Police

First Responders—Best Practices for Administration of Naloxone or Another Opioid Antagonist
(LAC 55:XXV.Chapter 1)

The Department of Public Safety and Corrections, Public Safety Services, Office of State Police, has exercised the emergency provision in accordance with R.S. 49:953(B)(1) et seq., of the Administrative Procedure Act, to promulgate a new rule as authorized by R.S. 40:978.1, setting forth a set of best practices for use by a fire department or law enforcement agency, for training necessary to safely and properly administer opioid antagonists to individuals who are undergoing or who are believed to be undergoing an opioid-related drug overdose, the standards and procedures for the storage and administration of opioid antagonists, and emergency follow-up procedures.

The abuse and addiction to opioids is a global epidemic that is estimated to affect between 26.4 and 36 million people worldwide. Of those addicted in the United States, 2.1 million people are addicted to prescription drugs, and some 517,000 people are addicted to heroin according to estimates from the federal Centers for Disease Control and Prevention (CDC). Opioid-related drug use deaths in the United States and Louisiana have been increasing, and opioid overdose is one of the leading causes of accidental deaths in Louisiana. Fatal and nonfatal overdose can result from the abuse of opiates such as morphine, heroin, fentanyl, oxycodone, and hydrocodone.

Opioid antagonists are prescription drugs that displace the opioid from receptors in the brain and can rapidly reverse the life threatening symptoms of an opioid overdose. One common opioid antagonist is naloxone. Opioid antagonists can be administered through intranasal spray and by injection into the muscle, under the skin, or intravenous. Although these opioid antagonists are scheduled drugs, they have no euphoric properties and minimal side effects. If administered to a person who is not suffering an opioid overdose, it rarely produces any clinical effects.

R.S. 40:978.1 authorizes first responders to receive a prescription for naloxone or another opioid antagonist, maintain the naloxone or other opioid antagonist in his possession, and administer the naloxone or other opioid antagonist to individuals who are undergoing or who are believed to be undergoing an opioid-related drug overdose

R.S. 14:403.11 authorizes first responders to administer, without prescription, opioid antagonists, when encountering an individual exhibiting signs of an opioid overdose.

Both laws require first responders to complete training, at a minimum, on how to recognize symptoms of an opioid-related overdose; standards and procedures for the storage and administration opioid antagonists; and emergency follow-up procedures.

The Deputy Secretary of the Department of Public Safety and Corrections, Public Safety Services, has determined this emergency rule is necessary to prevent imminent peril to the public health, safety and welfare. Pursuant to R.S. 49:952(B)(2), this emergency rule becomes effective on October 9, 2018 and shall remain in effect for the maximum time period allowed under the Administrative Procedure Act or until adoption of the final Rule, whichever occurs first.

Title 55
PUBLIC SAFETY
Part XXV. First Responder Best Practices for Administration of Opioid Antagonists
Chapter 1. Administration of Opioid Antagonists
§101. Purpose and applicability

A. Opioid-related overdose is one of the leading causes of accidental deaths in Louisiana. Fatal and nonfatal overdose can result from the abuse of opiates such as morphine, heroin, fentanyl, oxycodone as found in OxyContin®, Percocet®, Percodan®, and hydrocodone as found in Vicodin®. Opioid antagonists, such as naloxone, displace the opioid from receptors in the brain and can therefore reverse an opiate overdose. It is a scheduled drug, but it has no euphoric properties and minimal side effects. If it is administered to a person who is not suffering an opioid-related overdose, it rarely produces any clinical effects. Naloxone has been available as an injectable since the 1960s, but was recently developed as a nasal spray. R.S. 40:978.1 and R.S. 14:403.11 provide for first responders to receive and administer opioid antagonists, provide for immunity from liability, and require the promulgation of a set of best practices by the Deputy Secretary of Public Safety Services of the Department of Public Safety and Corrections for use by a fire department or law enforcement agency in the administration and enforcement of those statutes. In accordance with those statutes, these guidelines establish a set of best practices for fire departments or law enforcement agencies relating to training to safely administer opioid antagonists, standards and procedures for storage of opioid antagonists, and emergency follow-up procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:978.1(F) and R.S. 14:403.11.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 44:

§103. Definitions

A. As used in this Part, the following words shall mean:

First Responder—any of the following:

a. a peace officer as defined in R.S. 40:2402

b. a firefighter regularly employed by a fire department of any municipality, parish, or fire protection district of the state of Louisiana, or any volunteer fireman of the state of Louisiana.

Opioids—includes heroin, fentanyl, morphine, buprenorphine, codeine, hydromorphone, hydrocodone, oxymorphone, methadone, oxycodone. Opioids do not include cocaine, benzodiazepines such as Xanax®, amphetamines, or alcohol.

Opioid Antagonists – agents such as naloxone that have high affinity to bind to opiate receptors but do not activate these receptors. This effectively blocks the receptor, preventing the body from responding to opioids and endorphins. These drugs block the effects of externally administered opioids.

Opioid-Related Drug Overdose—a condition including extreme physical illness, decreased level of consciousness, respiratory depression, coma, or the ceasing of respiratory or circulatory function resulting from the consumption or use of an opioid, or another substance with which an opioid was combined.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:978.1(F) and R.S. 14:403.11.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 44:

§105. Training Requirements

A. First responders who will possess and administer naloxone or other opioid antagonists shall be trained on, at a minimum, the following:

1. standards and procedures for storage and administration of naloxone or other opioid antagonists in accordance with the guidelines of the manufacturer of the product or device. Because opioid antagonists can be administered through a nasal atomizer or through injection, the standards and procedures established by the manufacturer of the specific product or device to be used by the first responder shall be covered in the training;

2. patient assessment in order to recognize the signs/symptoms of an opioid-related overdose, which often includes:

a. face is extremely pale and/or clammy to the touch;

b. body is limp;

c. fingernails or lips have a blue or purple cast;

d. the patient is vomiting or making gurgling sounds;

e. the patient cannot be awakened or is unable to speak;

f. breathing is very slow or stopped;

g. heartbeat is very slow or stopped.;

3. contraindications of an opioid-related overdose;

4. emergency follow-up procedures, which may include:

a. calling 911 if not done prior to the first responder's arrival on scene or the administration of naloxone or other opioid antagonist.

b. administering a second dose of naloxone or other opioid antagonist if the patient does not respond.

c. performing rescue breathing or CPR if certified or instructions are provided by a 911 operator or dispatcher.

d. recognizing typical responses to treatment with naloxone or other opioid antagonists;

5. documenting the administration of naloxone or other opioid antagonists and retaining such documentation in accordance with law and agency policy;

6. safely disposing of used administration devices and replacement of administration devices.

B. It is recommended that training for first responders also include laws relating to possession and administration of naloxone or other opioid antagonists by third parties, and immunity for reporting of drug overdoses.

C. Training resources are available through the Substance Abuse and Mental Health Services Administration (SAMHSA), which has developed an opioid overdose toolkit available online through its website: www.samhsa.gov. Furthermore, the Bureau of Justice Assistance (BJA) has developed a law enforcement naloxone toolkit which is available online through its website: www.bja.gov. Furthermore, as provided by R.S. 40:978.1, a law enforcement agency or fire department may enter into a written agreement to affiliate with an ambulance service provider or a physician for the purposes of obtaining a supply of naloxone or other opioid antagonist or and/or to obtain training necessary to safely and properly administer naloxone or other opioid antagonists to individuals who are believed to be undergoing an opioid-related drug overdose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:978.1(F) and R.S. 14:403.11.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 44:

§107. Documentation and Tracking

A. In order to help determine the effectiveness of reducing opioid overdoses, records shall be kept of each instance in which a first responder administers naloxone or other opioid antagonist to an individual who is undergoing or believed to be undergoing an opioid-related drug overdose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:978.1(F).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 44:

§109. Immunity

A. R.S. 40:978.1(E) provides that a first responder who, reasonably believing another person to be undergoing an opioid-related drug overdose, administers naloxone or another opioid antagonist to that person, shall be immune from civil liability, criminal prosecution, or disciplinary or other adverse action under any professional licensing statute for any outcomes resulting from the administration of the naloxone or another opioid antagonist to that person, unless personal injury results from the gross negligence or willful or wanton misconduct of the first responder administering the drug.

B. R.S. 14:403.11(C)(2) provides that any first responder administering an opiate antagonist in a manner consistent with addressing opiate overdose shall not be liable for any civil damages as a result of any act or omission in rendering such care of services as a result of any act or failure to act to provide or arrange for further medical treatment or care for the person involved in said emergency, unless the damage or injury was caused by willful or wanton misconduct or gross negligence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:978.1(F) and R.S. 14:403.11.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 44:

Lt. Col. Jason Starnes
Chief Administrative Officer

1810#028

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2018-2019 King Mackerel Commercial 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 in LAC 76:VII.327.E.6 to close the 2018-2019 commercial king mackerel season in Louisiana state waters when he is informed by NOAA Fisheries that the designated portion of the commercial king mackerel quota for the Gulf of Mexico has been filled, or was projected to be filled, the secretary hereby declares:

Effective 12:00 noon, October 5, 2018, the commercial fishery for king mackerel in Louisiana waters will close and remain closed through June 30, 2019. Nothing herein shall preclude the legal harvest of king mackerel by legally licensed recreational fishermen. Effective with this closure, no person shall commercially harvest, possess, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell king mackerel within or without Louisiana waters. Effective with this closure, no person shall possess king mackerel in excess of a daily bag limit within or without Louisiana waters. The prohibition on sale/purchase of king mackerel during the closure does not apply to king mackerel that were legally harvested, landed ashore, and sold prior to the effective date of the closure and were held in cold storage by a dealer or processor provided appropriate records in accordance with R.S. 56:306.5 and 56:306.6 are properly maintained.

The secretary has been notified by NOAA Fisheries that the commercial king mackerel season in federal waters of the Gulf of Mexico will close at noon on October 5, 2018 and will remain closed through June 30, 2019. Compatible season regulations in State waters are preferable to provide effective rules and efficient enforcement for the fishery.

Jack Montoucet
Secretary

1810#015

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Addition of Louisiana Lands East of the Mississippi River in East Carroll, Madison and Tensas Parishes included in the Cervid Carcass Importation Ban

In accordance with the emergency provisions of R.S. 49:953 and under the authority of R.S. 56:115 and 116, the Wildlife and Fisheries Commission hereby adopts the following emergency rule:

On January 25, 2018, a Chronic Wasting Disease (CWD) positive buck was discovered in Issaquena County, Mississippi. The CWD positive buck was located only a few miles from the Louisiana border on the east side of the Mississippi River.

Therefore, the addition of Louisiana lands east of the Mississippi River being included in the Carcass Importation Ban is another measure to reduce the risk of introducing CWD into Louisiana by reducing movement of possible infected deer carcasses or material.

This Declaration of Emergency shall become effective October 4, 2018, and remain in effect for the maximum period allowed under the Administrative Procedure Act. The Secretary of the Department of Wildlife and Fisheries is authorized to take any necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency and extend if necessary.

Title 76
WILDLIFE AND FISHERIES
Part V. Wild Quadrupeds and Wild Birds
Chapter 1. Wild Quadrupeds
§119. Cervid Carcass Importation

A. Definitions

Cervid—any animal of the family *Cervidae* including but not limited to white-tailed deer, mule deer, elk, moose, caribou, fallow deer, axis deer, sika deer, red deer, and reindeer.

B. No person shall import, transport or possess any cervid carcass or part of a cervid carcass originating outside of Louisiana including Louisiana lands east of the Mississippi River in East Carroll, Madison, and Tensas parishes, except: for meat that is cut and wrapped; meat that has been boned out; quarters or other portions of meat with no part of the spinal column or head attached, antlers, clean skull plates with antlers, cleaned skulls without tissue attached, capes, tanned hides, finished taxidermy mounts and cleaned cervid teeth. Any and all bones shall be disposed of in a manner where its final destination is at an approved landfill or equivalent. Said rule shall be effective March 1, 2017.

C. Approved parts or deboned meat transported from other states must be legally possessed from the state it was taken. Approved parts and deboned meat from other states must contain a possession tag with the hunter's name, out-of-state license number (if required), address, species, date and location (county and state) of harvest. All cervids transported into or through this state in violation of the provisions of this ban shall be seized and disposed of in accordance with Wildlife and Fisheries Commission and Department of Wildlife and Fisheries rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:1, R.S. 56:5, R.S. 56:6(10), (13) and (15), R.S. 56:20, R.S. 56:112, R.S. 56:116.1 and R.S. 56:171 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 43:344 (February 2017), amended LR 44:

Robert J. Samanie, III
Chairman

1810#015

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Closure of the 2018 Commercial Gray Triggerfish Season

Louisiana's commercial gray triggerfish season was previously open from January 1, 2018 through April 30, 2018 and closed from June 1 through July 31, 2018 for a seasonal closure. The season then re-opened on August 1, 2018. The regional administrator of NOAA Fisheries has informed the secretary that the commercial season for gray triggerfish in the federal waters of the Gulf of Mexico closed on October 7, 2018. Data indicate that the 2018 commercial annual catch target of 60,900 pounds has been met and a closure is necessary to prevent overfishing.

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 emergency 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 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:

The season for the commercial harvest of gray triggerfish in Louisiana state waters shall close at 11:59 p.m. on Wednesday, October 10, 2018 and remain closed through December 31, 2018.

Effective with this closure, no person shall commercially harvest, possess, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell gray triggerfish within or without Louisiana waters. The prohibition on sale/purchase of commercially harvested gray triggerfish during the closure does not apply to gray triggerfish that were legally harvested, landed ashore, and sold prior to the effective date of the closure and were held in cold storage by a dealer or processor provided appropriate records in accordance with R.S. 56:306.5 and 56:306.6 are properly maintained.

Jack Montoucet
Secretary

1810#032

Rules

RULE

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Agricultural Chemistry and Seed Commission

Seed Regulations (LAC 7:XIII. 101, 109, 131, 133, 141, 301, 519, 709, 723, 749, 755, and 761)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry and the Agricultural Chemistry and Seed Commission amended the following regulations related to seeds: LAC 7:XIII.101, 109, 131, 133, 141, 301, 519, 709, 723, 749, 755, and 761. This Rule is hereby adopted on the day of promulgation.

This Rule change to LAC 7:XIII.101 et seq. deleted the reference to old Section numbers. This Rule change to LAC 7:XIII.101 corrects the reference to the Louisiana Seed Law; added a definition of hermetically sealed containers; amended the definition of prohibited noxious weed seed; and deleted the definition of seed gathered in elevators. This Rule change to LAC 7:XIII.109 corrected the spelling of certain species names; placed yellow nutsedge in alphabetical order; added Palmer amaranth pigweed as prohibited noxious weed; replaced the red rice species "sativa" with "spp."; added bracted plantain as a noxious weed and gave allowances; reduced the total number of noxious weed seed allowed in seed lots from 500 to 300 per pound; and reformatted table. This Rule change to LAC 7:XIII.131 included a grammatical change to remove the word "it"; deleted Subsection J and recreated it with a heading; added wording to regulate the test date requirement for small packages of vegetable seed that are labeled with "packed for year"; created a new heading for Subsection K; replaces the word "true" with "new" throughout the section; added "germination percentage" requirement when relabeling; adds option to relabel with "stickers" and "supplemental labels"; added "test" to the "germination date" statement throughout section; removed the prohibition that an original label cannot be altered; added requirement in reference to the location of supplemental labeling on seed containers; and reformatted section. This Rule change to LAC 7:XIII.133 deleted portions of the tag analysis requirements that are no longer applicable; added "Louisiana" to the Seed Law reference; and added wording to reference the example seed label. This Rule change to LAC 7:XIII.141 deleted outdated USDA reference and added new correct reference. This Rule change to LAC 7:XIII.301 added "supplemental labels" to the prohibition. This Rule change to LAC 7:XIII.519 added wording to allow "substandard germination" labeling of carryover certified seed; and reformatted section. This Rule change to LAC 7:XIII.709 changed the word "nutgrass" to "yellow and purple nutsedge". This Rule change to LAC 7:XIII.723 removed the asterisk; removed the wording in subscript denoted by the asterisk; replaced and reformatted the wording previously denoted by the asterisk; changed "nutgrass" to "nutsedge"; and relabeled headings. This Rule change to LAC 7:XIII.749 changed the name of "curly indigo" to "indian jointvetch". This Rule change to LAC 7:XIII.755 deleted the duplicate table in its entirety. This Rule change to LAC 7:XIII.761 deleted the scientific names of noxious weeds.

Title 7
AGRICULTURE AND ANIMALS
Part XIII. Seeds

Chapter 1. General Provisions
Subchapter A. Definitions; Administrative Matters
§101. Definitions

A. The definitions in R.S. 3:1431 and the following definitions are applicable to this Part.

* * *

Hermetically Sealed Container—seed containers that meet the requirements of Part 201; §201.36c of the USDA Federal Seed Act Regulations. See 7 CFR 201.36c.

* * *

Prohibited Noxious Weed Seed—the seeds of weeds that not only reproduce by seed, but also spread underground roots or stems, and which, when established, are highly destructive and difficult to control in the state by ordinary good cultural practices. These seeds are prohibited from being present in agricultural, vegetable, flower, tree, or shrub seed, or from being sold as a labeled seed kind.

* * *

B. The terms defined in R.S. 3:1431 and in this Section have the meaning herein given to them, except where a rule or regulation or the context expressly indicates otherwise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1431 and R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 4:104 (April 1978), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), LR 36:1220 (June 2010), LR 37:270 (January 2011), LR 39:1757 (July 2013), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2702 (October 2013), amended LR 40:744 (April 2014), amended LR 44:1851 (October 2018).

§109. List of Noxious Weeds and Limitations on Noxious Weed Seed

A. The weeds listed in the following table are designated as noxious weeds. The seed of any noxious weed is permitted to be in seed sold, distributed, or offered or handled for sale only as provided in the limitation column of the table, except as otherwise provided in Subsection B. There is no tolerance applied to noxious weeds listed as prohibited.

* * *

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1431 and R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 4:105 (April 1978), amended LR 5:96 (May 1979), LR 7:285 (June 1981), LR 8:563 (November 1982), LR 9:197, 206 (April 1983), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental

Sciences, Seed Commission, LR 12:825 (December 1986), LR 14:605 (September 1988), LR 23:1282 (October 1997), amended by the Department of Agriculture and Forestry, Office of the Commissioner, Seed Commission, LR 30:199 (February 2004), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2704 (October 2013), amended LR 40:744 (April 2014), LR 43:1895 (October 2017), LR 44:1851 (October 2018).

Subchapter C. Labels; Records; Samples; Tolerances; Standards; Noxious Weed Seed

§131. Analysis Test; Labeling of Seed

A. - I. …

J. Germination Test Date Period

1. No seed shall be sold or offered for sale more than nine months, exclusive of the month of testing, after the date on any germination label applicable to the seed or seed lot.

2. For all vegetable seed packaged in hermetically sealed containers, this period shall be extended to 24 months, exclusive of the month of testing.

3. For all vegetable seed containers of one pound or less that are labeled with "packed for year", the period shall not exceed the calendar year stated on the package for which the seed was packed for sale. Seed packages labeled in this manner shall not be sold or offered for sale prior to the year for which they were packaged.

K. Relabeling of Seed Lots with Expired Test Dates

1. The owner or distributor of the seed shall be responsible for relabeling the seed after expiration of the germination test date period to state the new germination percentage, if applicable and germination test date after the seed has been retested.

2. A new tag, label, relabeling sticker, or supplemental label shall be used to state the new germination test date.

3. If relabeling stickers or supplemental labels are used to update the germination information, the month and year of the new germination test date must be stated, as well as the lot number that matches the existing original lot number.

4. Supplemental labels shall be attached to, or in the immediate vicinity of the original label.

5. If the seed lot fails to meet label guarantees, the new germination percentage shall also be stated on the new tag, label, relabeling sticker, or supplemental label.

L. Each package of coated seed shall have the following additional information on the front of the package which shall be set forth in a clear and conspicuous manner so that the ultimate purchaser is able to read the information easily and without strain:

1. the words "coated seed;"

2. a statement giving the maximum amount of coating material contained within the package;

3. a statement referring purchaser to the product label for additional information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433 and 3:1436.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 4:105 (April 1978), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), LR 16:492 (June 1990), LR 37:270 (January 2011), LR 37:2979 (October 2011), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2705 (October 2013), amended LR 40:746 (April 2014), LR 43:1897 (October 2017), LR 44:1852 (October 2018).

§133. Tag Requirements

A. The analysis tag shall carry the information required by the Louisiana Seed Law, R.S. 3:1431 et seq. using the example below as a labeling guideline.

Kind and Variety
Origin_____Net Wt. _____Lot No. _____
Pure Seed _____Percent Germination_____Percent
Inert Matter _____Percent Hard Seed _____Percent
Crop Seed ____Percent Total Germ and Hard Seed ____Percent
Weed Seed _____ Percent Date of Test _____
Name and No. of Noxious Weed Seed per lb. _____
_____
Name _____
Address _____

B. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1436 and R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 4:105 (April 1978), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2706 (October 2013), amended LR 40:746 (April 2014), LR 44:1852 (October 2018).

§141. Germination Standards for Vegetable Seed

A. Germination standards for vegetable seed shall be the same as those published under USDA Agricultural Marketing Service Federal Seed Act Regulations Part 201. Minimum germination, which shall also include hard seed, of vegetable or garden seed shall be as follows.

Seed Kind	Percent
Artichoke	60
Asparagus	70
Asparagus bean	75
Bean, garden	70
Bean, lima	70
Bean, runner	75
Beet	65
Broadbean	75
Broccoli	75
Brussels sprouts	70
Burdock, great	60
Cabbage	75
Cabbage, tronchuda	70
Cardoon	60
Carrot	55
Cauliflower	75
Celeriac	55
Celery	55
Chard, Swiss	65
Chicory	65
Chinese cabbage	75
Chives	50
Citron	65
Collards	80
Corn, sweet	75
Cornsalad	70
Cowpea	75
Cress, garden	75
Cress, upland	60
Cress, water	40
Cucumber	80
Dandelion	60

Seed Kind	Percent
Dill	60
Eggplant	60
Endive	70
Kale	75
Kale, Chinese	75
Kale, Siberian	75
Kohlrabi	75
Leek	60
Lettuce	80
Melon	75
Mustard, India	75
Mustard, spinach	75
Okra	50
Onion	70
Onion, Welsh	70
Pak-choi	75
Parsley	60
Parsnip	60
Pea	80
Pepper	55
Pumpkin	75
Radish	75
Rhubarb	60
Rutabaga	75
Sage	60
Salsify	75
Savory, summer	55
Sorrel	65
Soybean	75
Spinach	60
Spinach, New Zealand	40
Squash	75
Tomato	75
Tomato, husk	50
Turnip	80
Watermelon	70

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 4:104 (April 1978), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2707 (October 2013), LR 43:1897 (October 2017), LR 44:1852 (October 2018).

Chapter 3. Enforcement of Law and Regulations

§301. Acts which Constitute Violations

A. - A.12. …

13. using relabeling stickers or supplemental labels without having both the calendar month and year that the germination test was completed, and the lot number that exactly matches the original lot number;

14. - 15. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1444 and R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:567 (November 1982), amended LR 9:197 (April 1983), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2708 (October 2013), amended LR 40:747 (April 2014), LR 44:1853 (October 2018).

Chapter 5. General Seed Certification Requirements

§519. Processing of Certified Seed

A. - B.4.k. …

5. Certified seed lots carried over from a previous crop year that fail to meet the minimum required germination percentage for the specific commodity shall have a new certified label affixed to the container. The label shall state the new germination percentage, month and year of test, the wording "Substandard Germination" and all other required label information. These seed lots shall meet the standards set forth in §143. Standards for Agricultural Seed.

6. Labels will be issued only for seed proven by laboratory analysis to meet required germination and purity standards.

7. The number of labels issued will be determined by the inspector's estimate of the quantity of seed at the time of sampling. All unused labels must be returned to LDAF.

8. Prelabeling

a. In order to permit owners or certifiers of seed to bag and label seed in advance of final laboratory reports, certification labels may be issued in advance. Such labels can be pre-issued upon receipt of completed field inspection reports showing that field production standards have been met. The state may grant a waiver on the movement of seed if an acceptable preliminary test is made on the seed lot. If prelabeled lots fail laboratory analysis standards, all labels shall be destroyed or returned to the LDAF. Failure to comply with this regulation will result in suspension of future prelabeling privileges.

9. The official certification label may be printed directly on the container with prior approval of LDAF.

10. When separate seed analysis labels containing warranties, treatment information, etc., are attached to containers they shall be positioned so as not to obscure certification labels.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433 and R.S. 3:1434.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:566 (November l982), amended LR 9:196 (April l983), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December l986), LR 20:643 (June 1994), LR 31:35 (January 2005), LR 31:1510 (July 2005), LR 39:1758 (July 2013), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2713 (October 2013), amended LR 40:750 (April 2014), LR 42:211 (February 2016), LR 44:1853 (October 2018).

Chapter 7. Certification of Specific Crops/Varieties

Subchapter A. Grasses and Clovers

§709. Bermuda and Zoysia Grass Seed Certification Standards

A. Field Standards

Factor	Foundation	Registered	Certified
Land Requirement	5 yrs.	1 yr.	1 yr.
Isolation	33 ft.	33 ft.	33 ft.
*Other Varieties (per 1,000 plants)	None	1 plant	3 plants
Noxious Weeds: Johnsongrass, Cheat Yellow Nutsedge and Purple Nutsedge	None	None	None
*Including all other Bermuda and Zoysia grass that can be differentiated from the variety to be certified			

B. Planting Stock Standards

Factor	Foundation	Registered	Certified
Pure Live Sprigs containing roots (minimum by count)	90.00%	90.00%	90.00%
Other Living Plants (maximum by count)	2.00%	2.00%	2.00%
Noxious Weeds: Johnsongrass, Cheat Yellow Nutsedge and Purple Nutsedge	None	None	None

C. Seed Standards

Factor	Breeder	Foundation	Registered	Certified
Pure Seed	None	98.00%	98.00%	98.00%
Inert Matter	None	2.00%	2.00%	2.00%
Other Crops	None	0.01%	0.01%	0.25%
Noxious Weeds	None	None	None	None
Other Weeds	None	0.01%	0.01%	0.05%
Germination	None	85.00%	85.00%	85.00%

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:568 (November 1982), amended LR 9:197 (April 1983), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2716 (October 2013), LR 44:1853 (October 2018).

§723. Turf and Pasture Grass Certification Standards

A. - A.1. …

2. Registered shall be the vegetative increase of Foundation seed.

3. …

B. A grower may increase their acreage of Registered class of seed on their own farm on a limited basis with the approval of LDAF.

C. Land Requirements

1. Sod and Sprigs (pre-planting inspections)

a. A field to be eligible for the production of all certified classes of sod shall be left undisturbed for a minimum of four weeks prior to planting and found to be free of noxious and objectionable weeds.

b. A recommended soil fumigation may be applied by a licensed applicator, followed by an inspection by LDAF a minimum of four weeks after the application, to ensure no emergence of noxious and objectionable weeds prior to planting.

D. Field Inspections. Turf Grasses and Pasture Grasses entered into the certification program shall be inspected at least three times a year: first (April-May); second (August-September); third (December-January) to ensure the quality of the grasses has met or exceeded the minimum standards set forth in these regulations. If a field is found to be deficient in meeting the standards then the producer has the option of spot roguing the undesirable, if LDAF deems possible, and call for a re-inspection of the crop.

E. Field Standards

Factor	Foundation	Registered	Certified
Turf Grasses (Sprigs and Sod)			
Other Varieties	None	None	1 Plant/ 1000 sq. ft.
Other Crops	None	None	1 Plant/ 1000 sq. ft.
Noxious and Objectionable Weeds	None	None	None
Harmful Diseases	None	None	None
Isolation	6 ft.	6 ft.	6 ft.
Pasture Grass (Sprigs)			
Other Varieties	None	1 Plant/ 1000 sq.ft.	3 Plants/ 1000 sq.ft.
Other Crops	None	None	3 Plants/ 1000 sq. ft.
Noxious and Objectionable Weeds	None	None	None
Harmful Diseases	None	None	None
Isolation	30 ft.	30 ft.	30 ft.

1. Other varieties consist of other strains of the species that can be differentiated from the variety or varieties that are being inspected.

2. Noxious and objectionable weeds. Noxious and objectionable weeds are with the inclusions of, but not limited to, the following plants: Virginia button weed (Diodia virginiana); dallisgrass (Paspalum dilatatum); crabgrass (Digitaria spp.); goosegrass (Eleusine indica); bahiagrass (Paspalum notatum); torpedograss (Panicum repens); Nutsedge (Cyperus esculentus, C. rotundus).

3. Harmful Diseases. Harmful diseases are diseases that seriously affect the quality of grasses and are transmitted by planting stock.

4. Isolation. Isolation shall be a barren strip or an approved crop to maintain purity without the risk of contamination.

F. Planting Stock Standards

Factor	Foundation	Registered	Certified
Turf Grass			
Pure Live Plants	90.00%	90.00%	90.00%
Noxious and Objectionable Weeds	None	None	None
Other Varieties	None	0.05%	0.05%
Other Crop	None	None	0.05%
Harmful Diseases	None	None	None
Pasture Grass			
Pure Live Sprigs containing roots (minimum by count)	90.00%	90.00%	90.00%
Other Live Plants (maximum by count)	2.00%	2.00%	2.00%
Noxious Weeds	None	None	None

G. Reporting System

1. Issuing Certificates

a. The grower will be issued numbered certificates of certification and tags by LDAF upon request that must accompany each load of certified grass sold.

b. The grower is responsible for completing the forms and returning the appropriate copies to LDAF within 10 working days of issuance.

2. Tagging System

a. Upon meeting the standards set forth in these regulations the certified crop must have attached to the invoice two tags:

i. one from the seed certification division; and

ii. one from the horticulture division of LDAF.

b. This two-tag system shall distinguish the crop to have met or exceeded the requirements set by both divisions of LDAF.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 9:204 (April 1983), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), LR 16:847 (October 1990), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2721 (October 2013), amended LR 40:755 (April 2014), repromulgated LR 40:992 (May 2014), LR 44:1854 (October 2018).

§749. Rice Seed Certification Standards

A. - A.3. …

B. Field Standards

Factor	Breeder	Foundation	Registered	Certified
Land Requirement				
Conventional Varieties	1 yr.	1 yr.	1 yr.	1 yr.
Hybrid Varieties	5 years	5 years	5 years	5 years
Other Varieties	None	None	10 Plants per Acre	25 Plants per Acre
*Harmful Diseases	None	None	None	None
Noxious Weeds: Red Rice (including Black Hull Rice)	None	None	None	1 Plant per 10 Acres
Spearhead	None	None	None	2 Plants per Acre
Indian Jointvetch	None	None	4 Plants per Acre	4 Plants per Acre
*Diseases seriously affecting quality of seed and transmissible by planting stock.				

C. Seed Standards

Factor	Breeder	Foundation	Registered	Certified
Pure Seed	98.00%	98.00%	98.00%	98.00%
Inert Matter	2.00%	2.00%	2.00%	2.00%
Other Crops, including Other Varieties	None	None	None	2 seed/lb.
Off-Color Grains, if of similar size, quality and maturity	None	5 seed/lb.	10 seed/lb.	20 seed/lb.
Noxious Weeds: Red Rice (including Black Hull Rice)	None	None	None	None**
Spearhead, Indian Jointvetch and Mexican Weed	None	None	None	None
Other Weeds	0.05%	0.05%	0.05%	0.10%
Germination		80.00%	80.00%	80.00%
**Four pounds shall be hulled from each lot to determine red rice content.				

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:576 (November 1982), amended LR 9:201 (April 1983), LR 9:754 (November 1983), LR 10:495 (July 1984), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), LR 13:157 (March 1987), LR 13:233 (April 1987), LR 14:606 (September 1988), LR 14:694 (October 1988), LR 15:613 (August 1989), LR 19:888 (July 1993), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences and Agricultural Chemistry and Seed Commission, LR 39:2724 (October 2013), amended LR 42:212 (February 2016), LR 44:1855 (October 2018).

§755. Sweet Potato Certification Standards (Virus and Non Virus-Tested)

A. - E.3.c. …

d. Specific Field Tolerance Requirements (Vine Inspection)

Maximum Tolerance Allowed						
	G1 Plants		G2 Plants		G3 Plants	
Factor†	Virus-Tested	Certified	Virus-Tested	Certified	Virus-Tested	Certified
Bacterial Stem Rot	None	None	None	5 plants/ acre	None	5 plants/ acre
Fusarium Wilt	None	None	None	5 plants/ acre	None	5 plants/ acre
Sweetpotato Weevil	None	None	None	None	None	None
Exotic/ Hazardous Pests	None	None	None	None	None	None
Off-Types (Mutations)	0.05%	0.05%	0.05%	0.05%	0.10%	10 plants/ acre
Variety Mixture	None	None	None	10 plants/ acre	None	10 plants/ acre

† If other severe factors are observed at time of inspection, rejection of all or a portion of a field may occur.

F. - I.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:579 (November 1982), amended LR 9:202 (April 1983), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), LR 22:1210 (December 1996), LR 36:1220 (June 2010), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2725 (October 2013), amended LR 40:755 (April 2014), LR 44:1855 (October 2018).

§761. Soybean Seed Certification Standards

A. Field Standards

Factor	Breeder	Foundation	Registered	Certified
*Land Requirement	1 yr.	1 yr.	1 yr.	1 yr.
Isolation		10 ft.	10 ft.	10 ft.
Other Varieties	None	None	3 Plants per Acre	10 Plants per Acre
Noxious Weeds: Purple Moonflower	None	None	2 Plants per Acre	5 Plants per Acre
Balloonvine	None	None	None	None
*Land requirement will be waived if the previous crop was grown from certified seed of the same variety, or of a variety having different plant pubescence or hilum color from the variety to be certified.				

B. …

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:585 (November 1982), amended LR 9:203 (April 1983), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), LR 15:613 (August 1989), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2729 (October 2013), LR 44:1855 (October 2018).

Mike Strain, DVM
Commissioner

1810#071

RULE

Department of Children and Family Services
Division of Child Welfare

Payments, Reimbursables, and Expenditures
(LAC 67:V.3501)

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:V, Subpart 5, Foster Care, Chapter 35 Payments, Reimbursables, and Expenditures.

Chapter 35 has been amended to advise a parent or individual that child support payments shall be forwarded to the department upon removal or voluntary placement of a child into foster care in accordance with R.S. 46:236.1.5. This Rule is hereby adopted on the day of promulgation.

Title 67
SOCIAL SERVICES
Part V. Child Welfare
Subpart 5. Foster Care
Chapter 35. Payments, Reimbursables, and Expenditures
§3501. Procedures for Determining the Amount of Contribution Required by Parents Whose Children are in the Care and/or Custody of the State of Louisiana

A. - C ...

D. By removal or voluntary placement into foster care of a child from the parent or another individual, the parent or individual shall be deemed, without the necessity of signing any document, to have made an assignment to the department of his entire right, title, and interest to any support obligation such parent or individual may have in his own behalf or on behalf of any family member for whom the parent is applying for or receiving foster care services which has accrued at the time of the placement of the child in foster care and which accrues during the time the child is in foster care. The assigned support rights shall constitute an obligation owed to the department by the person responsible for providing such support, and said obligation shall be established by an order of a court of competent jurisdiction, and the department may thereafter collect by appropriate process any outstanding debt thus created. Voluntary child support payments made to the parent or individual at the time of the placement of the child in foster care shall be deemed to have been assigned to the department, unless such is contrary to a valid court order. The department may thereafter collect such support payments by appropriate services. The parents or individual shall also be deemed, without the necessity of signing any document, to have consented to the designation of the department as payee in an initial or amended order of support and to have appointed the child support enforcement administrator as his or her true and lawful attorney-in-fact to act in his or her name, place, and stead to perform the specific act of endorsing any and all drafts, checks, money orders, or other negotiable instruments representing support payments which are received on behalf of such individual or his parent. The department shall be an indispensable party to any proceeding involving a support obligation or arrearages owed under this Subpart. The provisions of this Subpart shall apply retrospectively to all support rights assigned, whether by written assignment or by operation of law, prior and subsequently to the effective date of this rule. The parent or individual of services shall also be deemed without the necessity of signing any document to have appointed the child support enforcement administrator as his or her true and lawful attorney-in-fact to act in his or her name, place, and stead to perform the specific act of endorsing any and all drafts, checks, money orders, or other negotiable instruments representing support payments which are received on behalf of such individual or caretaker. No parent or individual who has had a child removed from the parent(s) custody or voluntarily placed the child in foster care on behalf of the parent or another individual shall be permitted to enter into a contract for the collection of support pursuant to R.S. 21:1441 et seq. Any such contract shall be considered a violation of public policy and shall be void.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.1.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 17:1225 (December 1991), amended LR 36:73 (January 2010), amended by Department of Children and Family Services, Division of Child Welfare, LR 44:1856 (October 2018).

Marketa Garner Walters
Secretary

1810#044

RULE

Department of Economic Development
Office of the Secretary

The Veteran Initiative (LAC 19:IX.301)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Economic Development has amended the certification rules for the Veteran Initiative, in accordance with the revised requirements of Act 585 of the 2018 Regular Session. This Rule is hereby adopted on the day of promulgation.

Title 19
CORPORATIONS AND BUSINESS
Part IX. The Veteran Initiative
Subpart 1. Certification Program
Chapter 3. Certification
§301. Eligibility Requirements for Certification

A. Eligibility. An applicant for certification must meet two sets of requirements:

1 - 2. b. …

c. together with any of its affiliates, has fewer than 50 full-time employees with average annual gross receipts not exceeding $10,000,000 per year for construction operations and $6,000,000 per year for non-construction operations, for each of the previous three tax years.

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 39:2006, R.S. 39:2171 et seq., and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 36:472 (March 2010), amended LR 38:2741 (November 2012), LR 44:1857 (October 2018).

Mandi D. Mitchell
Assistant Secretary

1810#029

RULE

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—Test Security (LAC 28:XI.Chapter 53)

In accordance with R.S. 17:6 and R.S. 49:950, the Administrative Procedure Act, the Board of Elementary and Secondary Education (BESE) amended *Bulletin 118—Statewide Assessment Standards and Practices.* This Rule is hereby adopted on the day of promulgation.

Title 28
EDUCATION
Part XI. Accountability/Testing
Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices
Chapter 53. Test Security
§5305. Test Security Policy
[Formerly LAC 28:CXI.305]

A. - A.9.h. …

i. School systems wishing to contest any LDE void determinations resulting from LDE data forensic findings or other LDE investigations must submit, from the school system leader, an appeal request in writing and a report resulting from an investigation of the voids in accordance with Paragraph 3 of this Subsection to the LDE within 30 days of void notification.

i. LDE shall provide a list of recommended investigators that may be used by school systems to support this process.

ii. The investigation shall produce verifiable evidence that corroborates, with a high degree of certainty, that a testing irregularity did not occur. Investigations failing to meet this standard shall not be considered before the committee.

iii. LDE shall convene, annually, a test irregularity review committee, on or before August 31, in accordance with R.S. 42:11 et seq. The test irregularity review committee shall conduct a records review of the investigative results from the school system as well as any additional relevant evidence from the LDE.

iv. The test irregularity review committee shall consists of the following members approved by BESE, coterminous with the board members:

(a). the LDE director of assessment or his/her designee;

(b). a degreed, experienced, large-scale assessment psychometrician;

(c). a nationally-recognized large-scale assessment expert;

(d). a nationally-recognized large-scale assessment test security expert; and

(e). a school system assessment and accountability representative.

v. The test irregularity review committee shall make recommendations, as determined by a majority vote of all members of the review committee, regarding any necessary reversals of voids to the state superintendent.

vi. The state superintendent shall issue a written determination regarding review committee recommendations to reverse voids.

vii. In the event the state superintendent determines not to accept a recommendation to reverse a void, the school system may appeal to BESE, which may determine whether to reverse the voids.

viii. This process shall not supersede or interfere with any investigations administered by state or federal law enforcement officials.

10. - 17. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:391.7(C)-(G).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1528 (July 2005), amended LR 32:233 (February 2006), LR 33:255 (February 2007), LR 33:424 (March 2007), LR 33:2033 (October 2007), LR 34:65 (January 2008), LR 34:431 (March 2008), LR 34:1351 (July 2008), LR 35:217 (February 2009), LR 37:858 (March 2011), repromulgated LR 37:1123 (April 2011), amended LR 38:747 (March 2012), LR 39:1018 (April 2013), LR 40:2510 (December 2014), LR 43:634 (April 2017), LR 44:463 (March 2018), LR 44:1857 (October 2018).

§5309. Erasure Analysis and Online Answer Changes
[Formerly LAC 28:CXI.309]

A. - A.4. …

5. A summary report of erasure analysis irregularities will be presented to BESE after each test administration.

6. *Erasure*—online answer-changing as well as erasing answers on a paper and pencil test.

7. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1530 (July 2005), amended LR 32:234 (February 2006), LR 33:257 (February 2007), LR 35:217 (February 2009), LR 35:443 (March 2009), LR 40:2512 (December 2014), LR 43:634 (April 2017), LR 44:463 (March 2018), LR 44:1857 (October 2018).

§5311. Addressing Suspected Violations of Test Security and Troubling Content in Written Responses [Formerly LAC 28:CXI.311]

A. - A.3.d. …

i. If the district and/or parent(s)/guardian(s) wish to discuss the situation further or to examine the student responses, a meeting may be scheduled at the LDE offices between staff members from the Division of Assessments and Accountability district representatives and parent(s)/guardian(s).

4. - 4.b. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1531 (July 2005), amended LR 33:257 (February 2007), LR 35:217 (February 2009), LR 43:635 (April 2017), LR 44:464 (March 2018), LR 44:1858 (October 2018).

Shan N. Davis
Executive Director

1810#038

RULE

Board of Elementary and Secondary Education

Bulletin 137—Louisiana Early Learning Center Licensing Regulations
(LAC 28:CLXI.Chapters 1, 3, 7, 9, 11, 13, 15, 17, 18, and 19)

In accordance with R.S. 17:6 and R.S. 49:950, the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*. This Rule is hereby adopted on the day of promulgation.

Title 28
EDUCATION
Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations
Chapter 1. General Provisions
§101. Purpose and Authorization

A. The purpose of this bulletin is to set forth the rules and regulations necessary to implement the provisions of R.S. 17:407.31 et seq., that require the state Board of Elementary and Secondary Education (BESE) to establish statewide minimum standards for the health, safety and well-being of children in early learning centers, ensure maintenance of these standards, and regulate conditions in early learning centers through a program of licensing administered by the Department of Education (department).

B. The state superintendent of education (state superintendent), in order to carry out functions otherwise vested in the state superintendent by law, or by delegation of authority pursuant to law, is authorized to make, issue, rescind, and amend department guidelines, interpretive guidance and procedures governing the early childhood licensing program administered by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.32.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:616 (April 2015), effective July 1, 2015, amended LR 44:1858 (October 2018).

§103. Definitions

* * *

Academic Approval—verification by the department that a type III early learning center is meeting the performance and academic standards required in *Bulletin 140—The Louisiana Early Childhood Care and Education Network*.

* * *

Child—person who has not reached age 13, or a person with special needs who has not yet reached age 18.

* * *

Child Care Health Consultant—qualified health and safety professional approved by LDH to provide training, consultation, and technical assistance to in- and out-of-home child care facilities and early childhood education staff (and parents) on health and safety topics.

* * *

DHH—Repealed.

* * *

Federal Food and Nutrition Programs—federal nutrition reimbursement programs funded by the U.S. Department of Agriculture through the department.

* * *

Head Start and *Early Head Start Programs*—federally-funded early childhood care and education programs that promote and teach school readiness to children ages birth to five from low-income families and provide services in the areas of education, services to children with disabilities, social services for families, nutrition, family engagement, health and mental health, as well as providing the physical plant and instructional staff members for such purposes.

Independent Contractors—individuals who are not employees of the center, but who render professional, therapeutic, or enrichment services within an early learning center. Independent contractors include, but are not limited to, dance instructors, gymnastic or sports instructors, computer instructors, speech therapists, nutritionists, early interventionists, nurses and other licensed health care professionals, local school district staff, departmental staff other than those responsible for inspecting centers, contracted bus drivers, cafeteria and maintenance personnel, electricians, plumbers and photographers, and other outside contractors.

* * *

LDH—Louisiana Department of Health.

License—any license issued by the department to operate an early learning center.

* * *

Licensing Division—Repealed.

* * *

Office of Early Childhood—Repealed.

* * *

Parent—parent or legal custodian.

* * *

Special Needs Care—for licensing purposes, child care for a child birth through age 17 who has a current individualized family services plan (IFSP) or individual education plan (IEP) in accordance with the Individual's with Disabilities Education Act (IDEA) or who receives supplemental security income (SSI).

* * *

Staff-in-Charge—the on-site staff member appointed by the director as responsible for supervising the operation of the center during the temporary absence of less than 11 consecutive business days of the director or during nighttime hours.

* * *

Therapeutic Professionals—independent contractors who provide therapeutic services in an early learning center, including but not limited to speech therapists, nutritionists, early interventionists, nurses and other licensed health care professionals who are employed by a local school district or the Department of Health (LDH) or who are working pursuant to an EarlySteps contract with LDH, to provide therapeutic services in an early learning center to a child with a disability that has an active individual education plan (IEP) or individual family service plan (IFSP). Therapeutic professionals are not required to be under the supervision of center staff when providing such services.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.31 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:616 (April 2015), effective July 1, 2015, amended LR 41:2103 (October 2015), LR 43:638 (April 2017), LR 44:247 (February 2018), effective March 1, 2018, LR 44:1858 (October 2018).

Chapter 3. Licensure

§305. Operating Without a License; Registry; Penalties

A. Whoever operates any early learning center without a valid license shall be fined by the department not less than $1,000 per day for each day of such offense.

B. If an early learning center is operating without a valid license, the department shall file suit for injunctive relief in the district court in the parish in which the center is located to enjoin the owner or operator from continuing the violation.

C. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.37.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, amended LR 41:2104 (October 2015), LR 44:1859 (October 2018).

§307. Types of Licenses

A. - A.2. …

3. Repealed.

B. - B.1. …

2. Repealed.

C. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.36.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, amended LR 44:1859 (October 2018).

§309. Term of License

A. The department is authorized to determine the period for which a license shall be valid. A license is valid for the period for which it is issued unless it is revoked or suspended by the department for non-compliance with the licensing laws, regulations or minimum standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.39(A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, amended LR 44:1859 (October 2018).

§315. Inspections

A. The department, through its duly authorized agents, shall inspect at regular intervals not to exceed one year, and as deemed necessary by the department and without previous notice, all early learning centers subject to the provisions of this bulletin.

B. Whenever the department is advised or has reason to believe that any person, agency or organization is operating a non-exempt early learning center without a license, the department shall initiate an investigation to ascertain the facts.

C. Whenever the department is advised or has reason to believe that any person, agency or organization is operating in violation of licensing laws, regulations or minimum standards, the department shall complete a complaint investigation. All reports of mistreatment of children coming to the attention of the department shall be referred to the appropriate agencies, and law enforcement personnel if applicable.

D. The department may apply for an administrative search warrant to obtain entry to an early learning center, if necessary.

E. The department shall post results of inspection reports online.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.43.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:620 (April 2015), effective July 1, 2015, amended LR 44:1859 (October 2018).

§317. Transitional Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.36, and 17:407.38(c).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:620 (April 2015), effective July 1, 2015, repealed LR 44:1859 (October 2018).

§319. Waivers

A. - B. …

C. An application for a waiver and all supporting documentation shall be submitted in writing to the department using the request for waiver form.

D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(D).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:620 (April 2015), effective July 1, 2015, amended LR 44:1859 (October 2018).

Chapter 7. Licensing Process and Procedures

§701. Initial Application Process

A. Forms. Applications for licensure of new early learning centers shall be submitted using the department's online electronic system.

B. Each center shall provide a current email address to the department on its initial application for licensure. The center shall maintain a current email address and notify the department immediately upon a change in such email address by submitting a change of email address form to amend the existing licensing application. All communication from the department shall be sent via email to the most recent email address provided to the department on the center's current application for licensure or renewal.

C. Initial Licensing Packet. After the center's location has been established, a completed initial licensing packet shall be submitted to the department.

D. Review of Licensing Packet

1. If a submitted application is incomplete, the department shall notify the applicant of the missing information.

a. ...

b. If the department does not receive the additional information within 21 calendar days of notification, the application shall be closed and the application fee shall be forfeited.

c. Once an application has been closed, an applicant still interested in obtaining a license must submit a new application and application fee, electronically.

2. If the application is complete, the department will notify the applicant and will request the Office of State Fire Marshall, city fire (if applicable), Office of Public Health, and its academic approval section to make an inspection of the center, as per their standards. However, it is the applicant's responsibility to obtain these inspections and approvals.

a. Upon receipt of notification that an application is complete, the applicant has 45 calendar days in which to coordinate an on-site inspection of the center by the department.

b. If the applicant fails to coordinate the inspection within 45 calendar days, the application shall be closed and the application fee shall be forfeited.

c. Once an application has been closed, an applicant still interested in obtaining a license must submit a new application and application fee, electronically.

E. Initial Licensure. A license shall be issued on a completed initial application when the following items have been met and written verification has been received by the department:

1. - 3. …

4. zoning approval/certificate of occupancy, if applicable;

5. academic approval by the department, if it is a type III center;

6. …

7. licensure inspection verifying compliance with all minimum standards;

8. CCCBC-based determination of eligibility for child care purposes from the department for all owners, operators, and staff; and

9. written documentation establishing ownership of the center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.39.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:622 (April 2015), effective July 1, 2015, amended LR 41:2104 (October 2015), LR 44:248 (February 2018), effective March 1, 2018, LR 44:1860 (October 2018).

§703. Initial Inspection Process

A. …

1. If the center in operation is in violation of the law, the initial licensing inspection shall not be conducted, the application shall be denied, and the department shall pursue appropriate legal remedies.

2. If the initial inspection indicates that an early learning center is in compliance with all licensing laws, regulations and minimum standards, the department may issue a license.

3. If an initial inspection indicates that an early learning center is not in compliance with all minimum standards, with the exception of the standards listed in Paragraph 4 of this Subsection, the department may deny the application.

4. - 4.c. …

d. academic approval by the department, if type III center; and

e. …

B. Once it has been determined that a center is in compliance with all licensing laws, regulations and minimum standards, the department shall notify the center of its total licensure fee based on its capacity.

1. - 3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.39.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:623 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 44:248 (February 2018), effective March 1, 2018, LR 44:1860 (October 2018).

§705. Access

A. An early learning center shall allow the department staff access to the center, the children, all files, records, and recordings, upon request at any time during any hours of operation or any time a child is present.

B. Departmental staff shall:

1. not view video recordings for annual inspections;

2. only be allowed to view video recordings as part of an investigation of a complaint or incident:

a. in order to view a video recording for a complaint or incident, departmental staff shall provide in writing information about the complaint or incident, including the approximate date, time, location and description;

3. be allowed to interview any center staff personnel deemed necessary by the department;

4. be admitted into a center immediately and without delay and shall be given free access to all areas of a center, including its grounds;

5. be permitted to verify that no children are present in that portion of the center and that such private areas are inaccessible to children if any portion of a center is set aside for private use by an owner of the center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.43.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:623 (April 2015), effective July 1, 2015, amended LR 44:248 (February 2018), effective March 1, 2018, LR 44:1860 (October 2018).

§709. Validity of Licenses

A. - B. …

C. When a business is sold, discontinued, the operation has moved to a new location, or the license has been revoked, the existing license immediately becomes null and void and the licensee shall surrender the existing license to the department.

D. A new application shall not be processed if an application or license is currently on file with the department for the same location, with the exception of a change of ownership application

E. - G. …

H. All new construction or renovation of a center requires approval from the Office of State Fire Marshal, the Office of Public Health and the department prior to occupying the new or renovated space.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.39(C), and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015, amended LR 42:554 (April 2016), LR 44:1861 (October 2018).

§711. Renewal Applications

A. …

B. An application for renewal of a license shall be submitted using the department's online electronic system.

C. Each center is solely responsible for timely completing the online license renewal application. Notice of time for renewal shall not be sent by the department.

D. …

E. If a complete renewal application, including the total annual licensure fee and all required documentation, is not received by the last day of the month in which the license expires, the license expires and shall not be renewed.

F. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.40, and 17:407.43.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015, amended LR 44:1861 (October 2018).

§713. Renewal and Other Inspection Procedures

A. Annual licensing inspections by the department, current approvals by the Office of Public Health, Office of State Fire Marshal, and city fire (if applicable), and academic approval by the department (if type III center) shall be required before the expiration of an existing license. However, if a center has documentation establishing that the center requested an inspection by the Office of Public Health or the Office of State Fire Marshal prior to the expiration of the existing license, these approvals may be submitted to the department within 90 calendar days of the date of the license renewal.

1. Required approvals from these agencies may be extended by such authorized agencies through written communication with the center or the department.

2. A renewal inspection by the department is similar to the initial licensing inspection.

a. ...

B. After initial licensure, inspections shall be conducted as deemed necessary by the department at regular intervals not to exceed one year, and without notice to the early learning center.

C. The director/director designee/staff-in-charge shall have an opportunity to review inspection deficiencies (if any) in consultation with departmental staff.

1. If the director/director designee/staff-in-charge is not present at the center or is unable or unwilling to review the inspection deficiencies, the departmental staff shall review with any staff at the center.

2. If departmental staff are unable to conduct such a review due to the absence or refusal of staff to participate, the licensing staff shall leave a copy of the deficiencies at the center, and this shall constitute notice of the deficiencies to the center and its owners and director.

D. Licensing Deficiency Review

1. Managerial Review

a. A center may submit a written request to the department, on a form provided by the department, for a managerial review of the accuracy of a cited deficiency or the accuracy of a statement within a cited deficiency. The written request for a managerial review must be received by the department within 10 calendar days of the center's receipt of the cited deficiency.

1.b. - 2.c. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015, amended LR 44:249 (February 2018), effective March 1, 2018, LR 44:1861 (October 2018).

Chapter 9. Changes Requiring a New License

§901. Change in Location

A. - B.1. …

2. The license at the existing location shall not transfer to the temporary location. The existing license shall be suspended on the last day care was provided at that location.

3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39 and R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1861 (October 2018).

§905. Change in License Type

A. To change license type, an early learning center shall submit a written request to change its license type and a $25 change fee using the department's online electronic system.

B. Upon receipt of the written request and fee, and verification of substantial compliance with the applicable licensing regulations, the department shall issue a replacement license of the new type to the center and the center shall surrender its existing license to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.36, R.S. 17:6, and 17:407.38-39.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 42:554 (April 2016), LR 44:1861 (October 2018).

§907. Notification of Temporary or Permanent Closure

A. A center shall notify the department in writing of a temporary closure (closure of more than 5 calendar days, but less than 30 calendar days) within 1 day of closure of the center.

B. The provider shall notify the department in writing of a permanent closure of center (closure of more than 30 calendar days) within 7 calendar days of closure of the center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.39, and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1861 (October 2018).

Chapter 11. Operating Violations and Incidents; Fines; Appeals

§1101. Non-Critical Operating Violations

A. When non-critical violations are identified during an on-site inspection, the department may allow the center an opportunity to immediately remedy the violation or deficiency, if the department determines that allowing such remedy does not endanger the health, safety, or well-being of any child. The department may consider the remedy as acceptable corrective action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.39, and R.S. 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1862 (October 2018).

§1103. Critical Incidents and Required Notifications

A. - B. …

C. The department and other appropriate agencies shall be notified via email within 24 hours of the incident.

D. The department shall be notified by written report within 24 hours of the incident or the next business day. This written notification shall be made on the department's critical incidents report form and shall contain all information requested on the form.

E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1862 (October 2018).

§1105. Identified Violations and Fines

A. For violations related to the following licensing standards, when such violation does not pose an imminent threat to the health, safety, rights, or welfare of a child, the department may issue a written warning in lieu of revoking or refusing to renew the license:

1. - 5. …

B. Where such a violation does not result in the revocation of or refusal to renew a license, the department shall issue a written warning/notice of violation of the standards listed in Subsection A of this Section that shall include:

1. - 2. …

C. Second Violation or Deficiency. If the CAP is not timely implemented or if a second violation related to the same standard occurs within a 24-month period and does not result in the revocation of or refusal to renew a license, the department shall issue a written notice of violation that:

1. - 3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:626 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 44:249 (February 2018), effective March 1, 2018, LR 44:1862 (October 2018).

§1107. Departmental Reconsideration of Assessment of Fine

A. A request for departmental reconsideration of an assessment of fine for a violation of the licensing standards listed in §1105.A of this Chapter must be received by the department within 10 calendar days of the center's receipt of a written notice of assessment of fine.

B. If a request for departmental reconsideration is not timely received by the department, the center shall not have any further right to appeal the assessment of fine.

C. - C.2. …

3. provide specific reasons as to why the department should reconsider the assessment of fine.

D. The department shall provide notice to a center in writing of its decision after reconsidering the assessment of fine.

E. If the department determines that the assessment of fine is justified, the department shall provide the center with written notice of the decision that includes notice of the center's right to request an appeal to the Division of Administrative Law (DAL) within 15 calendar days of receipt of said notice and the procedures for requesting an appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:626 (April 2015), effective July 1, 2015, amended LR 44:1862 (October 2018).

§1109. Administrative Appeal of Assessment of Fine

A. A written request for an appeal to the Division of Administrative Law (DAL) of a civil fine for a violation of the licensing standards listed in §1105.A of this Chapter must be received by the department within 15 calendar days of the center's receipt of notice of the department's decision upon reconsideration.

B. - B.1. …

2. a copy of the decision from the department upon reconsideration; and

3. the specific reasons the center believes the decision of the department was reached in error.

C. The department shall notify the DAL of an appeal request within 10 calendar days of receipt of the request.

D. - F. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:626 (April 2015), effective July 1, 2015, amended LR 44:1862 (October 2018).

§1111. Payment of Fines

A. …

B. If the department notifies a center that its decision upon reconsideration is that the original decision is justified, the fine remains due within 30 calendar days of the original notice of assessment of fines or within 14 calendar days of notice of the decision upon reconsideration, whichever is later, unless the center timely submits a request for an administrative appeal to the department.

C. - E.1. …

2. the department shall refer uncollected fines to the Office of the Attorney General for collection, and the organization owing the fine shall be assessed, and shall be required to pay, the additional collection fee assessed by the Office of the Attorney General;

3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:626 (April 2015), effective July 1,

2015, amended LR 41:2105 (October 2015), LR 44:1862 (October 2018).

Chapter 13. Denial, Revocation, or Non-Renewal of License

§1301. Reasons for Denial, Revocation, or Refusal to Renew

A. - A.4. …

5. failure to timely comply with a corrective action plan approved by the department;

6. - 7. …

8. denial of center access to departmental staff or failure or refusal to cooperate with department staff in the performance of official duties;

9. - 18. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.44.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 44:249 (February 2018), effective March 1, 2018, LR 44:1863 (October 2018).

§1303. Notice of Denial, Revocation, or Refusal to Renew

A. The department shall provide written notice to a center of its reasons for the denial of an application for licensure or the revocation of or refusal to renew a license and of the right to appeal the decision to the Division of Administrative Law (DAL).

B. The denial, revocation or refusal to renew shall be effective when notice is given and the center shall surrender its existing license to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.44.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 42:554 (April 2016), LR 44:1863 (October 2018).

§1305. Posting of Notice of Revocation

A. The department shall prominently post notice of a revocation action at each public entrance of the center within one business day of such action.

B. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.44.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 44:1863 (October 2018).

§1307. Appeal of Denial, Revocation, or Refusal to Renew

A. A center has 15 calendar days to request an appeal of the denial of its application for licensure and 15 calendar days to request an appeal of the revocation of or the refusal to renew its license.

B. The department must receive a written request for an appeal within 15 calendar days of the center's receipt of notice of the denial of its application and within 15 calendar days of the center's receipt of notice of revocation of or refusal to renew its license.

C. A center may continue to operate during the appeals unless the department determines that the health, safety or welfare of children in care imperatively requires immediate closure of the center and incorporates that finding in its notice of revocation.

1. If a center with a revoked license is continuing to operate during its appeals process, and the department determines that the health, safety, or welfare of the children in care is at risk due to continuing violations of licensing standards and minimum requirements or the occurrence of a critical incident, the department may require immediate closure of the center by providing written notice of required immediate closure that includes notice of the continuing violations of licensing standards and minimum requirements or the occurrence of a critical incident. There shall be no appeal of the required immediate closure, but the appeal of the revocation of the license shall continue. If the decision to revoke the center's license is not upheld in the pending appeal, the center may reopen upon receipt of notice of such a decision.

D. A request for an appeal submitted to the department shall include:

1. - 2. …

E. The department shall notify the Division of Administrative Law (DAL) within 10 calendar of receipt of a timely request for an appeal of the denial of an application or the revocation of or refusal to renew a license.

F. …

G. If the DAL affirms the decision of the department, or if the appeal is dismissed, the center shall terminate operations immediately.

H. The department shall have the right to seek judicial review of any final decision or order rendered by DAL in any appeal hearing arising under this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.45.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 42:554 (April 2016), LR 44:249 (February 2018), effective March 1, 2018, LR 44:1863 (October 2018).

§1309. Disqualification Period Following Revocation or Refusal to Renew

A. - B.2. …

C. Any unlicensed operation during the disqualification period shall interrupt running of the 24-month prescriptive period until the department has verification that the unlicensed operations have ceased.

D. - F. …

G. If an applicant has a history of non-compliance with licensing laws, regulations or minimum standards, including but not limited operating without a license, or has been denied one or more previous applications for licensure, the department may refuse to accept a subsequent application from the applicant for the minimum disqualification period after the effective date of the most recent adverse action.

H. - H.1.e. …

I. If a license is revoked due solely to the disapproval from any agency whose approval is required for licensure, or due solely to the center being closed and with no immediate plans for re-opening within 30 calendar days and with no means for the department to verify compliance with minimum standards for licensure, the disqualification period may be partially or totally waived at the discretion of the department.

1. The department may accept a subsequent application for a license that shall be reviewed by the department prior to a decision being made to grant a license.

2. The department reserves the right to determine, at its sole discretion, whether to issue any subsequent license.

J. - J.1. …

2. The department, at its sole discretion, may determine if a longer period of disqualification is warranted based upon the facts of each case.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.44, and 17:407.45.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:628 (April 2015), effective July 1, 2015, amended LR 44:1863 (October 2018).

§1311. Licensure Process Following Disqualification Period

A. Only centers and affiliates that have completed the 24-month disqualification period and/or other disqualification sanctions imposed by the department, may apply for a new license in accordance with this bulletin.

B. Any application for a new license submitted after the minimum disqualification period shall be reviewed by the department for any unresolved matters pertaining to the disqualification prior to making a determination to grant a license. The right to deny a subsequent application for licensure rests solely in the discretion of the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:407.44, and R.S. 17:407.45.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:628 (April 2015), effective July 1, 2015, amended LR 44:1864 (October 2018).

Chapter 15. Minimum General Requirements and Standards

§1507. Daily Attendance Records

A. - B.3. …

C. Independent Contractors. A daily attendance record for all extracurricular personnel, therapeutic professionals and other independent contractors, to include the first and last name of the contractor, date of visit, arrival and departure times, name of staff member that accompanied contractor (if required), and purpose of the visit.

D. - E. ...

F. Daily attendance records shall be maintained on site for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:1864 (October 2018).

§1509. Policies

A. An early learning center shall establish in writing, prominently post or show parent's signature of receipt, and implement the following policies and minimum provisions of such policies:

1. - 3. …

4. disclosure of information policy that provides notice to parents of the licensing authority of the department and the availability of licensing surveys/inspections, regulations and information regarding early learning centers from the department's website;

5. complaint policy:

a. parents shall be advised of the licensing authority of the department along with the current telephone number and email address. Parents shall also be advised that they may call or write the department should they have significant, unresolved licensing complaints;

6. - 9. …

a. electronic device activities for children under age two are prohibited; and

b. time allowed for electronic device activities for children ages two and above shall not exceed two hours per day, with the exception that television, DVD, or video viewing shall be limited to no more than one hour per day;

10. - 12.d. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:250 (February 2018), effective March 1, 2018, LR 44:1864 (October 2018).

§1511. Procedures

A. An early learning center shall establish in writing and implement procedures for:

1. physical activity:

a. children under age two shall be provided time and space for age-appropriate physical activity, both indoors and outdoors, weather permitting, for a minimum of 60 minutes per day;

b. children age two and older shall be provided physical activity that includes a combination of both teacher-led and free play, both indoors and outdoors, weather permitting, for a minimum of 60 minutes per day;

2. - 3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:630 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 44:1864 (October 2018).

Chapter 17. Minimum Staffing Requirements and Standards

§1707. Required Staff

A. Director or Director Designee. Each center shall have a qualified director or qualified director designee.

1. The director or director designee shall be an on-site, full-time staff person at the center during the daytime hours of operation (prior to 9 p.m.). When the director is not an on-site full-time employee at the licensed location, there shall be a qualified director designee who is an on-site full-time employee at the licensed location.

2. …

B. Staff-in-Charge. When the director or director designee is not on the premises due to a temporary absence of less than 11 consecutive business days, or during nighttime care hours, there shall be an individual appointed as staff-in-charge.

B.1. - D.2. …

3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 41:2107 (October 2015), LR 44:1864 (October 2018).

§1709. Director Qualifications

A. …

B. The director/director designee shall have documentation of at least one of the following upon date of hire as director or director designee:

1. an early childhood ancillary certificate and one year of experience in teaching or care in a licensed early learning center or comparable setting, subject to approval by the department;

2. a national administrator credential and one year experience in teaching or care in a licensed early learning center, or comparable setting, plus 6 credit hours or 90 clock hours of training in child care, child development, early childhood, or management/administration, subject to approval by the department; or

3. three years of experience as a director or staff in a licensed early learning center, or comparable setting, subject to approval by the department plus 6 credit hours or 90 clock hours of training in child care, child development, early childhood, or management/administration approved by the department.

C. A director who was qualified on the director's date of hire remains qualified as long as the director remains continuously employed at the licensed center or at another licensed center without a break in service of more than 90 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 44:250 (February 2018), effective March 1, 2018, LR 44:1865 (October 2018).

§1711. Child-to-Staff Minimum Ratios

A. - B.2. …

C. The department's form noting required child-to-staff ratios shall be posted in each room included in the center's licensed capacity.

D. Minimum child-to-staff ratios for type II and type III centers are as follows.

Minimum Child-to-Staff Ratios—Types II and III Centers	
Ages of Children	**Ratio**
Infants under 1 year	5:1
1 year	7:1
2 years	11:1
3 years	13:1
4 years	15:1
5 years	19:1
6 years and up	23:1

E. Future Minimum Child-to-Staff Ratios for Two-Year-Olds in Type I, Type II, and Type III Centers. If the Louisiana Child Care Assistance Program subsidy rate reaches the seventy-fifth percentile of the 2017 Louisiana child care market rate survey for weekday care of toddlers by December 1, 2021, the child-to-staff ratio for two-year-olds shall decrease to 10:1 as of July 1, 2022.

F. Minimum Child-to-Staff Ratios—Type I Centers

1. Minimum child-to-staff ratios for type I centers shall be in accordance with Paragraph 2 of this Subsection until July 1, 2020, at which time minimum child-to-staff ratios for children ages 3 and up shall be the same for type I centers as those provided for in Subsection D of this Section for type II and type III centers.

2. Minimum child-to-staff ratios for children ages 2 and under for type I centers shall be the following until July 1, 2021, at which time minimum child-to-staff ratios for children ages 2 and under shall be the same for type I centers as those provided for in Subsection D of this Section for type II and type III centers.

Minimum Child-to-Staff Ratios—Types II and III Centers (Effective until July 1, 2021)	
Ages of Children	**Ratio**
Infants under 1 year	6:1
1 year	8:1
2 years	12:1
3 years	14:1
4 years	16:1
5 years	20:1
6 years and up	25:1

G. - M. …

N. Maximum Group Sizes—Types I, II, and III Centers

1. Maximum group sizes for type II and type III centers are as follows.

Maximum Group Sizes—Types II and III Centers	
Age of Children	**Maximum Group Size**
Infants under 1 year	15
1 year	21
2 years	22
3 years	26
4 years	30
5 years	38
6 years and up	46

2. Type I Centers

a. Maximum group sizes for type I centers shall be in accordance with Subparagraph b of this Paragraph until July 1, 2020, at which time maximum group sizes for type I centers for children ages 3 and up shall be the same as those provided for in Paragraph 1 of this Subsection for type II and type III centers.

b. Maximum group sizes for type I centers for children ages 2 and under shall be the following until July 1, 2021, at which time maximum group size for children ages 2 and under shall be the same for type I centers as those provided for in Paragraph 1 of this Subsection for type II and type III centers.

Maximum Group Sizes—Type I Centers (Effective until July 1, 2021)	
Age of Children	**Maximum Group Size**
Infants under 1 year	18
1 year	24
2 years	24
3 years	28
4 years	32
5 years	40
6 years and up	50

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 43:638 (April 2017), LR 44:250 (February 2018), effective March 1, 2018, LR 44:1865 (October 2018).

§1715. Staff Records and Personnel Files

A. Staff Members. Personnel files for each staff member shall be maintained at the center and shall include the following:

1. an application or staff information form containing the following information:

a. name;

b. date of birth;

c. home address and phone number;

d. training,
e. work experience;
f. educational background;
g. hire date; and
h. first day onsite working with children;

A.2. - B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:635 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018).

§1717. Records for Independent Contractors and Student Trainees

A. Independent Contractors. The following information shall be maintained for all independent contractors including, but not limited to, therapeutic professionals, extracurricular personnel, contracted transportation drivers, local school district staff, and departmental staff other than those responsible for inspecting centers:

A.1. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.40(A)(1), 17:407:40, and 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:635 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018).

§1719. Orientation Training

A. Within seven calendar days of the first day present at the center, and prior to assuming sole responsibility for any children, each staff member shall receive orientation to the policies and practices of the center that at a minimum shall include:

A.1. - C.5. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:635 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016), LR 44:1866 (October 2018).

§1721. Continuing Education

A. - B. …

C. Continuing education for all types of centers shall be conducted by trainers approved by the department. The department shall keep a registry of approved trainers.

D. - D.10. …

11. management/administrative education; or

D.12. - H. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 42:555 (April 2016), LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018).

§1723. CPR and First Aid Certifications

A. Infant and Child CPR. Fifty percent of staff members on the premises of a center and accessible to children, or at least four staff members on the premises and accessible to children, whichever is less, shall have current certification in infant and child CPR through training approved by the department.

B. Adult CPR. Fifty percent of staff members on the premises of a center and accessible to children, or at least four staff members on the premises and accessible to children, whichever is less, shall have current certification in adult CPR through training approved by the department.

C. Pediatric First Aid. Fifty percent of staff members on the premises of a center and accessible to children, or at least four staff members on the premises and accessible to children, whichever is less, shall have current certification in pediatric first aid through training approved by the department.

D. When a center has more than one building, each building shall have at least one staff member present at all times certified in the CPR and first aid appropriate for the age of the children present in the building.

E. Certification. A copy of the certification for each such staff member shall be on-site at all times and available for inspection by the department.

F. First Responder. Staff members who maintain current certification as a first responder are considered to have current certification in CPR and pediatric first aid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018).

§1725. Medication Management Training

A. ...

B. Whether the center is administering medication or not, each early learning center shall have at least two staff members trained in medication administration and at least one trained staff member on the premises during the hours of operation. A staff member who is a licensed practical nurse (LPN) or registered nurse (RN) with a valid nursing license shall be considered to have medication administration training.

C. ...

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018).

Chapter 18. Child Care Criminal Background Checks (CCCBC)

§1805. Persons Ineligible for Child Care Purposes

A. - C. ...

D. In addition, for type III centers an owner, director, or director designee shall not have been convicted of, or pled guilty or *nolo contendere* to a felony, within the past 10 years, for any of the following crimes of fraud:

1. 18 USC 287 and 1341 and R.S. 14:67.11, R.S. 14:68.2, R.S. 14:70.1, R.S. 14:70.4, R.S. 14:70.5, R.S. 14:70.7, R.S. 14:70.8, R.S. 14:71, R.S. 14:71.1, R.S. 14:71.3, R.S. 14:72, R.S. 14:72.1.1, R.S. 14:72.4, R.S. 14:73.5, and R.S. 14:133.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, 17:6, and 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:252 (February 2018), effective March 1, 2018, amended LR 44:1866 (October 2018).

§1807. CCCBC-Based Determinations of Eligibility for Child Care Purposes Required for Owners, Volunteers, Staff, Visitors and Contractors of Early Learning Centers

A. Owners. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each owner prior to submitting an initial application for licensure and shall provide documentation of said determination for each owner with an initial application for licensure. The center shall have documentation of said determinations available at all times for inspection upon request by the department.

1. - 2. …

B. Volunteers and Staff. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each volunteer, staff member, or employee of any kind, and shall have documentation of said determination available at all times for inspection upon request by the department.

C. Visitors and Contractors. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each visitor or independent contractor of any kind, and shall have documentation of said determination available at all times for inspection upon request by the department, unless the visitor or independent contractor, other than a *therapeutic professional* as defined in §103 of this Part, will be accompanied at all times while at the center when children are present, by an adult staff member who is not being counted in child-to-staff ratios. The center shall have documentation of said determination of eligibility, or documentation of the accompanying staff member, available at all times for inspection upon request by the department.

C.1. - E. …

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, 17.6, and 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:252 (February 2018), effective March 1, 2018, amended LR 44:1867 (October 2018).

Chapter 19. Minimum Health, Safety, and Environmental Requirements and Standards

§1901. General Safety

A. - E. …

F. The owner or director of an early learning center shall immediately notify law enforcement personnel and the department verbally if there is a known registered sex offender on the premises of the center. The verbal report shall be followed by a written report to the department within 24 hours.

G. - R. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016), LR 44:1867 (October 2018).

§1915. Health Services

A. - E. …

F. Influenza Information. Centers shall provide each parent information concerning influenza immunization by November 1 of each year. The department shall provide information about influenza annually to each licensed center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:639 (April 2015), effective July 1, 2015, LR 44:1867 (October 2018).

§1919. Food Service and Nutrition

A. All meals and snacks provided by the center, and their preparation, service and storage, shall meet the requirements for meals of the U.S. Department of Agriculture (USDA) Child and Adult Care Food Program (CACFP), 7 CFR 226.20, and LAC 51:XXIII.

B. - D.5. …

E. Parents shall be allowed to provide breast milk or provided space to breastfeed their child on site.

F. - J. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(4).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:640 (April 2015), effective July 1, 2015, amended LR 44:257 (February 2018), effective March 1, 2018, LR 44:1867 (October 2018).

§1921. Emergency Preparedness and Evacuation Planning

A. - A.2. …

3. include specific procedures for handling infants through two year olds, including food and formula;

A.4. - C.5. …

6. a battery-powered flashlight and radio and batteries or a crank flashlight and radio; and

7. disposable cups and bottled water.

D. - E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:641 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 42:2173 (December 2016), LR 44:1867 (October 2018).

Shan N. Davis
Executive Director

1806#036

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Curriculum and Instruction
(LAC 28:CXV.Chapter 23)

In accordance with R.S. 17:6 and R.S. 49:950, the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741—Louisiana Handbook for School Administrators*. The proposed revisions pertain to diploma requirements, personal financial literacy, and technical edits. This Rule is hereby adopted on the day of promulgation

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 23. Curriculum and Instruction
Subchapter A. Standards and Curricula
§2305. Ancillary Areas of Instruction

A. …

B. Each public school student shall receive age- and grade-appropriate instruction in personal financial management based on the concept of achieving financial literacy through the teaching of personal management skills and the basic principles involved with income, money management, spending and credit, and saving and investing. Such instruction may be integrated into an existing course of study.

C. - K.1.b. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:154, 17:261 et seq., 17:270, 17:280, 17:281 et seq., 17:404, 17:405 et seq., 17:263, and 17:81 and 36 USC §106.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1288 (June 2005), amended LR 33:2353 (November 2007), LR 39:2214 (August 2013), LR 39:3259 (December 2013), LR 40:2531 (December 2014), LR 44:1868 (October 2018).

§2318. The TOPS University Diploma

A. - C.3.b.iv.(l). …

(m). probability and statistics;

(n). AP computer science A; or

(o). statistical reasoning.

c. - c.iii.(a). …

(b). one of:

(i). environmental science;

(ii). environmental awareness;

(c). one of:

(i). physical science;

(ii). principles of engineering;

c.iii.(d). - d.iii.(b).(iii). …

(iv). physical geography;

d.iii.(c). - f.x. …

xi. digital design (§2338);

C.3.g. - D.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2483 (December 2017), LR 44:263 (February 2018), LR 44:1868 (October 2018).

§2319. The Career Diploma

A - C.2.b.ii.(i). …

(j). probability and statistics;

(k). statistical reasoning;

(l). transition to college mathematics; or

(m). comparable Louisiana technical college courses offered by Jump Start regional teams as approved by BESE;

(n). integrated mathematics I, II, and III may be substituted for algebra I, geometry, and algebra II and shall count as three math credits;

2.c. - 4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:1230 (July 2009), LR 35:1876 (September 2009), LR 35:2321 (November 2009), LR 35:2750 (December 2009), LR 36:1490 (July 2010), LR 37:548 (February 2011), LR 37:1130 (April 2011), LR 37:2130 (July 2011), LR 37:3197 (November 2011), LR 38:761 (March 2012), LR 38:1005 (April 2012), LR 40:2522 (December 2014), LR 41:1482 (August 2015), LR 41:2594 (December 2015), LR 42:232 (February 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2484 (December 2017), LR 44:1868 (October 2018).

Subchapter B. Academic Programs of Study
§2338. Digital Design

A. Digital design course offerings shall be as follows.

Digital Design Courses	
Course Title(s)	**Units**
Engineering Design and Development	1
Digital Story Telling	1
Sound Design	1
Digital Image and Motion Graphics	1

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7 and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:1868 (October 2018).

§2353. Mathematics

A. The mathematics course offerings for the college diploma shall be as follows.

Mathematics Courses—College Diploma	
Course Title(s)	**Units**
* * *	
Math Essentials	1
Statistical Reasoning	1
AP Calculus BC	1
* * *	

B. The mathematics course offerings for the career diploma shall be as follows.

Mathematics Courses—Career Diploma	
Course Title(s)	**Units**
* * *	
Math Essentials	1
Statistical Reasoning	1
Transition to College Mathematics	1
Course(s) developed by the LEA and approved by BESE	1

C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7 and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1296 (June 2005), amended LR 33:2605 (December 2007), LR 34:1609 (August 2008), LR 35:2322 (November 2009), LR 36:1493 (July 2010), LR 38:760 (March 2012), LR 40:999 (May 2014), LR 40:2527 (December 2014), LR 42:1063 (July 2016), LR 43:2134 (November 2017), LR 44:1868 (October 2018).

§2361. Science

A. The science course offerings for the college diploma shall be as follows.

Science Courses—College Diploma	
Course Title(s)	**Units**
* * *	
Environmental Science	1
Environmental Awareness	1
Integrated Science	1
Physical Science	1
Principles of Engineering	1
Physics I, II	1 each
* * *	

B. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1297 (June 2005), amended LR 33:2605 (December 2007), LR 36:1494 (July 2010), LR 40:1000 (May 2014), LR 40:2528 (December 2014), LR 43:1288 (July 2017), LR 44:1869 (October 2018).

§2363. Social Studies

A. The social studies course offerings for the college diploma shall be as follows.

Social Studies Courses—College Diploma	
Course Title(s)	**Units**
* * *	
Sociology	1
World Geography	1
Physical Geography	1
AP European History	1
* * *	

B. - E.2.c. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.3, 17:274, 17:274.1, and 17:274-274.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1298 (June 2005), amended LR 31:3072 (December 2005), LR 33:431 (March 2007), LR 33:2606 (December 2007), LR 36:1495 (July 2010), LR 37:1131 (April 2011), LR 40:1000 (May 2014), LR 40:2529 (December 2014), LR 41:2595 (December 2015), LR 44:1869 (October 2018).

Shan N. Davis
Executive Director

1810#037

RULE

Board of Regents
Office of Student Financial Assistance

Scholarship/Grant Programs—2018 Regular Session of the Louisiana Legislature and TOPS Core Curriculum Equivalents (LAC 28:IV.509, 703, 803, and 2113)

The Louisiana Board of Regents has amended and re-promulgated the rules of the Scholarship/Grant programs [R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1.1-3042.8, R.S. 17:5001 et seq., and R.S. 56:797.D(2)]. This Rule is hereby adopted on the day of promulgation. (SG18182R)

Title 28
EDUCATION
Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs
Chapter 5. Applications, Federal Grant Aid and ACT Test

§509. ACT Testing Deadline

A.1.The student must take the official ACT test (including national, international, military or special test types) on or before the official April test date in the academic year (high school) in which the student graduates or completes a home study program approved by BESE.

2. A student may submit a request for exception to the deadline established in §509.A.1, which will be considered only under the following circumstances:

a. the student was prevented from taking the ACT test on or prior to the official April test date due to circumstances beyond his control and which are attributable to the administration of the test; and

b. the student achieves a qualifying score on or before August 1 of the year of the student's high school graduation.

c. the award for a student whose request for exception is approved under this Section shall not be reduced as set forth in §509.C.

d. except for an applicant who has qualified for a TOPS-Tech Award on or prior to the April national ACT test date, an applicant will not be allowed to use a test score obtained after the April national ACT test date to upgrade a TOPS Award.

3. An eligible non-graduate must take the official ACT test (including national, international, military or special test types) before the first day of the semester the student first enrolls in an eligible college or university.

B.1. - E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 26:1995 (September 2000), amended LR 26:2000 (September 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), repromulgated LR 27:1847 (November 2001), amended LR

30:1161 (June 2004), LR 31:37 (January 2005), LR 38:3157 (December 2012), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:503 (March 2018), LR 44:1869 (October 2018).

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

§703. Establishing Eligibility

A. - A.5.a.i.(f). …

* * *

(g). beginning with the graduates of academic year (high school) 2017-2018, at the time of high school graduation, an applicant must have successfully completed 19 units of high school course work that constitutes a core curriculum and is documented on the student's official transcript as approved by the Louisiana Department of Education as follows.

Units	Course
English - 4 Units	
1	English I
1	English II
1	English III, AP English Language Arts and Composition, or IB English III (Language A or Literature and Performance)
1	English IV, AP English Literature and Composition, or IB English IV (Language A or Literature and Performance)
Math - 4 Units	
1	Algebra I
1	Geometry
1	Algebra II
1	One unit from: 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
Science - 4 Units	
1	Biology I
1	Chemistry I
2	Two units from: Earth Science; Environmental Science; Physical Science; Agriscience I and Agriscience II (one unit combined); Chemistry II or AP Chemistry or IB Chemistry II; AP Environmental Science or IB Environmental Systems; Physics I, AP Physics I, AP Physics B, or IB Physics I; AP Physics C: Electricity and Magnetism, AP Physics C: Mechanics, IB Physics II, or AP Physics II; Biology II or AP Biology or IB Biology II
Social Studies - 4 Units	
1	U.S. History or AP U.S. History or IB U.S. History
1	Civics, Government, AP US Government and Politics: Comparative, or AP US Government and Politics: United States
2	Two units from: 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
Foreign Language - 2 Units	
2	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, French V IB, Spanish IV IB, and Spanish V IB
Art - 1 Unit	
1	One unit of Art from: Performance course in Music, Dance, or Theatre; Fine Arts Survey; Arts I, II, III, and IV; Talented Art I, II, III, and IV; Talented Music I, II, III, and IV; Talented Theater Arts I, II, III, and IV; Speech III and IV (one unit combined); AP Art History; AP Studio Art: 2-D Design; AP Studio Art: 3-D Design; AP Studio Art: Drawing; AP Music Theory; Film Study I IB; Film Study II IB; Music I IB; Music II IB; Art Design III IB; Art Design IV IB; Theatre I IB; or Drafting
NOTE: AP = Advanced Placement IB = International Baccalaureate	

ii.(a). For students graduating in academic year (high school) 2007-2008 and prior, 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	Equivalent (Substitute) Course
Physical Science	General Science, Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Mathematics I, Advanced Mathematics II
Chemistry	Chemistry Com
Fine Arts Survey	Speech Debate (2 units)
Western Civilization	European History
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry	

(b). For students graduating in academic year (high school) 2006-2007 through the 2008-2009 academic year (high school), 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	Equivalent (Substitute) Course
Physical Science	Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Mathematics I [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math - Pre-Calculus], Advanced Mathematics II [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math -Functions and Statistics]
Chemistry	Chemistry Com
Fine Arts Survey	Speech III and Speech IV (both units)
Western Civilization	European History
World Geography	AP Human Geography
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry	

(c). For students graduating in academic year (high school) 2009-2010, 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	Equivalent (Substitute) Course
Physical Science	Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I, Applied Algebra I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III, Applied Geometry
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Math - Pre-Calculus**, Advanced Math - Functions and Statistics***
Chemistry	Chemistry Com
Fine Arts Survey	Speech III and Speech IV (both units)
Western Civilization	European History
World Geography	AP Human Geography
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry **Advanced Math—Pre-Calculus was formerly referred to as Advanced Mathematics II ***Advanced Math—Functions and Statistics was formerly referred to as Advanced Mathematics II	

(d).(i). For students graduating in academic year (high school) 2010-2011 through academic year (high school) 2016-17, 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	Equivalent (Substitute) Course
Physical Science	Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I, Applied Algebra I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III, Applied Geometry
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Math - Pre-Calculus**, Advanced Math - Functions and Statistics***
Chemistry	Chemistry Com
Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology or Agriscience I and II (both for 1 unit;	Anatomy and Physiology
Fine Arts Survey	Speech III and Speech IV (both units)
Western Civilization	European History
World Geography	AP Human Geography
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry **Advanced Math—Pre-Calculus was formerly referred to as Advanced Mathematics II ***Advanced Math—Functions and Statistics was formerly referred to as Advanced Mathematics II	

(ii). For students graduating in academic year (high school) 2013-2014 only, for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a, in addition to the equivalent courses identified in §703.A.5.a.ii.(d).(i) above, the following course shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
World History, Western Civilization, World Geography or History of Religion	Law Studies

(iii). For students graduating in academic years (high school) 2013-2014 through 2016-2017, for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a, in addition to the equivalent courses identified in §703.A.5.a.ii.(d).(i) above, the following course shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

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

(e). For students graduating in academic year (high school) 2017-2018 and after, for purposes of satisfying the

requirements of §703.A.5.a.i above, or §803.A.6.a, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course(s)	Equivalent (Substitute) Course
Algebra I, Geometry and Algebra II	Integrated Mathematics I, II and III
Art	Media Arts I-IV; Photography I, Photography II, and Digital Photography; Digital Image and Motion Graphics; Digital Storytelling; Engineering Design and Development; Sound Design
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
Probability and Statistics	Statistical Reasoning
Biology II	Human Anatomy and Physiology
Environmental Science	Environmental Awareness
Physical Science	Principles of Engineering
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
World Geography	Physical Geography
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, French V IB, Spanish IV IB, and Spanish V IB	Mandarin Chinese I, II, III, IV Hindi I, II, III, IV Portuguese I, II, III, IV Vietnamese I, II, III, IV
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.

(f). For students graduating in academic year (high school) 2017-2018 and after, the courses listed in the tables below have been approved by the board and BESE to be converted to a 5.00 scale when used to complete the core curriculum, and shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a.

(i). Advanced Placement Courses

TOPS Core Course	Advanced Placement
Art	AP Art History AP Studio Art: 2-D Design AP Studio Art: 3-D Design AP Studio Art: Drawing
Biology II	AP Biology
Calculus	AP Calculus AB AP Calculus BC
Chemistry II	AP Chemistry
Chinese	AP Chinese Language and Culture
Economics	AP Macroeconomics AP Microeconomics
English III	AP English Language and Composition
English IV	AP English Literature and Composition
Environmental Science	AP Environmental Science
European History	AP European History
Fine Arts Survey	AP Music Theory
French	AP French Language and Culture
German	AP German Language and Culture
Italian	AP Italian Language and Culture
Japanese	AP Japanese Language and Culture
Latin	AP Latin
Physics I	AP Physics I: Algebra Based AP Physics II: Algebra Based AP Physics C: Electricity and Magnetism AP Physics C: Mechanics
Probability and Statistics	AP Statistics
Spanish	AP Spanish Language and Culture
US Government or Civics	AP U.S. Government and Politics: Comparative AP U.S. Government and Politics: United States
US History	AP U.S. History
World Geography	AP Human Geography
World History	AP World History

(ii). International Baccalaureate® Courses

TOPS Core Course	International Baccalaureate
Advanced Math–Pre Calculus	IB Math Studies (Math Methods)
Arabic	IB Language ab initio: Arabic IB Language B: Arabic
Art	IB Visual Arts
Biology II	IB Biology I IB Biology II
Calculus	IB Mathematics SL IB Mathematics HL
Chemistry II	IB Chemistry I IB Chemistry II
Chinese	IB Language ab initio: Chinese IB Language B: Chinese
Economics	IB Economics
English III	IB Literature IB Language and Literature IB Literature and Performance
English IV	IB Literature IB Language and Literature IB Literature and Performance
Environmental Science	IB Environmental Systems
French	IB Language ab initio: French IB Language B: French
German	IB Language ab initio: German IB Language B: German
Italian	IB Language ab initio: Italian IB Language B: Italian
Japanese	IB Language ab initio: Japanese IB Language B: Japanese
Latin	IB Classical Language
Music (Performance)	IB Music
Physics I	IB Physics I IB Physics II
Pre-Calculus	IB Math Studies (Math Methods)
Spanish	IB Language ab initio: Spanish IB Language B: Spanish
Theatre (Performance)	IB Film Study IB Theatre IB Dance
US History	IB History of the Americas I
World Geography	IB Geography
World History	IB History of the Americas II

(iii). Gifted and Talented Courses

TOPS Core Course	Gifted and Talented
Art	Art History Talented Visual Arts I Talented Visual Arts II Talented Visual Arts III Talented Visual Arts IV
Biology II	Biology II
Calculus	Calculus I Calculus II
Chemistry I	Chemistry I
Chemistry II	Chemistry II
Chinese	Chinese III Chinese IV
Economics	Economics
English III	English III
English IV	English IV
Environmental Science	Environmental Science
European History	European History
French	French III French IV
German	German III German IV
Italian	Italian III Italian IV
Japanese	Japanese III Japanese IV
Latin	Latin III Latin IV
Music (Performance)	Talented Music I, II, III, IV Small Voice Ensemble II Choir: Intermediate Choir: Advanced Orchestra: Intermediate Orchestra: Advanced
Physics I	Physics
Spanish	Spanish III Spanish IV
Theatre (Performance)	Introduction to Film Studies Talented Theater I, II, III, IV
US Government or Civics	Government
US History	U.S. History
World Geography	World/Human Geography

(iv). Dual Enrollment Courses

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Advanced Math-Pre Calculus	Trigonometry	CMAT 1223
Advanced Math-Functions and Statistics	Introductory Statistics	CMAT 1303
Algebra III	College Algebra	CMAT 1213
Arabic	Elementary Arabic I Elementary Arabic II	CARB 1013/1014 CARB 1023/1024
Art	Art History I or II Art Structure/2-D Design Beginning Drawing	CART 2103/2113 CART 1113 CART 2203
Biology I	General Biology I General Biology I (Science Majors)	CBIO 1013 CBIO 1033
Biology II	General Biology I General Biology I (Science Majors) General Biology II General Biology II (Science Majors)	CBIO 1013 CBIO 1033 CBIO 1023 CBIO 1043
Calculus	Applied Calculus Calculus I Calculus II	CMAT 2103 CMAT 2113-5 CMAT 2123-5
Chemistry I	General Chemistry Survey I Chemistry I Chemistry I (Science Majors)	CCEM 1013 CCEM 1103 CCEM 1123
Chemistry II	General, Organic and Biochemistry General Chemistry Survey I Chemistry I Chemistry I (Science Majors) Chemistry II Chemistry II (Science Majors)	CCEM 1003 CCEM 1013 CCEM 1103 CCEM 1123 CCEM 1113 CCEM 1133
Earth Science	Physical Geology Historical Geology	CGEO 1103 CGEO 1113
Economics	Economic Principles Macroeconomics Microeconomics	CECN 2113 CECN 2213 CECN 2223

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
English III	English Composition I English Composition II American Literature I American Literature II Major American Writers	CENL 1013 CENL 1023 CENL 2153 CENL 2163 CENL 2173
English IV	English Composition I English Composition II British Literature I British Literature II Major British Writers World Literature I World Literature II Major World Writers Introduction to Fiction Introduction to Literature Introduction to Poetry and/or Drama	CENL 1013 CENL 1023 CENL 2103 CENL 2113 CENL 2123 CENL 2203 CENL 2213 CENL 2223 CENL 2303 CENL 2323 CENL 2313
Environmental Science	Environmental Science	CEVS 1103
Fine Arts Survey	Exploring the Arts Introduction to Visual Arts Dance Appreciation Music Appreciation	CART 1013 CART 1023 CDNC 1013 CMUS 1013
French	Elementary French I Elementary French II Intermediate French I Intermediate French II	CFRN 1013/1014 CFRN 1023/1024 CFRN 2013/2014 CFRN 2023
German	Elementary German I Elementary German II Intermediate German I Intermediate German II	CGRM 1013/1014 CGRM 1023/1024 CGRM 2013 CGRM 2023
History Of Religion	World Religions	CPHL 2213
Latin	Elementary Latin I Elementary Latin II Intermediate Latin I Intermediate Latin II	CLTN 1013/1014 CLTN 1023/1024 CLTN 2013 CLTN 2023
Physical Science	Physical Science I	CPHY 1023
Physics I	Physics I (Algebra/Trigonometry Based) Physics I (Lecture and Lab) Physics I (Calculus Based)	CPHY 2113 CPHY 2114 CPHY 2133
Pre-Calculus	Algebra and Trigonometry	CMAT 1233
Probability and Statistics	Introductory Statistics	CMAT 1303
Spanish	Elementary Spanish I Elementary Spanish II Intermediate Spanish I Intermediate Spanish II	CSPN 1013/1014 CSPN 1023/1024 CSPN 2013/2014 CSPN 2023
Theatre (Performance)	Acting I or II Introduction to Theatre	CTHE 2103/2113 CTHE 1013
US Government or Civics	Introduction to American Government Introduction to State and Local Government Introduction to Comparative Government	CPOL 2013 CPOL 2113 CPOL 2213
US History	American History I or II	CHIS 2013/2023
Western Civilization	Western Civilization I or II	CHIS 1013/1023
World Geography	World Regional Geography Physical Geography	CGRG 2113 CGRG 2213
World History	World Civilization I or II	CHIS 1113/1123

A.5.a.iii.(a) - 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 44:1870 (October 2018).

Chapter 8. TOPS-Tech Award

§803. Establishing Eligibility

A. - A.6.a.i. …

ii. for students graduating in the 2018 academic year (high school) and later, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum.

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
2	English III, English IV, AP or IB English courses, Business English, Technical Writing, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education.
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or an applied or hybrid algebra course
3	Geometry, Algebra II, Math Essentials, Financial Literacy, Business Math, Algebra III, Advanced Math - Functions and Statistics, Advanced Math - Pre-Calculus, Pre-calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits
1	Biology
1	Chemistry I, Earth Science, Environmental Science, Agriscience I and Agriscience II (both for one unit), Physical Science, Physics, or AP or IB science courses
1	U.S. History, AP U.S. History, or IB U.S. History
1	Civics, Government, AP U.S. Government and Politics: Comparative, or AP U.S. Government and Politics: United States

Core Curriculum—TOPS-Tech Award	
Units	**Course**
9	In Jump Start course sequences, workplace experiences, and credentials. A student shall complete a regionally designed series of Career and Technical Education Jump Start coursework and workplace-based learning experiences leading to a statewide or regional Jump Start credential. This shall include courses and workplace experiences specific to the credential, courses related to foundational career skills requirements in Jump Start, and other courses, including career electives, that the Jump Start regional team determines are appropriate for the career major.

iii. for students graduating in the 2015-2016 academic year (high school) and later, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum.

Core Curriculum—TOPS-Tech Award	
Units	**Course**
1	English I
1	English II
2	English III, English IV, AP or IB English courses, Business English, Technical Writing, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education.
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or an applied or hybrid algebra course
3	Geometry, Algebra II, Math Essentials, Financial Literacy, Business Math, Algebra III, Advanced Math - Functions and Statistics, Advanced Math - Pre-Calculus, Pre-calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits
1	Biology
1	Chemistry I, Earth Science, Environmental Science, Agriscience I and Agriscience II (both for one unit), Physical Science,or AP or IB science courses
1	U.S. History, AP U.S. History, or IB U.S. History
1	Civics, Government, AP U.S. Government and Politics: Comparative, or AP U.S. Government and Politics: United States
9	In Jump Start course sequences, workplace experiences, and credentials. A student shall complete a regionally designed series of Career and Technical Education Jump Start coursework and workplace-based learning experiences leading to a statewide or regional Jump Start credential. This shall include courses and workplace experiences specific to the credential, courses related to foundational career skills requirements in Jump Start, and other courses, including career electives, that the Jump Start regional team determines are appropriate for the career major.

iv. for students graduating in the 2000-2001 school year through the 2012-2013 school year, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum;

Core Curriculum—TOPS-Tech Award	
Units	**Course**
1	English I
1	English II
1	English III
1	English IV or substitute 1 unit of Business English
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or both Applied Mathematics I and Applied Mathematics II
2	Geometry, Applied Mathematics III, Algebra II, Financial Mathematics, Advanced Mathematics I [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Pre-Calculus], Advanced Mathematics II [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Functions and Statistics], Discrete Mathematics, or Probability and Statistics (2 units). Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry and Algebra II, and shall be considered the equivalent of the 3 required math units
1	Biology
1	Chemistry or Applied Chemistry
1	Earth Science, Environmental Science, Physical Science, Integrated Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology or Agriscience I and II (both for 1 unit)
1	American History
1	World History, Western Civilization, or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, nonpublic)
Remaining Core Courses shall be Selected from One of the Following Options:	
Option 1—Total of 17 Units	
1	Fine Arts Survey or substitute 2 units of performance courses in music, dance, or theater; or substitute 2 units of visual art courses; or substitute 2 units of studio art courses; or a course from the Career and Technical Program of studies that is approved by the BESE (must be listed under the Vocational Education Course Offerings in Bulletin 741 or the updates to Bulletin 741); or substitute 1 unit as an elective from among the other subjects listed in this core curriculum
2	Foreign Language, Technical Writing, Speech I or Speech II
1	One unit from the secondary computer education program of studies that is approved by the BESE
or	
Option 2—Total of 19 Units	
4	In a career major comprised of a sequence of related specialty courses. In order for a student to use this option, the courses for the career major must be approved by BESE.
1	Credit in a basic computer course.
1	In related or technical fields. A related course includes any course which is listed under the student's major. A technical course is one that is listed in the approved career option plan for the high school at which the course is taken.

v. for students graduating through the 2001-2002 school year, the TOPS-Tech core curriculum as follows.

Core Curriculum—TOPS-Tech Award	
Units	**Course**
1	English I
1	English II
1	English III
1	English IV or Business English
1	Algebra I (1 unit) or Applied Algebra IA and 1B (2 units)
1	Algebra II
1	Geometry or Applied Geometry, Trigonometry, Calculus or comparable Advanced Mathematics
1	Biology
1	Chemistry or Applied Physics

Core Curriculum—TOPS-Tech Award	
Units	**Course**
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II or Physics for Technology or Agriscience I and II (both for 1 unit)
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, non-public)
1	Fine Arts Survey or any approved vocational course in the areas of Agriscience, Business Education, Family and Consumer Science, Health Occupations, Marketing Education, Technology Education, or Trade and Industrial Education; (or substitute 2 units of performance courses in music, dance or theater; or 2 units of studio art or 2 units of visual art courses; or 1 elective from among the other subjects listed in this core curriculum)
2	In a single Foreign Language. (1 unit for students graduating from high school during the 1996-97 and 1997-98 school years.) or Technical Writing, Speech I or Speech II (2 units).
1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least 1/2 unit of an elective course related to computers that is approved by the state Board of Elementary and Secondary Education; or substitute at least 1/2 unit of an elective from among the other subjects listed in this core curriculum)

vi. for students graduating in the 2013-2014 school year through the 2016-2017 school year, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum.

Core Curriculum—TOPS-Tech Award	
Units	**Course**
1	English I
1	English II
1	English III
1	English IV or substitute 1 unit of Business English
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or both Applied Mathematics I and Applied Mathematics II
2	Geometry, Applied Mathematics III, Algebra II, Financial Mathematics, Advanced Mathematics I [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Pre-Calculus], Advanced Mathematics II [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Functions and Statistics], Discrete Mathematics, or Probability and Statistics (2 units). Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry and Algebra II, and shall be considered the equivalent of the 3 required math units
1	Biology
2	Earth Science, Environmental Science, Physical Science, Integrated Science, Biology II, or Chemistry or Applied Chemistry, Chemistry II, Physics, Physics II or Physics for Technology or Agriscience I and II (both for 1 unit)
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, non-public)
Remaining Core Courses Shall Be Selected from One of the Following Options	
Option 1—Total of 17 Units	
1	Fine Arts Survey or drafting (one unit) or substitute 2 units of performance courses in music, dance, or theater; or substitute 2 units of visual art courses; or substitute 2 units of studio art courses; or a course from the Career and Technical Program of studies that is approved by the BESE (must be listed under the Vocational Education Course Offerings in Bulletin 741 or the updates to Bulletin 741); or substitute 1 unit as an elective from among the other subjects listed in this core curriculum
2	Foreign Language, Technical Writing, Speech I or Speech II
1	One unit from the secondary computer education program of studies that is approved by the BESE
or	
Option 2—Total of 19 Units	
4	In a career major comprised of a sequence of related specialty courses. In order for a student to use this option, the courses for the career major must be approved by BESE.
1	Credit in a basic computer course
1	In related or technical fields. A related course includes any course which is listed under the student's major. A technical course is one that is listed in the approved career option plan for the high school at which the course is taken.

b.i. for students graduating in academic year (high school) 2008-2009 and after, for purposes of satisfying the requirements of §803.A.6.a above, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Business English	Senior Applications in English
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Math Essentials

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

Core Curriculum Course	Equivalent (Substitute) Course
Business English	Senior Applications in English
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Math Essentials
Geometry, Algebra II, Math Essentials, Financial Literacy, Business Math, Algebra III, Advanced Math - Functions and Statistics, Advanced Math - Pre-Calculus, Pre-calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits	Probability and Statistics; Transition to College Mathematics; Statistical Reasoning

A.6.c - B.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 (December 2015), LR 42:48 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:523 (March 2018), amended LR 44:1874 (October 2018).

Chapter 21. Miscellaneous Provisions and Exceptions

§2113. Revision of the Core Curricula

A. The board is authorized by law, in consultation with BESE, to determine a high school level course to be equivalent to a course described in the core curricula or to authorize the name change of a core curricula course, including necessary changes to equivalencies and course names for advanced placement and International Baccalaureate® courses as prescribed by the College Board or the International Baccalaureate Foundation.

B. The determination of a course as equivalent to a course included in the definition of core curriculum shall be limited to those courses identified in the secondary programs of study contained in the *Louisiana Handbook for School Administrators* (LDE Bulletin 741).

C. Only those recommendations for a name change or for the designation of an equivalent course which have been submitted by a local school board or other equivalent education agency for private schools will be considered by the board and such recommendations shall be submitted directly to the Louisiana Office of Student Financial Assistance, Attention: Legal Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:1921 (October 1998), amended LR 27:1220 (August 2001), repromulgated LR 27:1871 (November 2001), amended LR 41:657 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:570 (March 2018), LR 44:1877 (October 2018).

Robyn Rhea Lively
Senior Attorney

1810#009

RULE

Louisiana Tuition Trust Authority
Office of Student Financial Assistance

START Saving Program
(LAC 28:VI.107, 311, and Chapter 7)

The Louisiana Tuition Trust Authority has amended its START Saving Program rules (R.S. 17:3091 et seq.) and has adopted administrative rules implementing HB650 of the 2018 Regular Session of the Louisiana Legislature (R.S. 17:3100.1 et seq.) This Rule is hereby adopted on the day of promulgation. (ST18183R)

Title 28
EDUCATION
Part VI. Student Financial Assistance—Higher Education Savings

Chapter 1. General Provisions

Subchapter A. Tuition Trust Authority

§107. Applicable Definitions

A. Words and terms not otherwise defined in these rules shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

* * *

Eligible Educational Institution—either:

a. a state college or university or a technical college or institute or an independent college or university located in this state that is approved by the U.S. Secretary of Education to participate in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1088), as amended; or

b. a public or independent college or a university located outside this state that is approved by the U.S. secretary of education to participate in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1088), as amended; or

c. a Louisiana licensed proprietary school, licensed pursuant to R.S. chapter 24-A of title 17, and any subsequent amendments thereto and is eligible to participate in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1088), as amended.

d. beginning in the 2018 academic year, a proprietary school located outside the state of Louisiana that is licensed by an out of state public postsecondary education board, is accredited by a recognized national or regional accrediting body, and is eligible to participate in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1088), as amended.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:712 (June 1997), amended LR 24:1268 (July 1998), LR 25:1794 (October 1999), LR 26:2260 (October 2000), LR 27:37 (January 2001), LR 27:1222 (August 2001), LR 27:1876 (November 2001), LR 28:450 (March 2002), LR 28:777 (April 2002), LR 28:2334 (November 2002), LR 29:556 (April 2003), LR 30:786 (April 2004), LR 30:1169 (June 2004), LR 30:2302 (October 2004), LR 31:639 (March 2005), LR 32:1433 (August 2006), LR 32:2240 (December 2006), LR 33:443 (March 2007), LR 34:1885 (September 2008), LR 35:1491 (August 2009), LR 38:3162 (December 2012), LR 42:1071 (July 2016), LR 44:1877 (October 2018).

Chapter 3. Education Savings Account

§311. Termination, Refund, and Rollovers of an Education Savings Account

A. - A.6. …

B. Refunds

1. A partial refund of an account may only be made as described in §311.E.3 and 4.

B.2 - D.3. …

E. Voluntary Termination of an Account

1. Refunds shall be equal to the redemption value of the ESA at the time of the refund, and shall be made to the person designated in the owner's agreement or by rule.

2. The person receiving the refund shall be responsible for any state or federal income tax that may be payable due to the refund.

3. Except for accounts classified in accordance with §711.A.6, accounts may be terminated and fully refunded for the following reasons:

a. the death of the beneficiary in which case the refund shall be equal to the redemption value of the account and shall be made to:

i. the account owner, if the account owner is a natural person; or

ii. the beneficiary's estate, if the account owner is a legal entity;

b. the disability of the beneficiary, in which case the refund shall be equal to the redemption value of the account and shall be made to:

i. the account owner or the beneficiary, as designated in the owner's agreement, if the account owner is a natural person; or

ii. the beneficiary, if the account owner is a legal entity;

c. the beneficiary receives a scholarship, waiver of tuition, or similar subvention that the LATTA determines cannot be converted into money by the beneficiary, to the extent the amount of the refund does not exceed the amount of the scholarship, waiver of tuition, or similar subvention awarded to the beneficiary. In such case, the refund shall be equal to the scholarship, waiver of tuition, or similar subvention that the LATTA determines cannot be converted into money by the beneficiary of the account, or the redemption value, whichever is less, and shall be made to:

i. the account owner or the beneficiary, as designated in the owner's agreement, if the account owner is a natural person; or

ii. the beneficiary, if the account owner is a legal entity.

4. For the 2018 calendar year only, an account owner may request a refund in order to pay the tuition expenses related to the beneficiary's enrollment in kindergarten through twelfth grade in the following circumstances:

a. the account was opened prior to December 31, 2017;

b. the amount requested to be refunded is less than or equal to the balance of the account as of December 31, 2017;

c. the amount requested to be refunded does not exceed $10,000.

5. Refunds made under §311.E.3 and 4 are currently exempt from additional federal taxes.

F. Effective Date of Account Termination. Account termination shall be effective at midnight on the business day on which the request for account termination and all supporting documents are received. Accounts will be credited with interest earned on principal deposits through the effective date of the closure of the account.

G. Refund Payments. Payment of refunds for voluntary termination under §311.E or partial refunds of accounts pursuant to §311.E.3 shall be made within 30 days of the date on which the account was terminated. The termination refund shall consist of the principal remaining in the account and interest remaining in the account accrued on the principal through the end of the calendar year preceding the year in which the request to terminate an account is made. Interest earned in excess of $10 during the calendar year of termination will be refunded within 45 days of the date the state treasurer announces the interest rate for the preceding calendar year. Interest earned of $10 or less during the calendar year of termination will be forfeited to the Louisiana Education and Tuition Savings Fund.

H. Rollovers

1. Rollovers among ESAs of the Same Account Owner

a. Beginning October 1, 2009, an account owner may rollover any part or all of the value of an ESA to another ESA if the beneficiary of the account receiving the funds is a member of the family of the beneficiary of the original account.

b. If the current value of an ESA is transferred, all EEs and earnings thereon shall be included in the transfer.

2. Rollover to another Qualified Tuition Program

a. An account owner may request a rollover of the current value of the account less EEs and earnings thereon to another qualified tuition program.

b. EEs and the earnings thereon allocated to an ESA that is rolled over to another qualified tuition program are forfeited.

3. Rollover to a Qualified ABLE Program Account

a. Beginning May 1, 2018, an account owner may rollover any part or all of the value of an ESA to a Qualified ABLE Program account if the beneficiary of the account receiving the funds is a member of the family of the beneficiary of the ESA.

b. EEs and the earnings thereon allocated to an ESA that is transferred to a Qualified ABLE Program are forfeited.

c. A rollover by a Louisiana resident to any Qualified Able Program Account will be subject to Louisiana Tax Table Income in accordance with state law.

4. An account owner may not rollover any part or all of the value of an ESA to a START K12 account.

AUTHORITY NOTE: Promulgated in accordance with 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 30:790 (April 2004), LR 31:639 (March 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:444 (March 2007), LR 35:236 (February 2009), LR 36:492 (March 2010), LR 36:2551 (November 2010), LR 39:2238 (August 2013), LR 42:1080 (July 2016), LR 44:1877 (October 2018).

Chapter 7. START K12

§701. General Provisions

A. The Student Tuition and Revenue Trust Kindergarten through Twelfth Grade Program (START K12) was enacted in 2018 to implement provisions of the Tax Cuts and Jobs Act which allows Internal Revenue Code Section 529 college savings account funds to be used for tuition expenses related to enrollment in kindergarten through twelfth grade.

B. The purposes of the START K12 are the following:

1. To allow account owners to save for the tuition expenses related to enrollment in kindergarten through twelfth grade; and

2. To comply fully with Internal Revenue Code Section 529.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:1878 (October 2018).

§703. Legislative Authority

A. Act Number 687 of the 2018 Regular Legislative Session, effective May 30, 2018, enacted the Louisiana Student Tuition Assistance and Revenue Trust START Saving Kindergarten Through Twelfth Grade Program (START K12) as chapter 22-B, title 17 of the *Louisiana Revised Statutes* (R.S. 17:3100.1-3100.10).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:1879 (October 2018).

§705. Program Administration

A. The Louisiana Tuition Trust Authority (LATTA) is a statutory authority whose membership consists of the Louisiana Board of Regents, plus one member from the Louisiana Bankers Association, the state treasurer, and one member each from the House of Representatives and Senate.

B. The LATTA administers the START K12 Program through the Louisiana Board of Regents, Office of Student Financial Assistance (LOSFA).

C. LOSFA, a program of the Board of Regents, performs the functions of the state relating to programs of financial assistance and certain scholarship programs for higher education in accordance with directives of its governing bodies and applicable law, and as such is responsible for administering the START K12 Program under the direction of the LATTA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:1879 (October 2018).

§707. Applicable Definitions

A. Words and terms not otherwise defined in these rules shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

Account Owner—the person(s), organization or group that completes the START K12 Program owner's agreement on behalf of a beneficiary and is the account owner of record of all funds credited to the account.

Beneficiary—the person named by the account owner in the START K12 owner's agreement or the person named by the LATTA when authorized to make such a designation by the owner of an account that is classified under §711.A.5 as the individual entitled to apply the account balance, or portions thereof, toward payment of their qualified education expenses.

Beneficiary's Family—for the purpose of §711.A.5 one of the following persons:

a. the beneficiary's parent(s) or court ordered custodian; or

b. a person who claims the beneficiary as a dependent on his or her federal income tax return for the previous year; or

c. a person who certified that the beneficiary lives with him, that he provides more than 50 percent of the beneficiary's support for the previous year and that he was not required to file an income tax return for the previous year.

Current Value—the value of an education savings account at a given point in time.

a. The current value of fixed earnings investment options includes the accumulated value of the principal deposited and earnings on deposits.

b. The current value of variable earnings investment options includes the number of units in the investment option purchased multiplied by the current value of each unit. This value may be more or less than the amount originally deposited.

Deposits—the actual amount of money received from an account owner for investment in a START K12 account. Deposits do not include earnings on deposits.

Disabled or *Disability*—an individual who is considered to be disabled because he/she is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered disabled unless he furnishes proof of the existence thereof in such form and manner as the LATTA may require.

Educational Term—a semester, quarter, term, summer session, inter-session, or an equivalent unit.

Eligible Educational Institution—a public or approved nonpublic elementary or secondary school in Louisiana that contains any of the grades kindergarten through twelve.

False or Misleading Information—a statement or response made by a person, which is knowingly false or misleading, and made for the purpose of establishing a program account and/or receiving benefits to which the person would not otherwise be entitled.

Fixed Earnings—the placement of all deposits in a START K12 Account, including the interest earned thereon, in investments that normally provide a fixed rate of return for a specific period of time.

Legal Entity—juridical person including, but not limited to, groups, trusts, estates, associations, organizations, partnerships, and corporations that are incorporated, organized, established, or authorized to conduct business in accordance with the laws of one or more states or territories of the United States. A natural person is not a legal entity.

Louisiana Education Tuition and Savings Fund (*the Fund*)—is a special permanent fund maintained by the Louisiana state treasurer for the purpose of the START Saving Program and the START K12 Program and is the account into which all initial deposits made to START K12 Program accounts are deposited.

Louisiana Office of Student Financial Assistance (*LOSFA)*—the agency of state government responsible for administering the START K12 Program under the direction of the Louisiana Tuition Trust Authority.

Louisiana Resident—

a. any person who resided in the state of Louisiana on the date of the application and who has manifested intent to remain in the state by establishing Louisiana as legal

domicile, as demonstrated by compliance with all of the following:

i. if registered to vote, is registered to vote in Louisiana;

ii. if licensed to drive a motor vehicle, is in possession of a Louisiana driver's license;

iii. if owning a motor vehicle located within Louisiana, is in possession of a Louisiana registration for that vehicle;

iv. if earning an income, has complied with state income tax laws and regulations;

b. a member of the Armed Forces stationed outside of Louisiana who claims Louisiana on his/her official DD Form 2058 as his/her legal residence for tax purposes, and is in compliance with state income tax laws and regulations, shall be considered eligible for program participation;

c. a member of the Armed Forces stationed in Louisiana under permanent change of station orders shall be considered eligible for program participation;

d. persons less than 21 years of age are considered Louisiana residents if they reside with and are dependent upon one or more persons who meet the above requirements;

e. a legal entity is considered to be a Louisiana resident if it is incorporated, organized, established or authorized to conduct business in accordance with the laws of Louisiana or registered with the Louisiana Secretary of State to conduct business in Louisiana and has a physical place of business in Louisiana.

Louisiana Tuition Trust Authority (LATTA)—the statutory body responsible for the administration of the START Saving Program.

Maximum Allowable Account Balance—$180,000.

Member of the Family (with respect to the designated beneficiary)—

a. an individual who bears one of the following relationships to such beneficiary:

i. a son or daughter of the beneficiary, or a descendant of either;

ii. a stepson or stepdaughter of the beneficiary;

iii. a brother, sister, stepbrother, or stepsister of the beneficiary;

iv. the father or mother of the beneficiary, or an ancestor of either;

v. a stepfather or stepmother of the beneficiary;

vi. a son or daughter of a brother or sister of the beneficiary;

vii. a brother or sister of the father or mother of the beneficiary; or

viii. a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the beneficiary; or

ix. a first cousin of the beneficiary; or

b. the spouse of an individual listed in Clauses a.i-viii.

Natural Person—a human being.

Other Person (with respect to any designated beneficiary)—any person, other than the beneficiary, whether natural or juridical, who is not a member of the family, including but not limited to individuals, groups, trusts, estates, associations, organizations, partnerships, corporations, and custodians under the Uniform Transfer to Minors Act (UTMA).

Owner's Agreement—the agreement for program participation that the account owner completes and signs. It incorporates, by reference, R.S. 17:3100.1 et seq., and the rules promulgated by the LATTA to implement this statutory provision and any other state or federal laws applicable to the agreement and the terms and conditions as set forth therein.

Person—a human being or a juridical entity.

Qualified Education Expenses—expenses for tuition in connection with enrollment or attendance at an elementary or secondary school in grades kindergarten through twelve.

Redemption Value—the cash value of the money in a START K12 Program account invested in a fixed earnings option that are attributable to the sum of the principal deposited and the earnings on principal authorized to be credited to the account by the LATTA, less any disbursements and refunds. The redemption value is not applicable to a START K12 Program account invested in variable earnings.

Refund Recipient—the person designated by the account owner in the START K12 Program owner's agreement or by operation of law to receive refunds from the account. The refund recipient can only be the account owner or the beneficiary.

START K12 Account—a savings account established by a natural person or a legal entity to pay qualified education expenses of the designated beneficiary.

Trade Date—the date that a deposit to an investment option that includes variable earnings is assigned a value in units, the date a disbursement or refund from an investment option that includes variable earnings is assigned a value, or the date of a change in investment options that includes variable earnings is assigned a value, whichever is applicable.

Tuition—the mandatory educational charge required as a condition of enrollment.

Variable Earnings—refers to that portion of funds in a START K12 Program account invested in equities, bonds, short-term fixed income investments or a combination of any of the three.

Variable Earnings Transaction Fund—the subaccount established within the Louisiana Education Tuition and Savings Fund to receive funds as directed by rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:1879 (October 2018).

§709. START K12 Program Accounts

A. A START K12 Program account is established on behalf of a designated beneficiary to provide the funding for tuition necessary for the beneficiary to attend public or private school for any of kindergarten through twelfth grade.

1. The account owner classified under §711.A.1, 2, 3, and 4 shall designate the beneficiary in the owner's agreement.

2. The account owner classified under §711.A.5 may designate the beneficiary in the owner's agreement, provided the beneficiary is not a member of the account owner's

family, or authorize the LATTA to select a beneficiary for the account.

3. A beneficiary selected by the LATTA must meet the following criteria:

a. the beneficiary is a Louisiana resident;

b. the federal adjusted income of the beneficiary's family is less than $30,000 or the beneficiary is eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.);

c. the beneficiary is not a member of the account owner's family nor a member of the family of any member or employee of the authority or LOSFA;

4. Procedure for Selection (Reserved)

B. Program Enrollment Period. An account may be opened and an eligible beneficiary may be enrolled at any time during the calendar year.

C. Completing the Owner's Agreement

1. This agreement must be completed in full by the account owner.

2. The account owner shall designate a beneficiary, except as provided in Paragraph A.2 above.

3. The account owner may designate a limited power of attorney to another person who would be authorized to act on the account owner's behalf, in the event the account owner becomes incapacitated.

4. Transfer of account ownership is only permitted as set forth in §719.

D. Agreement to Terms. Upon executing an owner's agreement, the account owner agrees to the following statements.

1. Admission to a particular eligible educational institution—that participation in the START K12 Program does not guarantee that a beneficiary will be admitted to the beneficiary's eligible educational institution of choice.

2. Payment of Qualified Education Expenses—that no more than $10,000 may be withdrawn from a START K12 account annually and that this amount is not guaranteed to pay all qualified education expenses.

3. Maintenance of Continuous Enrollment—that once admitted to an eligible educational institution, participation in the START K12 Program does not guarantee that the beneficiary will be permitted to remain at the school throughout the beneficiary's kindergarten through twelfth grade education.

4. Guarantee of Redemption Value—that the LATTA does not guarantee the value of a START K12 Account that is invested in variable earnings.

5. Conditions for Payment of Qualified Education Expenses—that payments for qualified education expenses under the START K12 Program are conditional upon the beneficiary's enrollment at an eligible educational institution.

6. Fees

a. That fees imposed by investment institutions for opening or maintenance of variable earnings accounts may be charged to the account owner.

b. That financial and investment institutions may be authorized by the LATTA to offer prospective owners information and assistance in opening a START K12 account.

7. That an account whose owner is a legal entity or is classified under §711.A.5. cannot be terminated and the funds deposited in the account will not be refunded to the account owner.

8. That an account owner who is a legal entity or is classified under §711.A.5, can change the beneficiary of an account to one or more persons who are not members of the family of the beneficiary in accordance with §719.A.3.b, however, in such case:

a. these transfers may be treated as refunds under federal and state tax laws in which case the account owner will be subject to any associated tax consequences; and

b. the provisions of §709.A.2 shall apply to account owners classified in accordance with §711.A.5.

9. Only the account owner or the beneficiary may be designated to receive refunds from the account owned by an account owner who is a natural person other than a natural person classified as an account owner under §711.A.5. In the event of the death of the account owner when the account owner is designated to receive the refund and there is no substitute account owner named, the refund shall be made to the account owner's estate.

10. That in the event an account owner who is a legal entity classified as an account owner under §711.A.3 or 4 is dissolved, the beneficiary will become the owner of the account.

11. No refunds shall be paid to account owner classified under §711.A.5. If such an account is terminated by the LATTA in accordance with §717.E, the beneficiary shall become the owner of the account, provided that, all the rights and restrictions provided in law and these rules regarding account owners classified under §711.A.5, including, but not limited to, use of the funds, refunds, terminations, designation of beneficiary, etc., shall be applicable to the beneficiary that becomes the owner of such an account. If an account owner classified under §711.A.5 dies or is dissolved and the beneficiary has died or failed to graduate high school by age 21, and no substitute beneficiary has been designated by the account owner, the authority shall designate a new beneficiary who must meet the requirements of §709.A.3 and §711.A.5.

E. Acceptance of the Owner's Agreement

1. A properly completed and submitted owner's agreement will be accepted upon receipt.

2. Upon acceptance of the owner's agreement, the LATTA will establish the account of the named beneficiary.

F. Citizenship Requirements. Both an account owner who is not a legal entity and the beneficiary must meet the following citizenship requirements:

1. be a United States citizen; or

2. be a permanent resident of the United States as defined by the U.S. Citizenship and Immigration Services (USCIS) or its successor and provide copies of USCIS documentation with the submission of the owner's agreement; or

3. be lawfully residing in the United States and have a valid Social Security number.

G. Residency Requirements

1. On the date an account is opened, either the account owner or his designated beneficiary must be a *Louisiana resident*, as defined in §707 of these rules.

2. The LATTA may request documentation to clarify circumstances and formulate a decision that considers all facts relevant to residency.

H. Providing Personal Information

1. The account owner is required to disclose personal information in the owner's agreement, including:

a. his Social Security number;

b. the designated beneficiary's Social Security number;

c. the beneficiary's date of birth;

d. the familial relationship between the account owner and the designated beneficiary, if any;

e. the account owner's prior year's federal adjusted gross income as reported to the Internal Revenue Service; and

f. in the case of an account owner classified under §711.A.5:

i. the Social Security number of the beneficiary's family and authorization from that person for the LATTA to access his annual tax records through the Louisiana Department of Revenue, for the purpose of verifying federal adjusted gross income; and

ii. if applicable, proof that the beneficiary is a ward of the court; or

iii. if applicable, proof the beneficiary is eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.).

2. By signing the owner's agreement, the account owner who is classified under §711.A.1 or 2 (does not include legal entities or other persons classified as account owners under §711.A.5) provides written authorization for the LATTA to access his annual tax records through the Louisiana Department of Revenue, for the purposes of verifying federal adjusted gross income.

3. By signing the owner's agreement:

a. the account owner who is a natural person, other than a natural person classified as an account owner under §711.A.5, certifies that:

i. both account owner and beneficiary are United States citizens or permanent residents of the United States as defined by the U.S. Citizenship and Immigration Services (USCIS) or its successor or be lawfully residing in the United States and have a valid Social Security number; and

(a). if permanent residents have provided copies of USCIS documentation with the submission of the application and owner's agreement; or

(b). if in the United States lawfully with a valid Social Security number have provided the visa or other document(s) from the USCIS evidencing lawful residency and a copy of the Social Security card from the Social Security Administration; and

ii. the information provided in the application is true and correct;

b. the person signing on behalf of an account owner who is a legal entity certifies that:

i. the account owner is a *legal entity* as defined in rule and the application;

ii. he or she is the designated agent of the legal entity;

iii. he or she is authorized to take any action permitted the account owner;

iv. the account owner acknowledges and agrees that once funds are deposited in a START account, neither the deposits nor the interest earned thereon can be refunded to the account owner;

v. the information provided in the application is true and correct; and

vi. if the beneficiary is not a Louisiana resident, the legal entity fulfills the definition of *Louisiana resident* as found in rule and the application;

c. the natural person classified as an account owner under §711.A.5 certifies that:

i. the beneficiary is a Louisiana resident;

ii. the federal adjusted income of the beneficiary's family is less than $30,000 or the beneficiary is eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.);

iii. the beneficiary is not a member of the account owner's family nor a member of the family of any member or employee of the authority or LOSFA;

iv. the account owner acknowledges and agrees that once funds are deposited in a START account, neither the deposits nor the interest earned thereon can be refunded to the account owner; and

v. the information provided in the application is true and correct.

4. Social Security numbers and federal and state employer identification numbers will be used for purposes of federal and state income tax reporting and to access individual account information for administrative purposes (see §721).

I. Number of Accounts for a Beneficiary. There is no limit on the number of START K12 accounts that may be opened for one beneficiary by different account owners; however, the cumulative credits in all accounts for the same beneficiary may not exceed the maximum allowable account balance for that beneficiary and the cumulative credits in all START K12 accounts for the same beneficiary will be used to determine when these accounts are fully funded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:1880 (October 2018).

§711. Account Owner Classifications

A. An account owner shall be classified by the authority under one of the following classifications:

1. a person or persons determined by the authority to be the parent, grandparent, or court ordered custodian of the person being designated as beneficiary of the account or who claim the person being designated as beneficiary as a dependent on their federal income tax return, and, at the time of the initiation of the agreement, the person or beneficiary is a resident of the state; or

2. a person determined by the authority to be a member of the family of the beneficiary and, at the time of the initiation of the agreement, the person or the beneficiary is a resident of the state; or

3. any other person and, at the time of the initiation of the agreement, the beneficiary is a resident of the state; or

4. any other person who, at the time of the initiation of the agreement, is a resident of the state and the beneficiary is not a resident of the state;

5. any other person or any government entity, and at the time of the initiation of the agreement:

a. the beneficiary is a resident of the state;

b. the federal adjusted income of the beneficiary's family is less than $30,000 or the beneficiary must be eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.);

c. the beneficiary is not a member of the account owner's family nor a member of the family of any member or employee of the authority or LOSFA;

d. the deposits to the account are an irrevocable donation by the owner.

B. In order to qualify as an account owner in any classification, a natural person, to include an independent student, must be of the age of majority under Louisiana law.

C. Account owner classification is made at the time of the initiation of the agreement. Changes in the residency of the account owner or beneficiary after the initiation of the agreement do not change the account owner's classification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:1882 (October 2018).

§713. Deposits to Education Savings Accounts

A. Application Fee and Initial Deposit Amount

1. No application fee will be charged to participants applying for a START K12 account directly to the LATTA.

2. Financial and investment institutions may be authorized by the LATTA to offer assistance in establishing a START K12 account. (See *fees* in §709.D.6.)

3. An initial deposit is not required to open an START K12 account; however, a deposit of at least $10 must be made within 180 days from the date on the letter of notification of approval of the account.

4. A lump sum deposit may not exceed the maximum allowable account balance (see §707).

B. Deposit Options

1. The account owner shall select one of the following deposit options during the completion of the owner's agreement; however, the account owner may change the monthly deposit amount at any time and the payment method by notifying the LATTA:

a. occasional lump sum payment(s) made directly to the LATTA or to a LATTA-approved investment institution;

b. monthly payments made directly to the LATTA or to a LATTA-approved financial or investment institution;

c. automatic account debit, direct monthly transfer from the account owner's checking or savings account to the LATTA or a LATTA-approved investment institution;

d. payroll deduction, if available through the account owner's employer.

2. Account owners are encouraged to maintain a schedule of regular monthly deposits.

C. Limitations on Deposits

1. All deposits must be rendered in amounts of at least $10 and must be made in cash, check, money order, automatic account debit or payroll deduction, defined as any of the deposit options listed in §713.B.1.

2. Once the cumulative contributions and earnings on contributions has reached or exceeded the maximum allowable account balance (see §707), principal deposits will no longer be accepted to the account until a qualified distribution is made which reduces the account balance below the maximum allowable account balance.

D. Investment Options

1. The state treasurer shall select fixed earnings and variable earnings investment options.

2. The authority shall furnish each account owner with information that discloses each of the investment options offered by the program.

3. The account owner shall select the investment options in completing the owner's agreement, and

4. The investment option may be changed two times each calendar year.

5. Once a selection is made, all deposits shall be directed to the last investment option selected.

E. Effective Date of Deposits

1. Deposits for investment options that are limited to fixed earnings will be considered to have been deposited on the date of receipt.

2. Deposits for investment options that include variable earnings will be assigned a trade date based on the method of deposit and the date of receipt.

a. Deposits by check will be assigned a trade date three business days after the business day during which they were received.

b. Deposits made by electronic funds transfer through the Automated Clearing House (ACH) Network, or its successor, will be assigned a trade date of three business days after the business day during which they were received.

c. Deposits made by all other means of electronic funds transfer, including deposits made by transferring funds from a variable earnings option in which they are currently deposited to another option, will be assigned a trade date of one business day after the business day during which they were received.

3. Deposits for investment options that include variable earnings which are received via check or electronic funds transfer through the Automated Clearing House Network will be deposited into the fixed earnings option until the trade date. Earnings accrued on these deposits prior to the trade date shall be deposited in the Variable Earnings Transaction Fund.

4. Deposits received on weekends and holidays will be considered received on the next business day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:1883 (October 2018).

§715. Disbursement of Account Funds for Payment of Qualified Education Expenses of a Beneficiary

A. Request for Disbursement

1. For each term the account owner intends to fund the beneficiary's qualified education expenses, the account owner shall submit a request for disbursement.

2. The request for disbursement must include:

a. the START K12 account number;

b. the account owner's name, address, Social Security number and signature (may be electronic);

c. the beneficiary's name, address, and Social Security number;

d. the amount to be disbursed and to whom; and

e. the name and address of the eligible educational institution.

3. In the event funds are invested in more than one investment option, the disbursement shall be made proportionally from each investment option in the account.

4. If there is more than one account with the same beneficiary, each account owner requesting a disbursement

must complete a request for disbursement and the disbursements shall be made from each account, in turn, in the order the disbursement requests were received.

B. Disbursements from all accounts with the same beneficiary shall not exceed $10,000 in one calendar year.

C. Disbursements shall be made to the account owner. If LOSFA determines that the beneficiary is not enrolled in an eligible educational institution during the semester or term for which the disbursement was intended, LOSFA shall notify the account owner that the disbursement will constitute a refund for state and federal income tax purposes unless returned to the START K12 account. If the disbursement is not returned to the account within 60 days of the original notice, LOSFA, in the authority's sole discretion, may refund any balance remaining thereafter and close the account.

7. Disbursements from investment options with variable earnings shall be assigned a trade date of one business day after the business day of receipt of the transfer request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:1883 (October 2018).

§717. Termination, Refund, and Rollovers of a START K12 Account

A. Account Termination

1. The account owner who is a natural person, other than a natural person classified as an account owner under §711.A.5, may terminate an account at any time.

2. The LATTA may terminate an account in accordance with this Subsection, §717.D or §717.E.

3. The LATTA may terminate an account if no deposit of at least $10 has been made within 180 days from the date on the letter of notification of approval of the account.

4. The LATTA may terminate an account if the beneficiary dies and a new beneficiary is not named within 60 days of the death.

5. The LATTA may terminate an account if the beneficiary becomes disabled and a new beneficiary is not named by the time the beneficiary who has become disabled reaches age 21.

6. The account owner who is a legal entity or is classified under §711.A.5, may not terminate an account; however, the account owner who is a legal entity or is classified under §711.A.5 may designate a substitute beneficiary in accordance with §719.A.3.b.

B. Refunds

1. A partial refund of an account may only be made as described in §717.E.3.

2. All other requests for refund may result in the termination of the account and in the refund of:

a. the deposits invested in fixed earnings, if the account has been open for less than 12 months;

b. the redemption value, if the account has been open for 12 or more months;

c. the deposits to or the current value of an account invested in a variable earnings option, whichever is less. Any increase in the value of an account invested in a variable earnings option over the amount deposited shall be forfeited by the account owner and deposited in the variable earnings transaction fund, if the account was invested in a variable earnings option and terminated within 12 months of the date the account was opened;

d. the current value of an account invested in variable earnings, if the account has been open for 12 or more months.

3. No refunds shall be made to an account owner who is a legal entity classified under §711.A.3 or 4. If an account owned by a legal entity classified as an account owner under §711.A.3 or 4 is terminated by the LATTA or by the account owner in accordance with §717.D or E, the refund will be made to the beneficiary or to the estate of the beneficiary if no substitute beneficiary has been designated by the account owner.

4. No refunds shall be paid to account owner classified under §711.A.5. If such an account is terminated by the LATTA in accordance with §717.E, the beneficiary shall become the owner of the account, provided that, all the rights and restrictions provided in law and these rules regarding account owners classified under §711.A.5, including, but not limited to, use of the funds, refunds, terminations, designation of beneficiary, etc., shall be applicable to the beneficiary that becomes the owner of such an account. If an account owner classified under §711.A.5 dies or is dissolved and the beneficiary has died or failed to graduate high school by age 21, and no substitute beneficiary has been designated by the account owner, the authority shall designate a new beneficiary who must meet the requirements of §709.A.3 and §711.A.5.

5. Refunds from investment options with variable earnings shall be assigned a trade date of one business day after the business day of receipt.

C. Designation of a Refund Recipient

1. In the owner's agreement, the account owner who is a natural person, except one who is classified under §711.A.5, may designate himself or the beneficiary to receive refunds from the account.

2. Refunds of interest earnings will be reported as income to the individual receiving the refund for both federal and state tax purposes.

3. The beneficiary of an account owned by a legal entity classified as an account owner under §711.A.3 or 4 is automatically designated as the refund recipient.

4. Funds in an account classified under §711.A.5 shall not be refunded.

D. Involuntary Termination of an Account with Penalty

1. The LATTA may terminate an owner's agreement if it finds that the account owner provided false or misleading information (see §707).

2. If the LATTA terminates an owner's agreement under this Section, all interest earnings on principal deposits may be withheld and forfeited, with only principal being refunded.

3. An individual who obtains program benefits by providing false or misleading information will be prosecuted to the full extent of the law.

E. Voluntary Termination of an Account

1. Refunds shall be equal to the redemption value of the START K12 account at the time of the refund, and shall be made to the person designated in the owner's agreement or by rule.

2. The person receiving the refund shall be responsible for any state or federal income tax that may be payable due to the refund.

3. Except for accounts classified in accordance with §711.A.5, accounts may be terminated and fully refunded for the following reasons:

a. the death of the beneficiary in which case the refund shall be equal to the redemption value of the account and shall be made to:

i. the account owner, if the account owner is a natural person; or

ii. the beneficiary's estate, if the account owner is a legal entity;

b. the disability of the beneficiary, in which case the refund shall be equal to the redemption value of the account and shall be made to:

i. the account owner or the beneficiary, as designated in the owner's agreement, if the account owner is a natural person; or

ii. the beneficiary, if the account owner is a legal entity;

c. the beneficiary receives a scholarship, waiver of tuition, or similar subvention that the LATTA determines cannot be converted into money by the beneficiary, to the extent the amount of the refund does not exceed the amount of the scholarship, waiver of tuition, or similar subvention awarded to the beneficiary. In such case, the refund shall be equal to the scholarship, waiver of tuition, or similar subvention that the LATTA determines cannot be converted into money by the beneficiary, or the redemption value, whichever is less, and shall be made to:

i. the account owner or the beneficiary, as designated in the owner's agreement, if the account owner is a natural person; or

ii. the beneficiary, if the account owner is a legal entity.

4. Refunds made under this §717.E.3 are currently exempt from additional federal taxes.

F. Effective Date of Account Termination. Account termination shall be effective at midnight on the business day on which the request for account termination and all supporting documents are received. Accounts will be credited with interest earned on principal deposits through the effective date of the closure of the account.

G. Refund Payments. Payment of refunds for voluntary termination under §717.E or partial refunds of accounts pursuant to §717.E.3 shall be made within 30 days of the date on which the account was terminated. The termination refund shall consist of the principal remaining in the account and interest remaining in the account accrued on the principal through the end of the calendar year preceding the year in which the request to terminate an account is made. Interest earned in excess of $10 during the calendar year of termination will be refunded within 45 days of the date the state treasurer announces the interest rate for the preceding calendar year. Interest earned of $10 or less during the calendar year of termination will be forfeited to the Louisiana Education and Tuition Savings Fund.

H. Rollovers

1. Rollovers among START K12 Accounts of the Same Account Owner. An account owner may rollover any part or all of the value of an START K12 account to another START K12 account if the beneficiary of the account receiving the funds is a member of the family of the beneficiary of the original account.

2. Rollover to a START Saving Program Account. In the event funds remain in a START K12 account after all qualified education expenses for enrollment in kindergarten through twelfth grade have been paid, an account owner classified under §711.A.1, 2, 3, 4, or 5 may rollover any remaining funds to a START Saving Program Education Savings Account (ESA) for use by the beneficiary in an eligible postsecondary institution.

3. Rollover to another Qualified Tuition Program. An account owner may request a rollover of the current value of the account to another qualified tuition program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:1884 (October 2018).

§719. Substitution, Assignment, and Transfer

A. Substitute Beneficiary. The beneficiary of a START K12 account may be changed to a substitute beneficiary provided the account owner completes a beneficiary substitution form and the following requirements are met:

1. the substitute beneficiary is a member of the family as defined under §707;

2. the substitute beneficiary meets the citizen/resident alien requirements of §709.F, and, if the account owner is a nonresident of the state of Louisiana, the substitute beneficiary meets the applicable residency requirements (see §709.G);

3. if the substitute beneficiary is not a member of the family of the previous beneficiary:

a. and the account owner is a natural person classified under §711.A.1-4, the account must be refunded to the account owner and a new account must be opened;

b. and the account owner is a legal entity classified under §711.A.3 or 4, a new account shall be opened in the name of the new beneficiary. These transfers may be treated as refunds under federal and state tax laws in which case the account owner will be subject to any associated tax consequences; and

c. and the account owner is classified under §711.A.5, a new account shall be opened in the name of the new beneficiary only if the beneficiary meets all the requirements of §711.A.5; and

i. these transfers may be treated as refunds under federal and state tax laws in which case the account owner will be subject to any associated tax consequences; and

ii. the provisions of §709.A.2 shall apply to account owners classified in accordance with §711.A.5.

B. Substitution/Transfer of Account Ownership. The ownership of an START K12 account is transferable only with the written approval of the LATTA and only as follows.

1. The account owner who is a natural person, other than a natural person classified as an account owner under §711.A.5, may designate a person who will become the substitute account owner in the event of the original account owner's death.

2. In the event of the death of an account owner who is a natural person, other than a natural person classified as an account owner under §711.A.5, who has not named a substitute account owner, the account shall be terminated and the account shall be refunded to the beneficiary, if designated

to receive the refund by the account owner, or the account owner's estate.

3. An account owner who is a legal entity classified under §711.A.3 or 4 may indicate in the owner's agreement that upon the beneficiary's graduation from high school, the account shall be rolled over into a START Saving ESA and ownership of the ESA shall be transferred to the beneficiary of the account upon his 18th birthday, or upon his enrollment in an eligible postsecondary institution full time, whichever is later. If the account owner transfers the account in accordance with this section, disbursements may only be made for payment of the qualified higher education expenses of the beneficiary.

4. In the event of the dissolution of an account owner who is a legal entity classified as an account owner under §711.A.3 or 4, the beneficiary shall become the substitute account owner. If the account owner who is a legal entity classified as an account owner under §711.A.3 or 4 is dissolved, the beneficiary designated to receive the refund has died, and there is no substitute beneficiary named, the refund shall be made to the beneficiary's estate.

5. No refunds shall be paid to account owner classified under §711.A.5. If such an account is terminated by the LATTA in accordance with §717.E, the beneficiary shall become the owner of the account, provided that, all the rights and restrictions provided in law and these rules regarding account owners classified under §711.A.5, including, but not limited to, use of the funds, refunds, terminations, designation of beneficiary, etc., shall be applicable to the beneficiary that becomes the owner of such an account. If an account owner classified under §711.A.5 dies or is dissolved and the beneficiary has died or failed to graduate high school by age 21, and no substitute beneficiary has been designated by the account owner, the authority shall designate a new beneficiary who must meet the requirements of §709.A.3 and §711.A.5..

C. Assignment of Account Ownership. Ownership of an START K12 account cannot be assigned.

D. Changes to the Owner's Agreement

1. The account owner may request changes to the owner's agreement.

2. Changes must be requested in writing and be signed by the account owner.

3. Changes, if accepted, will take effect as of the date the notice is received by the LATTA.

4. The LATTA shall not be liable for acting upon inaccurate or invalid data which was submitted by the account owner.

5. The account owner will be notified by the LATTA in writing of any changes affecting the owner's agreement which result from changes in applicable federal and state statutes and rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 44:1885 (October 2018).

§721. Miscellaneous Provisions

A. Account Statements and Reports

1. The LATTA will forward to each account owner an annual statement of account which itemizes the:

a. date and amount of deposits and interest earned during the prior year; and

b. total principal and interest accrued to the statement date; and

2. The account owner must report errors on the annual statement of account to the LATTA within 60 days from the date on the account statement or the statement will be deemed correct.

B. Earned Interest

1. Interest earned on principal deposits during a calendar year will be credited to accounts and reported to account owners after the conclusion of the calendar year in which the interest was earned.

2. The rate of interest earned shall be the rate of return earned on the fund as reported by the state treasurer and approved by the LATTA.

C. Refunded Amounts

1. Interest earned on a START K12 account which is refunded to the account owner or beneficiary will be taxable for state and federal income tax purposes.

2. No later than January 31 of the year following the year of the refund, the LATTA will furnish the State Department of Revenue, the Internal Revenue Service and the recipient of the refund an Internal Revenue Service Form 1099, or whatever form is appropriate according to applicable tax codes.

D. Rule Changes. The LATTA reserves the right to amend the rules regulating the START K12 Program's policies and procedures; however, any amendments to rules affecting participants will be published in accordance with the Administrative Procedure Act.

E. Determination of Facts. The LATTA shall have sole discretion in making a determination of fact regarding the application of these rules.

F. Individual Accounts. The LATTA will maintain an individual account for each beneficiary, showing the redemption value of the account.

G. Confidentiality of Records. All records of the LATTA identifying account owners and designated beneficiaries of START K12 accounts, amounts deposited, expended or refunded, are confidential and are not public records.

H. No Investment Direction. No account owner or beneficiary of a START K12 account may direct the investment of funds credited to an account, except to make an annual election among investment options that offer fixed earnings, variable earnings or both. Deposits will be invested on behalf of the START K12 Program by the state treasurer.

I. No Pledging of Interest as Security. No interest in an START K12 account may be pledged as security for a loan.

J. Excess Funds

1. Principal deposits to an START K12 account are no longer accepted once the account total reaches the maximum allowable account balance (see §713.C); however, the

principal and interest earned thereon may continue to earn interest.

2. Funds in excess of the maximum allowable account balance may remain in the account and continue to accrue interest and may be disbursed in accordance with §715, or will be refunded in accordance with §717 upon termination of the account.

K. Withdrawal of Funds. Funds may not be withdrawn from an START K12 ACCOUNT except as set forth in §715 and §717.

L. NSF Procedure

1. A check received for deposit to an START K12 ACCOUNT which is returned due to insufficient funds in the owner's account on which the check is drawn, will be redeposited and processed a second time by the START K12 Program's financial institution.

2. If the check is returned due to insufficient funds a second time, the check will be returned to the depositor.

3. Earnings reported by the state treasurer on deposits made by check or an ACH transfer which is not honored by the financial institution on which it was drawn subsequent to the trade date shall be forfeited by the account owner and deposited into the Variable Earnings Transaction Fund.

M. Effect of a Change in Residency. On the date an account is opened, either the account owner or beneficiary must be a resident of the state of Louisiana (see §709.G); however, if the account owner or beneficiary, or both, temporarily or permanently move to another state after the account is opened, they may continue participation in the program in accordance with the terms of the owner's agreement.

N. Abandoned Accounts. Abandoned accounts will be defined and treated in accordance with R.S. 9:151 et seq., as amended, the Louisiana Uniform Unclaimed Property Act.

O. Investment in Variable Earnings. When an account owner selects a variable earnings account, up to 100 percent of the deposits may be invested in equity securities.

P. Variable Earnings Transaction Fund

1. Monies in the Variable Earnings Transaction Fund shall be used to pay any charges assessed to the START K12 Program by a financial institution and to pay any loss of value between the purchase and redemption of units in a variable earnings option that are incurred when a check or ACH transfer is dishonored after the trade date by the financial institution on which it was drawn.

2. After the payment of expenses as provided in Paragraph 1, above, the LATTA may declare monies remaining in the Variable Earnings Transaction Fund as surplus.

AUTHORITY NOTE: Promulgated in accordance with 17:3100.1 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance. LR 44:1886 (October 2018).

Robyn Rhea Lively
Senior Attorney

1810#010

RULE

Tuition Trust Authority
Office of Student Financial Assistance

START Saving Program
(LAC 28:VI.311, 315, 507, 509, and 517)

The Louisiana Tuition Trust Authority has amended its START Saving Program rules (R.S. 17:3091 et seq.). This Rule is hereby adopted on the day of promulgation. (ST18181R)

Title 28
EDUCATION
Part VI. Student Financial Assistance—Higher Education Savings
Chapter 3. Education Savings Account
§311. Termination, Refund, and Rollovers of an Education Savings Account

A. - G. …

H. Rollovers

1. Rollovers among ESAs of the Same Account Owner

a. Beginning October 1, 2009, an account owner may rollover any part or all of the value of an ESA to another ESA if the beneficiary of the account receiving the funds is a member of the family of the beneficiary of the original account.

b. If the current value of an ESA is transferred, all EEs and earnings thereon shall be included in the transfer.

2. Rollover to another Qualified Tuition Program

a. An account owner may request a rollover of the current value of the account less EEs and earnings thereon to another qualified tuition program.

b. EEs and the earnings thereon allocated to an ESA that is rolled over to another qualified tuition program are forfeited.

3. Rollover to a Qualified ABLE Program Account

a. Beginning May 1, 2018, an account owner may rollover any part or all of the value of an ESA to a qualified ABLE program account if the beneficiary of the account receiving the funds is a member of the family of the beneficiary of the ESA.

b. EEs and the earnings thereon allocated to an ESA that is transferred to a qualified ABLE program are forfeited.

c. A rollover by a Louisiana resident to any qualified ABLE program account will be subject to Louisiana tax table income in accordance with state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 30:790 (April 2004), LR 31:639 (March 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:444 (March 2007), LR 35:236 (February 2009), LR 36:492 (March 2010), LR 36:2551

(November 2010), LR 39:2238 (August 2013), LR 42:1080 (July 2016), LR 44:1887 (October 2018).

§315. Miscellaneous Provisions

A. - B.36. …

37. For the year ending December 31, 2017, the Louisiana education tuition and savings fund earned an interest rate of 1.68 percent.

38. For the year ending December 31, 2017, the savings enhancement fund earned an interest rate of 1.52 percent.

C. - S.2. …

AUTHORITY NOTE: Promulgated in accordance with 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:712 (June 1997), amended LR 24:1268 (July 1998), LR 25:1794 (October 1999), LR 26:2260 (October 2000), LR 27:37 (January 2001), LR 27:1222 (August 2001), LR 27:1876 (November 2001), LR 28:450 (March 2002), LR 28:777 (April 2002), LR 28:2334 (November 2002), LR 29:556 (April 2003), LR 30:786 (April 2004), LR 30:1169 (June 2004), LR 30:2302 (October 2004), LR 31:639 (March 2005), LR 32:1433 (August 2006), LR 32:2240 (December 2006), LR 33:443 (March 2007), LR 34:1885 (September 2008), LR 35:1492 (August 2009), LR 36:492 (March 2010), LR 36:2030 (September 2010), LR 38:1954 (August 2012), LR 44:1888 (October 2018).

Chapter 5. Achieving a Better Life Experience (ABLE)

§507. Applicable Definitions

A. Words and terms not otherwise defined in these rules shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

Account Owner—the eligible individual who opened the account, or the eligible individual on whose behalf the account was opened, and who is also the beneficiary.

Administrator—the person who has the authority to direct the activities of the account. The administrator of the account may be the account owner or a person authorized by law or by authentic act to administer the account on behalf of the beneficiary. For purposes of these rules, the term administrator shall mean the account owner or a person who is legally authorized to act on his behalf.

Beneficiary—the eligible individual who established the ABLE account, or for whom an ABLE account was established, and who is the owner of such account.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3081-3089.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 43:639 (April 2017), amended LR 44:1888 (October 2018).

§509. Establishment of an ABLE Account

A. - D.1. …

2. Documentation required to establish an account on behalf of an eligible individual includes:

a. if a parent, a copy of the eligible individual's birth certificate;

b. if an adoptive parent, documentation evidencing the adoption of the eligible individual;

c. if a custodian, court documents evidencing the appointment of the custodian by a court of law;

d. if designated by the eligible individual to administer his affairs, documentation evidencing such designation;

e. if a juridical entity, documentation evidencing that the eligible individual, or a person authorized to act on his behalf, as indicated in §509.D.2.a-d above, has designated the juridical entity to act on his behalf for purposes of an LA ABLE account program account.

E. - H.4.b.vii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3081-3089.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 43:640 (April 2017), amended LR 44:1888 (October 2018).

§517. Termination, Refund, and Rollovers of an Education Savings Account

A. - G.1.b. …

2. Rollover to another ABLE Program

a. An administrator may request a rollover of the current value of the account to another qualified ABLE program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3081-3089.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 43:642 (April 2017), amended LR 44:1888 (October 2018).

Robyn Rhea Lively
Senior Attorney

1810#008

RULE

Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division

Water Quality—Appendix I
(LAC 33:IX.7117)(WQ098ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Water Quality regulations, LAC 33:IX.7117 (Log #WQ098ft).

This Rule is identical to federal regulations found in 40 CFR 122, Appendix I, 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 includes East Baton Rouge Parish as an unincorporated urbanized area greater than 100,000, but less than 250,000 according to the 1990 Decennial Census by the Bureau of the Census. This information can be found at 64 FR 68849, December 8, 1999. The US Environmental Protection Agency finalized the Phase II stormwater regulations on December 8, 1999, to address discharges of storm water from small municipal separate storm sewer systems (MS4s). As part of this rule, EPA also updated the list of designated Phase I MS4s, which are included in 40

CFR 122, Appendix I. This update includes the addition of the unincorporated area of East Baton Rouge Parish as a Phase I MS4. The incorporated area of Baton Rouge was previously listed in the 1990 Phase I storm water rule. LDEQ subsequently adopted the Phase II stormwater regulations in the rule, Log Number WQ039, finalized on October 20, 2000. Updates to LAC 33:IX.7117 (the corresponding section to 40 CFR 122, Appendix I) were inadvertently omitted from the 2000 rule. The current Rule will correct that omission. The basis and rationale for this Rule are to mirror existing federal regulations, ensuring LDEQ's ability to issue and enforce LPDES permit requirements for the East Baton Rouge Parish MS4. 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. This Rule is hereby adopted on the day of promulgation.

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality
Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

Chapter 71. Appendices

§7117. Appendix I—Parishes with Unincorporated Urbanized Areas Greater than 100,000, But Less than 250,000

A. According to the Latest Decennial Census for the State of Louisiana by the Bureau of Census

Table 1.	
Unincorporated Urbanized Parish	**Population**
East Baton Rouge	102,539
Jefferson	140,836

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), repromulgated by the Office of Environmental Assessment, Environmental Planning Division, LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:1889 (October 2018).

Herman Robinson
General Counsel

1810#011

RULE

Department of Health
Bureau of Health Services Financing
and
Office of Behavioral Health

Behavioral Health Services
Healthy Louisiana and Coordinated System of Care Waiver
(LAC 50:XXXIII.101, 103, 301, 501, and 701)

The Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health have amended LAC 50:XXXIII.101, §103, §301, §501, and §701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXXIII. Behavioral Health Services
Subpart 1. Healthy Louisiana and Coordinated System of Care Waiver

Chapter 1. Managed Care Organizations and the Coordinated System of Care Contractor

§101. General Provisions

A. - B. ...

C. Managed care organizations shall operate as such, and the CSoC contractor shall operate as a prepaid inpatient health plan (PIHP). The MCOs and the CSoC contractor were procured through a competitive request for proposal (RFP) process. The MCOs and CSoC contractor shall assist with the state's system reform goals to support individuals with behavioral health and physical health needs in families' homes, communities, schools and jobs.

D. - D.4. ...

E. The CSoC contractor shall be paid on a risk basis for specialized behavioral health services rendered to children/youth enrolled in the Coordinated System of Care Waiver. The MCOs shall be paid on a risk basis for specialized behavioral health and physical health services rendered to adults and children/youth.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:360 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2353 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 43:321 (February 2017), LR 44:1889 (October 2018).

§103. Recipient Participation

A. The following Medicaid recipients shall be mandatory participants for integrated specialized behavioral health and physical health services:

1. - 12. ...

* * *

B. Mandatory participants shall be automatically enrolled and disenrolled from the MCOs.

C. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:361 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:1286 (July 2015), LR 41:2354 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 43:321 (February 2017), LR 44:1889 (October 2018).

Chapter 3. Managed Care Organizations and the Coordinated System of Care Contractor Participation

§301. Participation Requirements and Responsibilities

A. ...

B. MCOs and the CSoC contractor shall:

1. - 4. ...

5. contract only with providers of services who are licensed and/or certified according to state laws, regulations, rules, the provider manual and other notices or directives issued by the department, meet the state of Louisiana credentialing criteria and enrolled with the Bureau of Health Services Financing, or its designated contractor, after this requirement is implemented;

6. ensure that contracted rehabilitation providers are employed by a rehabilitation agency or clinic licensed and authorized under state law to provide these services;

7. - 10.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 38:362 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2355 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 43:322 (February 2017), LR 44:1889 (October 2018).

Chapter 5. Reimbursement

§501. General Provisions

A. For recipients enrolled in one of the MCOs or with the CSoC contractor, the department or its fiscal intermediary shall make monthly capitation payments to the MCOs or CSoC contractor.

1. The capitation rates paid to the MCOs or CSoC contractor shall be actuarially sound rates.

2. The MCOs or CSoC contractor will determine the rates paid to its contracted providers.

a. No payment shall be less than the minimum Medicaid rate.

B. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:363 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 39:317 (February 2013), LR 41:2356 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1890 (October 2018).

Chapter 7. Grievance and Appeals Process

§701. General Provisions

A. ...

B. An enrollee, an enrollee's authorized representative or a provider on behalf of an enrollee, with the enrollee's prior written consent, has 60 calendar days from the date on the notice of action in which to file an appeal.

C. An enrollee, an enrollee's authorized representative or a provider on behalf of an enrollee, with the enrollee's prior written consent, may file a grievance at any time after an occurrence or incident which is the basis for the grievance.

D. - E. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:363 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2356 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 43:322 (February 2017), LR 44:1890 (October 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

1810#047

RULE

Department of Health
Bureau of Health Services Financing
and
Office of Behavioral Health

Behavioral Health Services
Substance Use Disorders Services
(LAC 50:XXXIII.14101, 14301, 14303, 14501, and 14701)

The Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health have amended LAC 50:XXXIII.14101, §14301, §14303, §14501, and §14701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXXIII. Behavioral Health Services
Subpart 15. Substance Use Disorders Services

Chapter 141. General Provisions

§14101. Introduction

A. The Medicaid Program hereby adopts provisions to provide coverage under the Medicaid State Plan for substance use disorders (SUD) services rendered to children and adults. These services shall be administered under the authority of the Department of Health (LDH), in collaboration with managed care organizations (MCOs) and the coordinated system of care (CSoC) contractor, which shall be responsible for the necessary operational and administrative functions to ensure adequate service coordination and delivery. The CSoC contractor shall only manage specialized behavioral health services for children and youth enrolled in the CSoC program.

B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:426 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2357 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1890 (October 2018).

Chapter 143. Services

§14301. General Provisions

A. ...

B. American Society of Addiction Medicine (ASAM) levels of care require reviews on an ongoing basis, as deemed

necessary by the department to document compliance with national standards.

C. Services provided to children and youth must include communication and coordination with the family and/or legal guardian and custodial agency for children in state custody. Coordination with other child-serving systems should occur as needed to achieve the treatment goals. All coordination must be documented in the child's medical record.

1. The agency or individual who has the decision making authority for a child or adolescent in state custody must approve the provision of services to the recipient.

D. Children who are in need of SUD services shall be served within the context of the family and not as an isolated unit.

1. Services shall be:

a. delivered in a culturally and linguistically competent manner; and

b. respectful of the individual receiving services.

2. Services shall be appropriate to individuals of diverse racial, ethnic, religious, sexual, and gender identities, and other cultural and linguistic groups.

3. Services shall also be appropriate for:

a. age;

b. development; and

c. education.

E. Evidence-based practices require prior approval and fidelity reviews on an ongoing basis as determined necessary by the department.

E.1. - F. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:426 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2357 (November 2015), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1890 (October 2018).

§14303. Covered Services

A. - A.3. ...

B. Service Exclusions. The following services/components shall be excluded from Medicaid reimbursement:

1. - 3. ...

4. services rendered in an institute for mental disease unless provided through Code of Federal Regulations "allowed in lieu of," or a U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved waiver; and

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 38:426 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2357 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1891 (October 2018).

Chapter 145. Provider Participation

§14501. Provider Responsibilities

A. - C. ...

D. Anyone providing SUD services must be licensed in accordance with state laws and regulations, in addition to operating within their scope of practice license. Providers shall meet the provisions of this Rule, the provider manual and the appropriate statutes.

E. Residential addiction treatment facilities shall be accredited by an approved accrediting body and maintain such accreditation. Denial, loss of or any negative change in accreditation status must be reported to the MCO in writing within the time limit established by the department.

F. - F.6. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:427 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2357 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1891 (October 2018).

Chapter 147. Reimbursement

§14701. General Provisions

A. For recipients enrolled with the CSoC contractor, the department or its fiscal intermediary shall make monthly capitation payments to the CSoC contractor, exclusive of coverage for residential substance use treatment services.

1. The capitation rates paid to the CSoC contractor shall be actuarially sound rates.

2. The CSoC contractor will determine the rates paid to its contracted providers.

a. No payments shall be less than the minimum Medicaid rate.

B. For recipients enrolled in one of the MCOs, the department or its fiscal intermediary shall make monthly capitation payments to the MCOs inclusive of coverage for the provision of residential substance use services for recipients enrolled in CSoC.

1. The capitation rates paid to the MCOs shall be actuarially sound rates.

2. The MCOs will determine the rates paid to its contracted providers.

a. No payment shall be less than the minimum Medicaid rate.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:427 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 39:3301 (December 2013), LR 41:2358 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1891 (October 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

1810#048

RULE

Department of Health
Bureau of Health Services Financing
and
Office of Behavioral Health

Children's Behavioral Health Services
(LAC 50:XXXIII.Chapters 21-27)

The Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health have amended LAC 50:XXXIII Chapters 21-27 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXXIII. Behavioral Health Services
Subpart 3. Children's Mental Health Services

Chapter 21. General Provisions

§2101. Introduction

A. The Medicaid Program hereby adopts provisions to provide coverage under the Medicaid State Plan for mental health services rendered to children and youth with behavioral health disorders. These services shall be administered under the authority of the Department of Health (LDH), in collaboration with managed care organizations (MCOs) and the coordinated system of care (CSoC) contractor, which shall be responsible for the necessary operational and administrative functions to ensure adequate service coordination and delivery. The CSoC contractor shall only manage specialized behavioral health services for children and youth enrolled in the coordinated system of care.

B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:364 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2358 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1892 (October 2018).

Chapter 23. Services

§2301. General Provisions

A. ...

B. Services provided to children and youth must include communication and coordination with the family and/or legal guardian and custodial agency for children in state custody. Coordination with other child-serving systems should occur as needed to achieve the treatment goals. All coordination must be documented in the child's medical record.

1. The agency or individual who has the decision making authority for a child or youth in state custody must request and approve the provision of services to the recipient.

C. Children who are in need of specialized behavioral health services shall be served within the context of the family and not as an isolated unit.

1. Services shall be:

a. delivered in a culturally and linguistically competent manner; and

b. respectful of the individual receiving services.

2. Services shall be appropriate to children and youth of diverse racial, ethnic, religious, sexual, and gender identities and other cultural and linguistic groups.

3. Services shall also be appropriate for:

a. age;

b. development; and

c. education.

D. Evidence-based practices require prior approval and fidelity reviews on an ongoing basis as determined necessary by the department.

1. - 3.c. Repealed.

E. Services may be provided at a site-based facility, in the community or in the individual's place of residence as outlined in the plan of care.

F. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:364 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2358 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1892 (October 2018).

§2303. Covered Services

A. The following behavioral health services shall be reimbursed under the Medicaid Program:

1. ...

2. rehabilitation services, including community psychiatric support and treatment (CPST) and psychosocial rehabilitation (PSR);

3. - 4. ...

B. Service Exclusions. The following services shall be excluded from Medicaid reimbursement:

1. - 3. ...

4. services rendered in an institute for mental disease other than a psychiatric residential treatment facility (PRTF) or an inpatient psychiatric hospital; and

5. ...

C. - C.4. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:364 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2359 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1892 (October 2018).

Chapter 25. Provider Participation

§2501. Provider Responsibilities

A. - B. ...

C. Anyone providing specialized behavioral health services shall be licensed in accordance with state laws and regulations, in addition to operating within their scope of practice license. Providers shall meet the provisions of this Rule, the provider manual and the appropriate statutes. The provider shall create and maintain documents to substantiate that all requirements are met.

D. Providers shall maintain case records that include, at a minimum:

1. a copy of the plan of care or treatment plan;
2. the name of the individual;
3. the dates of service;
4. the nature, content and units of services provided;
5. the progress made toward functional improvement; and
6. the goals of the plan of care or treatment plan.

E. - E.6. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:364 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2359 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1893 (October 2018).

Chapter 27. Reimbursement

§2701. General Provisions

A. For recipients enrolled with one of the MCOs or CSoC contractor, the department or its fiscal intermediary shall make monthly capitation payments to the MCOs or the CSoC contractor.

1. The capitation rates paid to MCOs or the CSoC contractor shall be actuarially sound rates.

2. The MCOs or the CSoC contractor will determine the rates paid to its contracted providers.

a. No payment shall be less than the minimum Medicaid rate.

B. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:365 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 39:317 (February 2013), LR 41:2359 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1893 (October 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

1810#049

RULE

Department of Health
Bureau of Health Services Financing

Disproportionate Share Hospital Payments
Major Medical Centers
Specialized Burn Care Units
(LAC 50:V.2717)

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:V.2717 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part V. Hospital Services
Subpart 3. Disproportionate Share Hospital Payments
Chapter 27. Qualifying Hospitals

§2717. Major Medical Centers with Specialized Burn Care Units Located in the Southwestern Area of the State

A. Effective for dates of service on or after June 30, 2018, hospitals qualifying for payments as major medical centers located in the southwestern area of the state shall meet the following criteria:

1. be a private, non-rural hospital located in Department of Health administrative region 4;

2. have at least 175 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, 2017. For qualification purposes, inpatient beds shall exclude nursery and Medicare-designated distinct part psychiatric unit beds;

3. have a burn intensive care unit that is reported on the Medicare/Medicaid cost report, Worksheet S-3, line 10, columns 1-8, for the state fiscal year ending June 30, 2017;

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

5. does not qualify as a party to a low income and needy care collaboration agreement with the Department of Health under the provisions of §2713.

B. Payment Methodology. Effective for dates of service on or after June 30, 2018, 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.

b. Payments shall be limited to the aggregate amount recouped from the qualifying hospitals described in this Section, based on the reported DSH audit results.

c. 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 44:1893 (October 2018).

Rebekah E. Gee MD, MPH
Secretary

1810#050

RULE

Department of Health
Bureau of Health Services Financing

Federally-Qualified Health Centers
Reimbursement Methodology
Long-Acting Reversible Contraceptives
(LAC 50:XI.10703)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XI.10703 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XI. Clinic Services
Subpart 13. Federally-Qualified Health Centers
Chapter 107. Reimbursement Methodology
§10703. Alternate Payment Methodology

A. - C. ...

D. Effective for dates of service on or after January 1, 2019, FQHCs shall be reimbursed a separate payment outside of the prospective payment system (PPS) rate for the following services.

1. Long-Acting Reversible Contraceptives (LARCs)

a. Reimbursement for LARCs shall be at the lesser of, the rate on file or the actual acquisition cost for entities participating in the 340B program. Federally qualified health centers eligible for 340B pricing must bill Medicaid at their 340B actual acquisition cost for reimbursement.

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 34:1033 (June 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1894 (October 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

1810#051

RULE

Department of Health
Bureau of Health Services Financing

Healthcare Services Provider Fees
Emergency Ground Ambulance and Hospital Provider Fees
(LAC 48:I.4001)

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.4001 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 46:2625. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is adopted on the day of promulgation.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 1. General
Chapter 40. Provider Fees
§4001. Specific Fees

A. - D. ...

E. Emergency Ground Ambulance Services. Effective August 1, 2016, a fee shall be imposed on emergency ground ambulance service providers in accordance with R.S. 46:2626.

1. - 3. ...

a. the maximum fee allowable in any year shall not exceed the percentage of net patient service revenues permitted by federal regulation pursuant to 42 CFR 433.68 as determined by the department, as reported by the provider and subject to audit for the previous fiscal year of the provider. The department will arrive at net patient services revenue by using net operating revenue as defined in R.S. 46:2626.

4. ...

F. Hospital Services

1. - 4. ...

5. No licensed facility, which is prohibited from participating in the Medicare Program set forth in 42 U.S.C. 1396, shall be assessed or levied any fee for the hospital stabilization authorized in Article VII, Section 10.13 of the Constitution of Louisiana. This provision is specifically subject to the approval of any waiver required by the Centers for Medicare and Medicaid Services and approval by the Department of Health.

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601-2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and P.L. 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 20:51 (January 1994), LR 26:1478 (July 2000), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:100 (January 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1887, 1888 (November 2016), LR 43:73 (January 2017), repromulgated LR 43:323 (February 2017), amended LR 44:1015 (June 2018), LR 44:1894 (October 2018).

Rebekah E. Gee MD, MPH
Secretary

1810#052

RULE

Department of Health
Bureau of Health Services Financing
and
Office of Behavioral Health

Home and Community-Based Behavioral Health Services Waiver (LAC 50:XXXIII.8103, 8501 and 8701)

The Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health have amended LAC 50:XXXIII.8103, §8501 and §8701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXXIII. Behavioral Health Services
Subpart 9. Home and Community-Based Services Waiver

Chapter 81. General Provisions

§8103. Recipient Qualifications

A. The target population for the Home and Community-Based Behavioral Health Services Waiver program shall be Medicaid recipients who:

1. are from the age of 5 years old through the age of 20 years old effective March 1, 2017:

a. ...

b. prospectively enrolled recipients must be at least age 5 through age 20 to receive waiver services;

A.2. - B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:366 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2361 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 43:324 (February 2017), LR 44:1895 (October 2018).

Chapter 85. Provider Participation

§8501. Provider Responsibilities

A. - C. ...

D. Anyone providing behavioral health services must be licensed in accordance with state laws and regulations, in addition to operating within their scope of practice license. Providers requiring certification in accordance with federal or state laws, regulations, rules, the provider manual, or other notices or directives issued by the department must be appropriately certified. To be certified or recertified, providers shall meet the provisions of this Rule, the provider manual and the appropriate statutes. The provider shall create and maintain documents to substantiate that all requirements are met.

E. - E.6. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:368 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2362 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1895 (October 2018).

Chapter 87. Reimbursement

§8701. Reimbursement Methodology

A. The department or its fiscal intermediary shall make monthly capitation payments to the CSoC contractor.

1. The capitation rates paid to the CSoC contractor shall be actuarially sound rates.

2. The CSoC contractor will make payments to its contracted providers.

a. No payment shall be less than the minimum Medicaid rate.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:368 (February 2012), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1895 (October 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

1810#053

RULE

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

Home and Community-Based Services Waivers
Community Choices Waiver
(LAC 50:XXI.Chapters 81-87 and 93)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services have amended LAC 50:XXI.Chapters 81-87 and 93 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is adopted on the day of promulgation.

Title 50
PUBLIC HEALTH-MEDICAL ASSISTANCE
Part XXI. Home and Community Based Services Waivers
Subpart 7. Community Choices Waiver
Chapter 81. General Provisions

§8101. Introduction

A. The target population for the community choices waiver includes individuals who:

1. are 65 years of age or older; or
2. are 21-64 years of age with a physical disability; and
3. meet nursing facility level of care requirements.
4. Repealed.

B. - D.2. ...

3. No individual, unless granted an exception by OAAS, may concurrently serve as a responsible representative for more than two participants in OAAS-operated Medicaid home and community-based service programs. This includes but is not limited to:

a. - d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3517 (December 2011), amended LR 40:791 (April 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1896 (October 2018).

§8103. Request for Services Registry

A. The Department of Health (LDH) is responsible for the request for services registry, hereafter referred to as "the registry," for the Community Choices Waiver. An individual who wishes to have his or her name placed on the registry must contact a toll-free telephone number which shall be maintained by the department.

B. Individuals who desire their name to be placed on the community choices waiver registry shall be screened to determine whether they meet:

1. nursing facility level or care; and
2. are members of the target population as identified in the federally-approved waiver document.

C. Only individuals who pass the screen required in §8103.B.1-2 shall be added to the registry.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3517 (December 2011), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1896 (October 2018).

§8105. Programmatic Allocation of Waiver Opportunities

A. ...

B. Community choices waiver opportunities shall be offered to individuals on the registry according to priority groups. The following groups shall have priority for community choices waiver opportunities, in the order listed:

1. individuals with substantiated cases of abuse or neglect referred by protective services who, without community choices waiver services, would require institutional placement to prevent further abuse or neglect;

2. - 3. ...

4. individuals admitted to or residing in a nursing facility who have Medicaid as the sole payer source for the nursing facility stay;

5. individuals who are not presently receiving home and community-based services (HCBS) under another approved Medicaid waiver program, including, but not limited to the:

a. adult day health care (ADHC) waiver;
b. new opportunities waiver (NOW);
c. supports waiver, and/or
d. residential options waiver (ROW); and

B.6. - C. ...

D. Notwithstanding the priority group provisions, 75 community choices waiver opportunities are reserved for qualifying individuals who have been diagnosed with amyotrophic lateral sclerosis (ALS). Qualifying individuals who have been diagnosed with ALS shall be offered an opportunity on a first-come, first-serve basis.

E. Notwithstanding the priority group provisions, up to 300 community choices waiver opportunities may be granted to qualified individuals who require emergency waiver services. These individuals shall be offered an opportunity on a first-come, first-serve basis.

1. To be considered for an expedited waiver opportunity, the individual must, at the time of the request for the expedited opportunity, be approved for the maximum amount of services allowable under the long –term personal care services and require institutional placement, unless offered an expedited waiver opportunity.

2. - 2.e. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3517 (December 2011), amended LR 39:319 (February 2013), LR 39:1778 (July 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1896 (October 2018).

§8107. Resource Assessment Process

A. Each community choices waiver applicant/participant shall be assessed using the uniform international resident assessment instrument (interRAI) designed to verify that an individual meets nursing facility level of care and to assess

multiple key domains of function, health, social support and service use. The interRAI assessment generates a score that assigns the individual to a resource utilization group (RUG-III/HC).

B. The following seven primary RUG-III/HC categories and subcategories will be utilized to determine the assistance needed for various activities of daily living (ADLs) and instrumental activities of daily living (IADLs).

1. Special Rehabilitation. Individuals in this category have had at least 120 minutes of rehabilitation therapy (physical, occupational and/or speech) within the seven days prior to their interRAI assessment.

2. - 2.c. ...

3. Special Care. Individuals in this category have a medium to high level of need for assistance with ADLs and have one or more of the following conditions or require one or more of the following treatments:

a. - f. ...

g. intravenous (IV) medications; or

B.3.h. - C.1. ...

2. The applicant/participant may qualify for an increase in the annual services budget amount upon showing that:

a. one or more answers are incorrect as recorded on the assessment (except for the answers in the identification information, personal intake and initial history, assessment date and reason, and/or signature sections); or

b. ...

D. Each community choices waiver participant shall be re-assessed at least annually.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3518 (December 2011), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1896 (October 2018).

Chapter 83. Covered Services

§8301. Support Coordination

A. Support coordination services assist participants in gaining access to needed waiver and other state plan services, as well as needed medical, social, educational, housing, and other services, regardless of the funding source for these services. Support coordination agencies shall be required to perform the following core elements of support coordination services:

1. intake;
2. assessment and re-assessment;
3. plan of care development and revision;
4. follow-up/monitoring;
5. critical incident management; and
6. transition/discharge and closure.

7. - 12. Repealed.

B. ...

1. When participants choose to self-direct their waiver services, the support coordinators are responsible for informing participants about:

a. ...

b. how their activities as an employer are coordinated with the fiscal agent; and

1.c. - 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, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3519 (December 2011), amended LR 39:319 (February 2013), LR 39:1778 (July 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1897 (October 2018).

§8302. Long-Term Personal Care Services

A. Community choices waiver participants cannot also receive long-term personal care services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:320 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1897 (October 2018).

§8303. Transition Intensive Support Coordination

A. Transition intensive support coordination services assist participants who are currently residing in nursing facilities in gaining access to needed waiver and other state plan services, as well as needed medical, social, housing, educational and other services, regardless of the funding source for these services. Support coordinators shall initiate and oversee the process for assessment and reassessment, as well as be responsible for ongoing monitoring of the provision of services included in the participant's approved POC.

1. - 2. ...

B. Support coordinators may assist persons to transition for up to six months while the individual still resides in the facility.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3519 (December 2011), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1897 (October 2018).

§8305. Environmental Accessibility Adaptations

A. Environmental accessibility adaptations are necessary physical adaptations that will be made to the home to reasonably assure the health and welfare of the participant, or enable the participant to function with greater independence in the home.

1. There must be an identified need for environmental accessibility adaptations as indicated by:

a. the interRAI assessment; or

b. supporting documentation of the need.

2. A credentialed environmental accessibility adaptation assessor must complete a written report that includes:

a. verification of the need for the adaptation(s);

b. draft job specifications; and

c. cost estimates for completion of the environmental accessibility adaptation(s).

3. The work must be completed by an enrolled, licensed contractor.

4. Environmental accessibility adaptation(s)shall meet all job specifications as outlined in the written report before payment is made to the contractor that performed the environmental accessibility adaptation(s).

a. If final inspection, either by OAAS staff or the assessor, reveals that the adaptation(s) is substandard, the costs of correcting the work will be the responsibility of the party in error.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3519 (December 2011), amended LR 39:320 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1897 (October 2018).

§8307. Personal Assistance Services

A. Personal assistance services (PAS) provide assistance and/or supervision necessary for the participant with functional impairments to remain safely in the community. PAS include the following services and supports based on the approved POC:

1. supervision or assistance in performing activities of daily living (ADL);

2. supervision or assistance in performing instrumental activities of daily living (IADL);

A.3. - B. ...

C. The provision of PAS services outside of the participant's home does not include trips outside of the borders of the state without prior written approval by OAAS or its designee.

D. PAS may be provided through the "a.m." and "p.m." delivery option defined as follows:

1. - 2. ...

3. a minimum four hours break between the "a.m." and the "p.m." portions of this PAS delivery method;

4. - 6. ...

7. "a.m." and/or "p.m." PAS may not be provided on the same calendar day as other PAS delivery methods;

D.8. - F. ...

G. Every PAS provider shall ensure that each waiver participant who receives PAS has a written individualized back-up staffing plan and agreement for use in the event that the assigned PAS worker is unable to provide support due to unplanned circumstances, including emergencies which arise during a shift.

H. Every PAS provider shall ensure timely completion of the emergency plan for each waiver participant they serve.

I. - I.6. ...

J. Participants are not permitted to receive PAS while living in a home or property owned, operated, or controlled by an owner, operator, agent, or employee of a licensed provider of long-term care services and providers are prohibited from providing and billing for services under these circumstances. Participants may not live in the home of a direct support worker unless that worker is related by blood or marriage to the participant.

1. ...

K. It is permissible for the PAS allotment to be used flexibly within a prior authorized week in accordance with the participant's preferences and personal schedule and with proper documentation.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3519 (December 2011), amended LR 39:320 (February 2013), LR 39:1778 (July 2013), LR 40:791 (April 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1898 (October 2018).

§8309. Transition Services

A. ...

B. Allowable expenses are those necessary to enable the individual to establish a basic household (excluding expenses for room and board) including, but not limited to:

1. ...

2. specific set up fees or deposits;

3. activities to assess need, arrange for and procure needed resources;

4. essential furnishings to establish basic living arrangements; and

5. health and welfare assurances.

C. ...

D. These services do not include monthly rental, mortgage expenses, food, recurring monthly utility charges and household appliances and/or items intended for purely diversional/recreational purposes. These services may not be used to pay for furnishing or to set-up living arrangements that are owned or leased by a waiver provider.

E. ...

F. Funds are available up to the lifetime maximum amount identified in the federally-approved waiver document.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3520 (December 2011), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1898 (October 2018).

§8311. Adult Day Health Care Services

A. ...

B. ADHC services include those core service requirements identified in the ADHC licensing standards (LAC 48.I.4243), in addition to:

1. medical care management; and

2. transportation to and from medical and social activities (if the participant is accompanied by the ADHC center staff).

3. - 8. Repealed.

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 and the Office of Aging and Adult Services, LR 37:3521 (December 2011), amended LR 39:321 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1898 (October 2018).

§8313. Caregiver Temporary Support Services

A. - H. ...

I. Caregiver temporary support may be provided for the relief of the principal caregiver for participants who receive monitored in-home caregiving (MIHC) services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3521 (December 2011), amended LR 39:321 (February 2013), LR 40:792 (April 2014), amended by the Department of Health, Bureau of Health Services

Financing and the Office of Aging and Adult Services, LR 44:1898 (October 2018).

§8315. Assistive Devices and Medical Supplies

A. Assistive devices and medical supplies are specialized medical equipment and supplies which include:

1. devices, controls, appliances or nutritional supplements that enable participants to increase their ability to perform activities of daily living; or

2. devices, controls, appliances or nutritional supplements that enable participants to perceive, control, or communicate with the environment in which they live or provide emergency response;

3. items, supplies and services necessary for life support, ancillary supplies and equipment necessary to the proper functioning of such items;

4. supplies and services necessary to assure health and welfare;

5. other durable and non-durable medical equipment and medical supplies that are necessary, but not available under the state plan;

6. personal emergency response systems (PERS);

7. other in-home monitoring and medication management devices and technology;

8. routine maintenance or repair of specialized equipment; and

9. batteries, extended warranties, and service contracts that are cost effective and assure health and welfare.

B. This service includes medical equipment, not available under the state plan, that is necessary to address participant functional limitations and necessary medical supplies not available under the state plan.

C. Where applicable, participant must use Medicaid State Plan, Medicare, or other available payers first. The participant's preference for a certain brand or supplier is not grounds for declining another payer in order to access waiver services.

D. All services must be based on a verified need of the participant and the service must have a direct or remedial benefit to the participant with specific goals and outcomes. This benefit must be determined by an independent assessment on any items whose cost exceeds the amount identified in the federally-approved waiver document and on all communication devices, mobility devices, and environmental controls. Independent assessments are done by individuals who have no fiduciary relationship with the manufacturer, supplier, or vendor of the item.

E. All items must reduce reliance on other Medicaid State Plan or waiver services.

F. All items must meet applicable standards of manufacture, design, and installation.

G. All items must be prior authorized and no experimental items shall be authorized.

H. 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 of Aging and Adult Services, LR 37:3521 (December 2011), amended LR 39:321 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1899 (October 2018).

§8319. Non-Medical Transportation

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 of Aging and Adult Services, LR 37:3522 (December 2011), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1899 (October 2018).

§8323. Skilled Maintenance Therapy

A. Skilled maintenance therapy is therapy services that may be received by participants in the home or rehabilitation center.

B. ...

C. Therapy services provided to participants are not necessarily tied to an episode of illness or injury and instead focus primarily on the person's functional need for maintenance of, or reducing the decline in, the participant's ability to carry out activities of daily living.

D. - H. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3522 (December 2011), amended LR 39:321 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1899 (October 2018).

§8325. Housing Transition or Crisis Intervention Services

A. Housing transition or crisis intervention services enable participants who are transitioning into a permanent supportive housing (PSH) unit, including those transitioning from institutions, to secure their own housing or provide assistance at any time the participant's housing is placed at risk (e.g., eviction, loss of roommate or income). The service includes the following components:

1. conducting a housing assessment identifying the participant's preferences related to housing (type, location, living alone or with someone else, accommodations needed, and other important preferences), and identifying his/her needs for support to maintain housing, including:

a. ...

b. becoming familiar with neighborhood, resources, and neighbors;

c. meeting the terms of a lease;

d. eviction prevention;

e. budgeting for housing/living expenses;

f. obtaining/accessing sources of income necessary for rent;

g. home management; and

h. ...

2. assisting the participant to view and secure housing as needed. This may include arranging or providing transportation. The participant shall be assisted in securing supporting documents/records, completing/submitting applications, securing/seeking waiver of deposits, and locating furnishings;

3. - 5. ...

6. communicating with the landlord or property manager regarding:

a. accommodations needed by the participant;

b. components of emergency procedures involving the landlord or property manager; and

c. needs to assist with issues that may place the participant's ability to access or remain in housing at risk.

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, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:1779 (July 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1899 (October 2018).

§8327. Housing Stabilization Services

A. Housing stabilization services enable waiver participants to, once housed, successfully maintain tenancy and residence in their own housing as set forth in the participant's approved plan of care. Services must be provided in the home or a community setting. This service includes the following components:

1. ...

2. providing supports and interventions designed to maintain ongoing successful and stable tenancy and residence;

3. serving as point of contact for the landlord or property manager regarding any accommodations needed by the participant, any components of emergency procedures involving the landlord or property manager and to assist with issues that may place the participant's housing at risk; and

A.4. - B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:1779 (July 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1900 (October 2018).

§8329. Monitored In-Home Caregiving Services

A. ...

B. The principal caregiver is responsible for supporting the participant to maximize the highest level of independence possible by providing necessary care and supports that may include:

1. - 4. ...

5. supervision or assistance while escorting/ accompanying the individual outside of the home to perform services indicated in the plan of care and to provide the same level of supervision or assistance as would be rendered in the home; and

B.6. - C.5. ...

D. Participants electing monitored in-home caregiving services shall not receive the following community choices waiver services during the period of time that the participant is receiving monitored in-home caregiving services:

1. - 3. ...

E. Monitored in-home caregiving providers must be licensed HCBS providers with a monitored in-home caregiving module who employ professional staff, including a registered nurse and a care manager, to support principal caregivers to perform the direct care activities performed in the home. The provider must assess and approve the home in which services will be provided, and shall enter into contractual agreements with caregivers who the agency has approved and trained. The provider will pay per diem stipends to caregivers.

F. The MIHC provider must use secure, web-based information collection from principal caregivers for the purposes of monitoring participant health and caregiver performance. All protected health information (PHI) must be transferred, stored, and otherwise utilized in compliance with applicable federal and state privacy laws. Providers must sign, maintain on file, and comply with the LDH HIPAA business associate addendum.

G. The department shall reimburse for monitored in-home caregiving services based upon a tiered model which is designed to address the participant's acuity.

1. - 2.d. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 40:792 (April 2014), amended LR 41:2642 (December 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1900 (October 2018).

Chapter 85. Self-Direction Initiative

§8501. Self-Direction Service Option

A. The self-direction initiative is a voluntary, self-determination option which allows the participant to coordinate the delivery of personal assistance services through an individual direct support professional rather than through a licensed, enrolled provider. Selection of this option requires that the participant utilize a payment mechanism approved by the department to manage the required fiscal functions that are usually handled by a traditional direct service provider.

B. - C. ...

1. Voluntary Termination. A waiver participant may choose at any time to withdraw from the self-direction service option and return to the traditional direct service provider.

2. Involuntary Termination. The department may terminate the self-direction service option for a participant and require him/her to receive provider-managed services under the following circumstances:

a. - c. ...

d. the participant or responsible representative:

i. - ii. ...

iii. fails to provide required documentation;

iv. fails to cooperate with the department fiscal agent or support coordinator;

v. ...

vi. fails to receive self-directed services for 90 calendar days or more.

D. Employee Qualifications. All employees under the self-direction option must:

1. be at least 18 years of age on the date of hire;

2. pass required criminal background checks; and

3. be able to complete the tasks identified in the plan of care.

E. 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 of Aging and Adult Services, LR 37:3523 (December 2011), amended LR 39:321 (February 2013), LR 39:1779 (July 2013),

amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1900 (October 2018).

Chapter 86. Organized Health Care Delivery System

§8601. General Provisions

A. - B. ...

C. The OHCDS must attest that all applicable provider qualifications are met.

D. Prior to enrollment, an OHCDS must show the ability to provide all of the following community choices services :

1. personal assistance services (PAS);
2. home delivered meals;
3. skilled maintenance therapy;
4. nursing;
5. caregiver temporary support services;
6. assistive devices and medical supplies;
7. environmental accessibility adaptations (EAA); and
8. adult day health care (only if there is a licensed ADHC provider in the service area).

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 40:792 (April 2014), amended LR 41:2643 (December 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1901 (October 2018).

Chapter 87. Plan of Care

§8701. Plan of Care

A. The applicant and support coordinator have the flexibility to construct a plan of care that serves the participant's health and welfare needs. The service package provided under the POC shall include services covered under the community choices waiver in addition to services covered under the Medicaid state plan (not to exceed the established service limits for either waiver or state plan services) as well as other services, regardless of the funding source for these services. All services approved pursuant to the POC shall be medically necessary and provided in a cost-effective manner. The POC shall be developed using a person-centered process coordinated by the support coordinator.

B. Reimbursement shall not be made for services provided prior to the department's, or its designee's, approval of the POC.

C. - C.2. ...

3. total cost of waiver services covered by the POC.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3524 (December 2011), amended LR 39:321 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1901 (October 2018).

Chapter 89. Admission and Discharge Criteria

§8901. Admission Criteria

A. Admission to the community choices waiver program shall be determined in accordance with the following criteria:

1. - 4. ...

5. reasonable assurance that the health and welfare of the participant can be maintained in the community with the provision of community choices waiver services.

B. Failure of the individual to cooperate in the eligibility determination, plan of care development process or to meet any of the criteria above shall result in denial of admission to the Community Choices Waiver.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3524 (December 2011), amended LR 39:322 (February 2013); amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1901 (October 2018).

§8903. Admission Denial or Discharge Criteria

A. Admission shall be denied or the participant shall be discharged from the community choices waiver program if any of the following conditions are determined.

1. The individual does not meet the target population criteria as specified in the federally approved waiver document.

2. The individual does not meet the criteria for Medicaid financial eligibility.

3. The individual does not meet the criteria for nursing facility level of care.

4. ...

5. Continuity of services is interrupted as a result of the participant not receiving and/or refusing community choices waiver services (exclusive of support coordination services) for a period of 30 consecutive days.

EXCEPTION: An exception may be granted by OAAS to delay discharge if interruption is due to an acute care hospital, rehabilitation hospital, or nursing facility admission.

6. The health and welfare of the individual cannot be reasonably assured through the provision of community choices waiver services.

7. - 8. ...

9. It is not cost effective or appropriate to serve the individual in the Community Choices Waiver.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3524 (December 2011), amended LR 39:322 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1901 (October 2018).

Chapter 93. Provider Responsibilities

§9301. General Provisions

A. ...

B. The provider shall not request payment unless the participant for whom payment is requested is receiving services in accordance with the community choices waiver program provisions and the services have been prior authorized and actually provided.

C. Any provider of services under the community choices waiver shall not refuse to serve any individual who chooses their agency unless there is documentation to support an inability to meet the individual's health and

welfare needs, or all previous efforts to provide service and supports have failed and there is no option but to refuse services.

1. - 2. ...

D. Providers must maintain adequate documentation to support service delivery and compliance with the approved POC and will provide said documentation at the request of the department, or its designee.

E. Any provider of services under the community choices waiver shall not interfere with the eligibility, assessment, care plan development, or care plan monitoring processes with use of methods including, but not limited to:

1. - 2. ...

3. threats against program participants, members of their informal support network, LDH staff or support coordination staff.

F. Any provider of services under the community choices waiver shall have the capacity and resources to provide all aspects of any service they are enrolled to provide in the specified service area.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3524 (December 2011), amended LR 39:322 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1901 (October 2018).

§9303. Reporting Requirements

A. Support coordinators and direct service providers are obligated to immediately report any changes to the department that could affect the waiver participant's eligibility including, but not limited to, those changes cited in the denial or discharge criteria.

B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 39:322 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1902 (October 2018).

Chapter 95. Reimbursement

§9501. Unit of Reimbursement

A. - A.6. ...

B. The following services shall be reimbursed at the authorized rate or approved amount of the assessment, inspection, installation/fitting, maintenance, repairs, adaptation, device, equipment, or supply item and when the service has been prior authorized by the plan of care:

1. ...

2. environmental accessibility adaption assessment and inspections;

3. assistive devices and medical supplies;

4. home delivered meals (not to exceed the maximum limit set by OAAS);

5. transition services (not to exceed the maximum lifetime limit set by OAAS);

6. monitored in-home caregiving (MIHC) assessment; and

7. certain nursing, and skilled maintenance therapy procedures

C. - D.3. ...

E. The following services shall be reimbursed on a per-visit basis:

1. certain nursing and skilled maintenance therapy procedures; and

2. personal assistance services furnished via "a.m. and p.m." delivery method.

F. Reimbursement shall not be made for community choices waiver services provided prior to the department's approval of the POC and release of prior authorization for the services.

F.1. - H. 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 of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 39:322 (February 2013), LR 39:508, 508 (March 2013), repromulgated LR 39:1048 (April 2013), amended LR 39:1779 (July 2013), LR 40:793 (April 2014), LR 42:897 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1902 (October 2018).

Rebekah E. Gee MD, MPH
Secretary

1810#054

RULE

Department of Health
Bureau of Health Services Financing

Managed Care for Physical and Behavioral Health
Skilled Nursing Facility Services
(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. This Rule is hereby adopted on the day of promulgation.

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. - F.1. ...

G. Excluded Services

1. The following services will continue to be reimbursed by the Medicaid Program on a fee-for-service basis, with the exception of dental services which will be reimbursed through a dental benefits prepaid ambulatory health plan under the authority of a 1915(b) waiver. The MCO shall provide any appropriate referral that is medically necessary. The department shall have the right to incorporate these services at a later date if the member capitation rates

have been adjusted to incorporate the cost of such service. Excluded services include:

a. - c. ...

d. nursing facility services;

EXCEPTION: Skilled nursing facility services may be utilized for members who transition from acute care hospital services as a step-down continuum of care.

G.1.e. - 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 by the Department of Health, Bureau of Health Services Financing, LR 44:61 (January 2018), LR 44:1902 (October 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

1810#055

RULE

Department of Health
Bureau of Health Services Financing

Outpatient Hospital Services
Duration of Outpatient Status (LAC 50:V.5107)

The Department of Health, Bureau of Health Services Financing has repealed LAC 50:V.5107 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part V. Hospital Services
Subpart 5. Outpatient Hospital Services
Chapter 51. General Provisions
§5107. Duration of Outpatient Status

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1600 (June 2011), repealed by the Department of Health, Bureau of Health Services Financing, LR 44:1903 (October 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

1810#056

RULE

Department of Health
Bureau of Health Services Financing

Rural Health Clinics
Reimbursement Methodology
Long-Acting Reversible Contraceptives
(LAC 50:XI.16703)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XI.16703 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XI. Clinic Services
Subpart 15. Rural Health Clinics
Chapter 167. Reimbursement Methodology
§16703. Alternate Payment Methodology

A. - C. ...

D. Effective for dates of service on or after January 1, 2019, RHCs shall be reimbursed a separate payment outside of the PPS rate for the following services:

1. Long-Acting Reversible Contraceptives (LARCs)

a. Reimbursement for LARCs shall be at the lesser of, the rate on file or the actual acquisition cost for entities participating in the 340B program. Rural health clinics eligible for 340B pricing must bill Medicaid at their 340B actual acquisition cost for reimbursement.

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 32:1905 (October 2006), repromulgated LR 32:2267 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2632 (September 2011), LR 40:83 (January 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1903 (October 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

1810#047

RULE

Department of Health
Bureau of Health Services Financing
and
Office of Behavioral Health

Therapeutic Group Homes
(LAC 50:XXXIII.Chapters 121-127)

The Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health have amended LAC 50:XXXIII.Chapters 121-127 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXXIII. Behavioral Health Services
Subpart 13. Therapeutic Group Homes

Chapter 121. General Provisions

§12101. Introduction

A. The Medicaid Program hereby adopts provisions to provide coverage under the Medicaid state plan for behavioral health services rendered to children and youth in a therapeutic group home (TGH). These services shall be administered under the authority of the Department of Health (LDH), in collaboration with managed care organizations (MCOs) and the coordinated system of care (CSoC) contractor for children and youth enrolled in the CSoC program, which shall be responsible for the necessary operational and administrative functions to ensure adequate service coordination and delivery.

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, Bureau of Health Services Financing, LR 38:427 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2371 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1904 (October 2018).

Chapter 123. Services

§12303. Covered Services

A. - A.4. ...

B. Service Exclusions. The following services/components shall be excluded from Medicaid reimbursement:

1. - 3. ...

4. services rendered in an institution for mental disease;

5. - 6. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:428 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2371 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1904 (October 2018).

Chapter 125. Provider Participation

§12501. Provider Responsibilities

A. Each provider of TGH services shall enter into a contract with one or more of the MCOs in order to receive reimbursement for Medicaid covered services. Providers shall meet the provisions of this Rule, the provider manual, and the appropriate statutes.

B. - C. ...

D. Anyone providing TGH services shall be licensed in accordance with state laws and regulations, in addition to operating within their scope of practice license.

E. TGH facilities shall be accredited by an approved accrediting body and maintain such accreditation. Denial, loss of or any negative change in accreditation status must be reported to their contracted MCOs in writing within the time limit established by the department.

F. - G.2. ...

H. For TGH facilities that provide care for sexually deviant behaviors, substance use, or dually diagnosed individuals, the facility shall submit documentation to their contracted MCOs regarding the appropriateness of the research-based, trauma-informed programming and training, as well as compliance with ASAM level of care being provided.

I. - J. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:428 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2371 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1904 (October 2018).

Chapter 127. Reimbursement

§12701. General Provisions

A. The department or its fiscal intermediary shall make monthly capitation payments to the MCOs. The capitation rates paid to the MCOs shall be actuarially sound rates and the MCOs will determine the rates paid to its contracted providers. No payment shall be less than the minimum Medicaid rate.

A.1. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:429 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2372 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1904 (October 2018).

§12705. In-State Therapeutic Group Homes

A. In-state publicly and privately owned and operated therapeutic group homes shall be reimbursed according to the MCO established rate within their contract.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:429 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR:41:2372 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1904 (October 2018).

§12707. Out-of-State Therapeutic Group Homes

A. Out-of-state therapeutic group homes shall be reimbursed for their services according to the rate established by the MCO.

B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:429 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2372 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1905 (October 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

1810#058

RULE

Department of Health
Office of Aging and Adult Services

Traumatic Head and Spinal Cord Injury
(LAC 48:I.Chapter 19)

Under the authority of R.S. 36:259(T) and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:450 et seq.., the Louisiana Department of Health, Office of Aging and Adult Services, hereby amends the Traumatic Head and Spinal Cord Injury regulations, LAC 48:I.Chapter 19.

This Rule amends language in order to align with statute changes to R.S. 46:2631 and R.S 46:2635 (A) approved in the 2018 Regular Legislative Session, ACT 424, and to codify current processes to ensure timely and efficient delivery of services to participants. This Rule is hereby adopted on the day of promulgation.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 1. General
Chapter 19. Traumatic Head and Spinal Cord Injury

Editor's Note: This Chapter, formerly LAC 67:VII.Chapter 19, was moved to LAC 48:I.Chapter 19.

§1901. Program Profile
[Formerly LAC 67:VII.1901]

A. ...

B. Program Administration

1. The Department of Health, Office of Aging and Adult Services (OAAS), shall be responsible for administration of the Louisiana Traumatic Head and Spinal Cord Injury Trust Fund.

2. OAAS has the responsibility of:

a. - b. ...

c. evaluating the needs of head injured and spinal cord injured individuals to identify service gaps and needs;

d. submitting an annual report with recommendations to the legislature and governor 60 calendar days prior to each Regular Session of the Legislature; and

e. monitoring, evaluating, and reviewing the development and quality of services funded through the trust fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1252 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:84 (January 2014),amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:1905 (October 2018).

§1905. Definitions
[Formerly LAC 67:VII.1905]

* * *

Medically Stable—Repealed.

Medically Unstable—Repealed.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1253 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:84 (January 2014), amended by the Department of Health, Office of Aging and Adult Services, LR 42:1669 (October 2016),amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:1905 (October 2018)

§1907. General Requirements
[Formerly LAC 67:VII.1907]

A. ...

B. Case Record Documentation. A case record will be maintained for each individual served.

1. The record shall contain the following:

a. documentation to support the decision to provide, deny, or amend services;

b. documentation of the amounts and dates of each service delivery;

c. service plans and progress notes;

d. proof of individual identifications; and

e. any applicable assessments.

2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1253 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:85 (January 2014) ,amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:1905 (October 2018).

§1909. Individual Appeals Rights
[Formerly LAC 67:VII.1911]

A. Administrative Review. The administrative review is the first level appeal process used by individuals for a timely resolution of disagreements pertaining to eligibility decisions or a denial of services.

1. All applicants/participants shall be provided written notification to inform them of their appeal rights regarding eligibility and/or the denial of services.

a. The written notification shall include:

i. the decision being reached;

ii. the basis for and effective date of the decision;

iii. the specific means for appealing the decision;

iv. the individual's right to submit additional evidence and information;

v. information about the individual's right to representation; and

vi. the name and address of the trust fund program.

2. The appeal must be requested by the individual (or their representative) and shall be:

a. made in writing; and

b. post-marked or received in the trust fund program office within 15 business days of the date on the written notification of denial.

c. Repealed.

d. Repealed.

e. Repealed.

3. The administrative review may be conducted face-to-face or via telephone with the program manager of the Traumatic Head and Spinal Cord Injury Trust Fund Program.

4. Services shall continue during the administrative review process unless the services being provided have been obtained through:

a. misrepresentation;

b. fraud; and/or

c. collusion or criminal conduct on the part of the individual.

5. The administrative review must take place, a decision reached, and written notification of the decision provided to the individual within 30 calendar days of the receipt of the individuals' appeal request.

6. The written notification of the administrative review decision shall include:

a. the decision being reached;

b. the basis for and effective date of the decision;

c. the specific means for appealing the administrative review decision;

7. If the individual fails to attend the administrative review either in person or via telephone, the appeal will be considered abandoned and the appeal process is exhausted.

B. Advisory Board Review. In the event that a disputed decision is not resolved through the administrative review process, the individual may request a second level appeal before the advisory board.

1. Requests for advisory board review shall be:

a. made in writing to the program manager of the trust fund program;

b. post-marked or received in the trust fund program office within 15 business days of the date on the administrative review decision notice.

c. Repealed.

d. Repealed.

e. Repealed.

2. The advisory board review shall take place at the time of the next regularly scheduled advisory board meeting following the receipt of the individual's written request, unless the program manager deems that it is necessary to address the situation sooner, in which case a special meeting of the advisory board could be called for the purpose of conducting the review.

3. The individual shall have the right to:

a. submit additional evidence, and

b. bring representation to the advisory board review.

4. The advisory board shall:

a. make an impartial decision;

b. provide a written notice of the decision within 10 business days of the advisory board review.

5. The decision of the advisory board is final and the appeal process is exhausted.

6. If the individual fails to attend the appeal hearing either in person or via telephone, the appeal will be considered abandoned and all appeal processes shall be exhausted.

NOTE: Repealed.

AUTHORITY NOTE; Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1254 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:85 (January 2014) ,amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:1905 (October 2018).

§1911. Program Eligibility

[Formerly LAC 67:VII.1913]

A. In order for an individual to be determined eligible for services, the individual must:

1. meet the definition of spinal cord injury or traumatic brain injury as defined in §1905 above;

2. be a resident of the state of Louisiana and officially domiciled in the state of Louisiana at the time of injury and during the provision of services;

3. have a reasonable expectation to achieve improvement in functional outcome with assistance;

4. have exhausted all other Medicare and Medicaid sources;

5. be willing to accept services from an approved facility/program; and

6. complete and submit appropriate application for services.

7. Repealed.

8. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1255 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:86 (January 2014) ,amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:1906 (October 2018).

§1913. Ineligibility

[Formerly LAC 67:VII.1915]

A. A determination of ineligibility is made when the individual does not meet program eligibility as defined in §1911 above.

1. Repealed.

2. Repealed.

3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1255 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:86 (January 2014), ,amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:1906 (October 2018).

§1915. Fiscal
[Formerly LAC 67:VII.1917]

A. Limitations. Expenditures on behalf of any one individual shall not:

1. exceed $15,000 during the 12-month period based on the participant's eligibility/anniversary date.

2. exceed the total lifetime maximum of $50,000.

B. ...

C. Prior Written Authorization and Encumbrance. The proper authorizing document(s) must be written before the initiation of goods or services.

1. Failure to obtain prior authorization will result in a denial of products or services.

a. The program manager may approve items to be reimbursed for situations deemed unavoidable/emergency.

D. All monies collected, but not expended, for the Traumatic Head and Spinal Cord Injury Trust Fund Program are carried forward to the following fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S.36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1255 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:86 (January 2014) ,amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:1907 (October 2018).

§1917. Service Plan
[Formerly LAC 67:VII.1919]

A. Once an individual has been determined eligible for services, an appropriate individualized assessment shall be completed in order to:

1. determine the scope of services;

2. develop, implement, and update service plans as appropriate;

3. Repealed.

4. Repealed.

B. The service plan shall:

1. be individualized:

2. be outcome oriented;

3. include (at a minimum) all of the following:

a. specific services to be delivered or rendered;

b. frequency of the service(s)

c. beginning and ending dates;

d. costs of services;

e. service provider.

4. be presented by means understandable to the individual served.

C. The individual or authorized representative must give informed written consent to the service plan and all amendments.

D. The case record shall include all updates and amendments to the service plan.

AUTHORITY NOTE: Promulgated in accordance with| R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1255 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:86 (January 2014), LR 44:1907 (October 2018).

§1919. Services
[Formerly LAC 67:VII.1921]

A. ...

B. Service plans shall be written with a goal of achieving specific objectives:

1. related to the participant's injury, and

2. to improve participant's functioning in their home and community.

C. Additional documentation may be requested to justify the need for a particular good/service.

D. Services may include, but are not limited to:

1. - 3. ...

4. medication and medical supplies;

5. personal care attendant services;

6. - 7. ...

8. environmental accessibility modifications ;

9. vehicle accessibility modifications;

10. transportation for non-emergency medical appointments.

E. The trust fund will not pay for the following (this list is not all-inclusive):

1. - 2. ...

3. routine vehicle maintenance and repairs;

4. routine home maintenance and repairs;

5. recreational items or activities;

6. routine bills or payments;

7. funeral expenses

8. legal expenses

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1255 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:86 (January 2014) ,amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:1907 (October 2018).

§1923. Conditions for Case Closure
[Formerly LAC 67:VII.1925]

A. ...

1. has shown consistent failure to cooperate with the service plan and case managers;

2. reaches the maximum $50,000 in total lifetime expenditures;

3. has less than $100 of the lifetime balance remaining for a period of 12 months or more.

4. does not meet the program's eligibility criteria;

5. resides in another state or moves to another state;

6. fails to maintain a safe and legal home environment;

7. is unable to be contacted after two phone call attempts on two separate days and does not respond to written notification within 15 business days of the date on the notice;

8. made misrepresentations in the eligibility determination process;

9. made misrepresentations to obtain goods and services;

10. is incarcerated.

11. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46.2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1256 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:87 (January 2014) ,amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:1907 (October 2018).

Rebekah E. Gee MD, MPH
Secretary

1810#020

RULE

Department of Health
Office of Public Health

Newborn Heel Stick Screening and Laboratory Services
(LAC 48:V.6303 and LAC 48:V.13703)

Under the authority of R.S. 40:29, R.S. 40:1081.1 and 1081.2 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Department of Health, Office of Public Health (LDH-OPH) has amended Section 6303 (Purpose, Scope Methodology) of Chapter 63 (Newborn Heel Stick Screening). This Chapter is under Subpart 18 (Disability Prevention Program) of Part V (Preventive Health Services) of Title 48 (Preventive Health Services) of LAC 48 (Public Health—General). The Rule adds Severe Combined Immunodeficiency (SCID) to the panel of tests for which infants are screened at birth to detect genetic diseases. It also updates procedures to reflect modern laboratory testing methodologies for some screening tests as well as updating addresses, phone numbers and fax numbers of the OPH Laboratory and Genetic Diseases Program.

In accordance with law, LDH has consulted with medical geneticists from each of Louisiana's medical schools prior to the publication of the July 2018 Notice of Intent. In 2011, an ad hoc meeting of the Louisiana Newborn Screening Advisory Committee, recommended to add SCID to the newborn screening panel once funding became available.

Finally, §13703 (Applicability) of Chapter 137 (Laboratory Services) under Subpart 49 (Community Based and Rural Health Services) of Part V of Title 48 of LAC 48 is amended to correct an apparent error of applicability (likely dating back to a June 1989 amendment of §13703) as it relates to fees currently being collected to assist in funding for the newborn heel stick screening program. This Rule is hereby adopted on the day of promulgation.

Title 48
PUBLIC HEALTH—GENERAL
Part V. Preventive Health Services
Subpart 18. Disability Prevention Program
Chapter 63. Newborn Heel Stick Screening
§6303. Purpose, Scope, and Laboratory Testing Methodology

A. R.S. 40:1081.1 and 1081.2 requires physicians to test Louisiana newborns for the disorders listed below along with the abbreviations used by the American College of Medical Genetics (ACMG).

1. Disorders of amino acid metabolism:
   a. phenylketonuria (PKU);
   b. maple syrup urine disease (MSUD);
   c. homocystinuria (HCY
   d. citrullinemia, type I (CIT);
   e. argininosuccinate acidemia (ASA); and
   f. tyrosinemia, type I (TYR I).
2. Disorders of fatty acid metabolism:
   a. medium-chain acyl-CoA dehydrogenase deficiency (MCAD);
   b. trifunctional protein deficiency (TFP);
   c. very long-chain acyl-CoA dehydrogenase deficiency (VLCAD);
   d. carnitine uptake defect (CUD); and
   e. long chain-3-hydroxyacyl-CoA dehydrogenase deficiency (LCHAD).
3. Disorders of organic acid metabolism:
   a. isovaleric acidemia (IVA);
   b. methylmalonic acidemia (methylmalonyl-CoA mutase, MUT),(cobalamin disorders, CBL A, B);
   c. glutaric acidemia type 1 (GA1);
   d. propionic acidemia (PROP);
   e. 3-hydroxy-3-methylglutaryl–CoA lyase deficiency (HMG);
   f. multiple carboxylase deficiency (MCD) including, but not limited to, holocarboxylase synthetase deficiency;
   g. beta-ketothiolase deficiency (BKT); and
   h. 3-methylcrotonyl CoA carboxylase deficiency (3-MCC).
4. Other metabolic disorders:
   a. biotinidase deficiency (BIOT); and
   b. classic galactosemia (GALT).
5. Endocrine disorders:
   a. congenital hypothyroidism (CH); and
   b. congenital adrenal hyperplasia (CAH).
6. Hemoglobinopathies (sickle cell diseases):
   a. hemoglobin S,S disease (sickle cell anemia) (Hb SS);
   b. hemoglobin S,C disease (Hb SC);
   c. hemoglobin S, beta-thalassemia disease (Hb S/βTH); and
   d. other sickling diseases.
7. Pulmonary disorders:
   a. cystic fibrosis (CF).
8. Immune Disorders:
   a. severe combined immunodeficiency (SCID).

B. Methodology

1. Filter Paper Specimen Form (Lab10), used in blood specimen collection for neonatal screening, can be obtained from the Genetic Diseases Program by calling 504-568-8254. There are two different types of Lab-10 forms which are color-coded.
   a. For patients covered by Medicaid or Managed Care Plans, blue border Lab-10 forms are used. There is no charge to private providers for these blue border forms. The patient's Medicaid number (or mother's number, if the patient has not been issued one) shall be indicated on the form.
   b. For private and non-Medicaid patients, red border Lab-10 forms are used. These red border Lab-10 forms are $30 each. The name of the insurance company and policy number shall be included on the form.
2. Private providers should order a mix of red and blue Lab-10 forms from the Genetic Diseases Program to match

the Medicaid/non-Medicaid composition of newborns to be screened at their facility. The Lab-10 forms shall be completely filled out.

3. For non-Medicaid patients with a financial status of greater than 100 percent of the poverty guidelines as established by the Louisiana Department of Health (LDH) and who attend a parish health unit for just the newborn screening service, the parent or guardian shall be charged $30 upon registering at the parish health unit.

4. To ensure that specimens for testing are received within 2 to 3 days by the laboratory approved by the Office of Public Health (OPH) to perform newborn screening pursuant to the requirements of this Chapter, all such laboratories shall provide mailing envelopes to submitting hospitals which guarantee a delivery time no longer than 3 days from mailing. An example of an acceptable minimum option would be the use of the United States Postal Service's Flat Rate Priority Mailing Envelopes. The use of all other companies and courier services providing the required level of service stated herein are acceptable.

C. Policy for Pre-Discharge, Repeat Screening and Education to Parents on Repeat Screening

1. Pre-Discharge Screening. All hospitals that have maternity units shall institute and maintain a policy of screening all newborns before discharge regardless of their length of stay in the hospital. The initial screen should occur at greater than 24 hours of birth but shall occur no later than 7 days after birth.

2. Repeat Screening for Specimens Collected before 24 Hours. There is a greater risk of false negative results for specimens collected from babies younger than 24 hours of age. Therefore, full-term, healthy newborns screened prior to 24 hours of age must be rescreened at the first medical visit, preferably between 1 and 2 weeks of age, but no later than the third week of life. Repeat screening should be arranged by the primary pediatrician; however, it may be done by any primary healthcare provider or clinical facility qualified to perform newborn screening specimen collection. For preterm, low birth weight, and sick infants admitted to the neonatal intensive care unit (NICU), an initial specimen should be collected upon admission, a second specimen shall be collected at 48-72 hours after admission and a final specimen shall be collected at 28 days or upon discharge, whichever comes first.

3. Education to Parents on Repeat Screening. To ensure that newborns who need rescreening actually receive the repeat test, hospitals with maternity units must establish a system for disseminating information to parents about the importance of rescreening. This includes infants with an initial unsatisfactory specimen, infants with an initial collection performed at less than 24 hours of age, and infants admitted to the NICU.

D. Notification of Screening Results

1. The Genetic Diseases Program follow-up staff shall notify the appropriate medical provider of the positive screening result by telephone. Otherwise, submitters should receive test results from the State Public Health Laboratory within 5 days after collection. Test results are available to submitters 24 hours a day, 365 days a year through the web-based Secure Remote Viewer (SRV) which is accessed via computer. Information on signing up for and using the SRV can be obtained by calling the Genetic Diseases Program Office at (504) 568-8254. If test results are not available, medical providers may fax in their requests to the following numbers: (225) 219-4905 (Public Health Biochemistry Laboratory) or (504) 568-8253 (Genetics Office). In order to retrieve test results from the SRV, the provider must have the infant's date of birth plus one of the following: mother's first name, mother's last name, baby's first name or baby's last name. Test results can also be found by the infant's medical record number or by the Lab 10 form number.

E. Unsatisfactory Specimens. The accuracy of a test depends on proper collection of the blood spot. Specimens of unsatisfactory quality for testing shall be indicated on the test result slip. Training on collecting adequate specimens can be arranged by calling the Genetics Diseases Program at telephone number (504) 568-8254.

F. Medical/Nutritional Management

1. In order for a patient with PKU or other rare inborn errors of metabolism to receive the special formulas for the treatment of these disorders from the state's Genetic Diseases Program and/or Special Supplemental Nutrition Program for Infants, Women, and Children (WIC), the following guidelines shall be met:

a. The patient shall be a resident of the State of Louisiana.

b. The patient shall receive clinical and dietary management services through a metabolic center to include a medical evaluation at least once annually by a physician who is board certified in biochemical genetics or a medical geneticist physician with written documentation of a medical evaluation and continuing consultation with a physician board certified in biochemical genetics. A licensed registered dietitian must also be on staff and be readily available for both acute and chronic dietary needs of the patient. Children less than 1 year of age shall be seen by the dietitian and medical geneticist at least twice a year. Children greater than 1 year of age shall be seen at least once per year by the dietitian and medical geneticist.

c. The patient shall provide necessary blood specimens for laboratory testing as requested by the treating physician meeting the above requirements. Laboratory test result values for phenylalanine and tyrosine shall be submitted to the Genetics Program Office by the treating medical center within 15 working days after data reduction and interpretation.

d. The patient shall include dietary records with the submission of each blood specimen.

e. All insurance forms relative to charges for special formula shall be signed and submitted by the parent or appropriate family member.

f. The parent or guardian shall inform the Genetics Program Office immediately of any changes in insurance coverage.

g. If a patient fails to comply with these requirements, he/she shall not be able to receive metabolic formula, medications and medical services through the Office of Public Health.

G. Acceptable Newborn Screening Testing Methodologies and Procedures for Medical Providers Not Using the State Laboratory. Laboratories performing or intending to perform the state mandated newborn screening battery on specimens collected on Louisiana newborns shall meet the conditions specified below pursuant to R.S. 40:1081.2.

1. The testing battery shall include testing for the disorders listed in Subsection A above.

2. The laboratory shall perform the newborn screening testing battery on at least 50,000 specimens a year unless the said laboratory has been routinely performing the full screening battery since January 1, 1995.

3. A laboratory shall perform the complete battery at one site. Using two laboratories for completion of the total battery is unacceptable as this increases the risk of error and delay in reporting.

4. When using dried blood spots, only specimen forms using filter paper approved by the Centers for Disease Control and Prevention (CDC) are acceptable.

5. Only the following testing methodologies listed in Table 6303.G.5 are acceptable without prior written approval from the Genetic Diseases Program.

Table 6303.G.5	
Disease	**Testing Methodology**
Disorders of Amino Acid Metabolism Disorders of Fatty Acid Metabolism Disorders of Organic Acid Metabolism (Specific disorders include those as listed under Subsection A)	Tandem Mass Spectrometry (MS/MS)
Biotinidase Deficiency	Time-Resolved Immunofluorescence assay Qualitative or Quantitative Enzymatic Colorimetric or Fluorometric
Galactosemia	Galt enzyme assay Total Galactose
Hemoglobinopathies (Sickle Cell Diseases)	Cellulose acetate/citrate agar Capillary isoelectric focusing (CIEF) Gel isoelectric focusing (IEF) High Pressure Liquid Chromatography (HPLC) DNA Mutational Analysis Sickle Dex – is NOT Acceptable Controls must include: F, A, S, C, D, E If controls for hemoglobins D and E are not included in the first tier testing methodology, then the second tier testing must be able to identify the presence of these hemoglobins. Result Reporting: by phenotype Positive/negative is NOT acceptable
Congenital Hypothyroidism	Radioimmunoassay (RIA), Fluorescent Immunoassay (FIA) time resolved fluoroimmunoassay, Enzyme Immunoassay (EIA) methods for T4 and/or Thyroid Stimulating Hormone (TSH) which have been calibrated for neonates
Congenital Adrenal Hyperplasia	17 hydroxyprogesterone (17OHP), time resolved fluoroimmunoassay

Table 6303.G.5	
Disease	**Testing Methodology**
Cystic Fibrosis	Primary: Immunoreactive Trypsinogen; Time-Resolved fluoroimmunoassay Second Tier: Deoxyribonucleic Acid (DNA) mutation analysis Qualitative Sweat Conductivity Test is NOT acceptable as a primary screening methodology. Confirmatory Test Methodologies: Quantitative Pilocarpine Iontophoresis Sweat Chloride Test Qualitative Sweat Conductivity Test is NOT recommended.
Severe Combined Immunodeficiencies (SCID)	Real Time Quantitative Polymerase Chain Reaction (RTQPCR)

a. Alternative Methodologies not listed in Table 6303.G.5. New Food and Drug Administration (FDA)-approved methodologies may be used if first found to be acceptable by the Genetics Diseases Program. Approval shall be requested from the Genetic Diseases Program in writing 60 days before the intended date of implementation by mailing the request to:

LDH OPH Genetic Diseases Program
1450 Poydras Street, Suite 2046
New Orleans, Louisiana 70112

b. Approval Process. Requests for approvals of methodologies not listed in Table 6303.G.5 shall be based on documentation of FDA-approved methodologies or on documentation of OPH Laboratory-developed test methodologies, as well as an in-house OPH Laboratory validation study of the applicable methodology proposed for use.

6. The laboratory shall comply with the regulations for proficiency testing as mandated in the Clinical Laboratory Improvement Amendments of 1988 (CLIA 88 §493.1707). When using dried blood spots, the laboratory must participate in a proficiency testing program. The laboratory must report all proficiency testing results to the Genetic Diseases Program Office within one month of receiving the report from the proficiency testing provider.

7. The laboratory shall be able to provide test result data to physicians and nurses on their specific patients by telephone and by FAX or by use of the internet, 24 hours a day 365 days a year.

8. Mandatory Reporting of Positive Test Results Indicating Disease

a. To ensure appropriate and timely follow-up, positive results shall be reported, along with patient demographic information as specified below to the Genetic Diseases Program Office by fax at (504) 568-8253. Receipt of faxed results shall be verified by calling the Genetics Office at (504) 568-8254.

b. Described below are specific time deadlines after data reduction and interpretation for reporting positive results indicating probable disease to the Genetics Diseases Program Office. Laboratories shall make arrangements with the Genetics Diseases Program Office for reporting after

hours, weekends and holidays for positive test results from tandem mass spectrometry and the assays for galactosemia, and congenital adrenal hyperplasia. Notification of presumptive positive results for biotinidase deficiency, sickle cell disease, congenital hypothyroidism and cystic fibrosis shall be made at the beginning of the next business day:

i. metabolic disorders identified by tandem mass spectrometry and for alactosemia—report results within 2 hours;

ii. biotinidase deficiency—report results within 24 hours;

iii. sickle cell disease—report results of FS, FSC, FSA from initial specimens within 24 hours;

iv. congenital cypothyroidism—report within 24 hours;

v. congenital adrenal hyperplasia—report within 2 hours; and

vi. cystic fibrosis—report within 24 hours.

c. The specified information to be reported:

i. - xiii. …

xiv. transfusion given?

Yes ____ No ____

If yes, date of last transfusion (if available): _____

9. Provision of Follow-up Services. To ensure that reporting time deadlines specified under Subparagraph b of Paragraph 8 of this Subsection are met for every positive test result indicating probable disease, a follow-up system must be in operation. The protocol for a follow-up system may rely on the submitting hospital for the follow-up action which must include the following.

a. - a.iii. …

iv. if there is no response to mail within five days, a home visit should be made; and,

a.v. - b.ii. …

10. Reporting requirements of private laboratories to the Genetic Diseases Program Office for public health surveillance and quality assurance purposes.

a. The laboratory shall submit quarterly statistical reports to the Genetic Diseases Program Office that indicate the number of specimens screened by method, the number of specimens unsatisfactory for testing, the number normal and positive, and for screening of hemoglobinopathies, the number by phenotype [see the Genetics Diseases Program Office's address near the end of the Diseases/Testing Methodology table (which may be found under Paragraph 5 of this Subsection)].

b. The laboratory shall electronically report newborn screening results on all Louisiana newborns screened to the Genetic Diseases Program Office on a monthly basis. The file format and data layout shall be determined by the Genetic Diseases Program. Essential patient data is the following and is required to be reported unless "optional" is indicated:

i. - xiii. …

xiv. mother's Social Security number (format: 999-99-9999); and

xv. …

11. The laboratory shall register by letter with the OPH's Genetic Diseases Program each year. This letter shall contain the following and shall be received in the Genetic Diseases Program Office by February 1 each year:

a. assurance of compliance with the requirements described in Subsection G. - G.9. of this Subsection;

b. - c. …

d. the type of specimen(s) used, i.e., filter paper or whole blood; and

G.11.e. - H.2. …

3. If the specimen was not collected before transfusion, the laboratory reporting the results to the submitter shall indicate that transfusion may alter all newborn screening results and include the above times for repeat screening.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1018.1 and 1081.2

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 Department of Health and Hospitals, Office of Public Health, LR 17:378 (April 1991), LR 18:1131 (October 1992), LR 20:1386 (December 1994), LR 23:301 (March 1997), LR 27:545 (April 2001), LR 29:1490 (August 2003), LR 32:248 (February 2006), LR 34:442 (March 2008), amended by the Louisiana Department of Health, Office of Public Health, LR 44:1908 (October 2018).

Subpart 49. Community Based and Rural Health Services

Chapter 137. Laboratory Services

§13703. Applicability

A. Except as otherwise provided under this Title, these laboratory fees shall not be charged:

1. to the Office of Public Health of the Louisiana Department of Health (LDH) or for laboratory services for a patient at a clinic or health unit operated by the Office of Public Health or to any physician, nurse, dentist, veterinarian, sanitarian or other licensed health care provider who is treating a patient or providing services in an official capacity in relation to the treatment of a patient of the Office of Public Health of the Louisiana Department of Health, including the network of parish health units operated by the Office of Public Health;

2. - 3. …

4. to any state hospital or institution when the secretary of the Louisiana Department of Health requires the Office of Public Health laboratory to act for such institution in case of emergency.

B. These fees shall be charged for all tests, procedures, functions, or any operations performed by each laboratory independently operated by the Office of Public Health of the Louisiana Department of Health as a state laboratory on human specimens, environmental samples, cultures, analytical and research procedures and related services which are submitted by any physician, hospital, clinic or health unit not operated by the Office of Public Health, nurse, veterinarian, sanitarian or any other licensed health care provider authorized to submit specimens for scientific analysis by the Division of Laboratories of the Office of Public, LDH. The charges or fees for these services will be assessed according to the following schedule.

Test Description	Fee
1. - 98. …	
99. Newborn Screening Panel	$30
100. - 373. …	

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:29.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 3:245 (May 1977), amended by the Department of Health and Hospitals, Office of the Secretary, LR 15:477 (June 1989), amended by the Office of Public Health, LR 24:942 (May 1998), amended by the Louisiana Department of Health, Office of Public Health, LR 44:1911 (October 2018).

Rebekah E. Gee MD, MPH
Secretary

1810#031

RULE

Department of Public Safety and Corrections
Office of Motor Vehicles

Off-Road Vehicles (LAC 55:III.Chapter 21)

Under the authority of R.S. 32:299.3 and R.S. 32:299.4, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles (Department), hereby adopts rules defining, identifying categorizing and regulating utility terrain vehicles and golf carts for use as off-road vehicles operated on public roads or streets. These Sections are new and implement the provisions of Acts 2015, Nos. 122 and 308. This Rule is adopted and effective October 20, 2018.

Title 55
PUBLIC SAFETY
Part III. Office of Motor Vehicles

Chapter 21. Off-road Vehicles

Subchapter A. Utility Terrain Vehicles

§2101. Definition

Utility Terrain Vehicle ("UTV")—a recreational motor vehicle or a recreational off-highway vehicle ("ROV") designed for and capable of travel over designated roads that meet the following qualifications:

1. travels on four or more tires with a maximum tire width of 27 inches,
2. has a maximum wheel cleat or lug of 3/4 of an inch,
3. has a minimum width of 50 inches but not exceeding 74 inches,
4. has a minimum weight of at least 700 pounds but not exceeding 2,000 pounds,
5. has a minimum wheelbase of 61 inches but not exceeding 110 inches, and
6. includes those vehicles not equipped with a certification label as required by 49 CFR Part 567.4, and excludes:
   a. golf carts,
   b. vehicles specially designed to carry a disabled person, or
   c. vehicles otherwise registered under R.S. 32:299.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 44:1912 (October 2018).

§2103. Prohibition Exceptions to Use of Utility Terrain Vehicles on Public Roads or Streets

A. The use of utility terrain vehicles on public roads or streets are prohibited except as follows:

1. operation of a utility terrain vehicle upon a parish road that has been designated by a parish for use by a utility terrain vehicle with appropriate posted signage indicating that the operation is authorized;
2. operation of a utility terrain vehicle upon a municipal street that has been designated by a municipality for use by a utility terrain vehicle with appropriate posted signage indicating that the operation is authorized;
3. operation at an intersection crossing any divided highway, highway, roadway, or street with a posted speed limit in excess of 35 miles per hour.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office Of Motor Vehicles, LR 44:1912 (October 2018).

§2105. Requirements for Utility Terrain Vehicles

A. Requirements for utility terrain vehicles:

1. operator must be at least 21 years of age;
2. operator must possess a valid driver's license;
3. any utility terrain vehicle operated upon any roadway or street shall be equipped with minimum motor vehicle equipment appropriate for motor vehicle safety including the following:
   a. head lamps;
   b. front and rear turn signal lamps;
   c. tail lamps;
   d. stop lamps;
   e. reflex reflectors:
      i. one on each side as far to the rear as practicable; and
      ii. one red reflector on the rear of the vehicle;
   f. exterior mirror mounted on the driver's side of the vehicle;
   g. exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;
   h. parking brake;
   i. adequate windshield;
   j. windshield wiper;
   k. speedometer;
   l. odometer;
   m. braking for each wheel;
   n. seatbelt assembly installed at each designated seating position;
   o. vehicle identification number or serial number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 44:1912 (October 2018).

§2107. Registering a Utility Terrain Vehicle

A. Requirements for registering a utility terrain vehicle:

1. a completed application form (DPSMV 1799);
2. manufacturer's statement of origin (new/unregistered vehicle) or title;
3. itemized invoice from dealer to purchaser or original notarized bill of sale or invoice (new/unregistered)

or current certificate of title assigned before a notary by seller to purchaser, with the properly released lien, if applicable;

4. properly completed and signed odometer disclosure statement;

5. original or copy of properly completed UCC-1 form, or other security agreement, if a lien is to be recorded.

6. proof of liability insurance.

7. a statement from the purchaser indicating the following:

a. that the utility terrain vehicle contains all equipment required for use as indicated above and has a minimum wheelbase of 61 inches but not exceed 110 inches

b. that the owner is aware that the vehicle is only permitted to be used by a licensed driver at least twenty-one years of age;

c. that the utility terrain vehicle may only be used upon a parish road that has been designated by a parish, or a municipal street that has been designated by a municipality, for use by a utility terrain vehicle or cross any divided highway, highway, roadway, or street with a posted speed limit in excess of 35 miles per hour at an intersection;

8. applicable fees (title, handling, recordation fee)

9. applicable sales/use tax

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 44:1912 (October 2018).

§2109. Reclassifying a Qualifying Vehicle as a Utility Terrain Vehicle

A. Requirements for reclassifying a qualifying vehicle as a utility terrain vehicle:

1. a completed vehicle application form (DPSMV 1799), including section D on the reverse side of the form;

2. original title;

3. a statement from the purchaser indicating the following:

a. that the utility terrain vehicle contains all equipment required for use as indicated above and has a minimum wheelbase of 61 inches but not exceed 110 inches;

b. that the owner is aware that the vehicle is only permitted to be used by a licensed driver at least 21 years of age;

c. that the utility terrain vehicle may only be used upon a parish road that has been designated by a parish, or a municipal street that has been designated by a municipality, for use by a utility terrain vehicle or cross any divided highway, highway, roadway, or street with a posted speed limit in excess of 35 miles per hour at an intersection;

4. applicable fees (title and handling).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office Of Motor Vehicles, LR 44:1913 (October 2018).

§2111. Utility Terrain Vehicle Roadway Operation

A. A utility terrain vehicle will be issued an off-road decal.

B. Utility terrain vehicles are subject to the compulsory insurance requirements.

1. If liability insurance is cancelled it will result in a revocation of the registration and the driver's license.

2. To prevent insurance cancellations, the title must be surrendered and a title correction processed to re-classify the vehicle as an off-road vehicle. A title fee will be assessed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3. and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office Of Motor Vehicles, LR 44:1913 (October 2018).

Subchapter B. Golf Carts

§2113. Definition

Golf Cart—an electric four-wheeled vehicle originally intended for use off-road on golf courses and other green spaces whose maximum speed is 25 miles per hour.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office Of Motor Vehicles, LR 44:1913 (October 2018).

§2115. Prohibition Exceptions to Use of Golf Carts on Public Roads or Streets

A. The use of golf carts on public roads or streets are prohibited except as follows.

1. A golf cart may be operated only upon a parish road that has been designated by a parish, or a municipal street that has been designated by a municipality, for use by a golf cart. Upon a designation that a golf cart may be operated on a designated road or street, the responsible governmental entity shall post appropriate signage indicating that the operation is authorized.

2. A golf cart may be used to cross a part of a state highway where a golf course is constructed on both sides of the state highway if the Department of Transportation and Development has issued a permit for the crossing.

B. No person shall operate a golf cart upon a parish road or municipal street without a valid driver's license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 44:1913 (October 2018).

§2117. Requirements

A. Any golf cart operated upon any roadway or municipal street shall be equipped with the minimum motor vehicle equipment appropriate for motor vehicle safety including:

1. efficient brakes;

2. reliable steering apparatus;

3. safe tires;

4. rear view mirror;

5. red reflectorized warning devices in both the front and rear of the vehicle;

6. front and rear turn signal lamps;

7. tail lamps;

8. brake lamps;

9. headlamps;

10. vehicle identification number or serial number.

B. A parish or municipal government may enact an ordinance relating to golf cart operation and may require equipment more extensive than indicated above, however, the list indicated above will be the only equipment required to title the vehicle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office Of Motor Vehicles, LR 44:1913 (October 2018).

§2119. Titling a Golf Cart

A. The documentation required to register a golf cart is the same as the basic titling requirements:

1. a completed vehicle application form (DPSMV 1799);
2. manufacturer's statement of origin (new/unregistered vehicle) or title;
3. itemized invoice from dealer to purchaser or original notarized bill of sale or invoice (new/unregistered) or current certificate of title assigned before a notary by seller to purchaser, with the properly released lien, if applicable;
4. original or copy of properly completed UCC-1 form, or other security agreement, if a lien is to be recorded;
5. proof of liability insurance;
6. a statement from the purchaser indicating:
   a. that the golf cart contains all equipment required for use as indicated above;
   b. the owner is aware that the vehicle is only permitted to be used by a licensed driver;
   c. the golf cart may be operated only upon a parish road that has been designated by a parish or a municipal street that has been designated by a municipality for use by a golf cart;
   i. a golf cart may be used to cross a part of a state highway where a golf course is constructed on both sides of the state highway if the Department of Transportation and Development has issued a permit for the crossing;
7. applicable fees (title, handling, recordation fee);
8. applicable sales/use tax.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 44:1914 (October 2018).

§2121. Reclassifying Vehicle as a Golf Cart

A. Requirements for reclassifying vehicle as a golf cart:

1. a completed vehicle application form (DPSMV 1799), including section D on the reverse side of the form;
2. original title;
3. a statement from the purchaser indicating:
   a. that the golf cart contains all equipment required for use as indicated above;
   b. the owner is aware that the vehicle is only permitted to be used by a licensed driver;
   c. the golf cart may only be used upon a parish road that has been designated by a parish or a municipal street that has been designated by a municipality for use by a golf cart. A golf cart may be used to cross a part of a state highway where a golf course is constructed on both sides of the state highway if the Department of Transportation and Development has issued a permit for the crossing;
4. applicable fees (title and handling).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office Of Motor Vehicles, LR 44:1914 (October 2018).

§2123. Golf Cart Roadway Operation

A. Requirements for golf cart roadway operation:

1. a golf cart will be issued an off road decal.
2. golf carts are subject to the compulsory insurance requirements. If liability insurance is cancelled, it will result in a revocation of the registration and the driver's license. To prevent insurance cancellations, the title must be surrendered and a title correction processed to re-classify the vehicle as an off road vehicle. A title fee will be assessed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 44:1914 (October 2018).

Lt. Col. Jason Starnes
Chief Administrative Officer

1810#024

RULE

Department of Public Safety and Corrections
Office of State Fire Marshal
Uniform Construction Code Council

Uniform Construction Code Update
(LAC 55:VI.701)

In accordance with the provisions of R.S. 40:1730.26 and R.S. 40:1730.28, relative to the authority of the Louisiana State Uniform Construction Code Council (LSUCCC) to promulgate and enforce rules and in accordance with R.S. 49:953(B), the Administrative Procedure Act, the Department of Public Safety and Corrections, Office of the State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) hereby adopts the following Rule. This revision establishes a more unified process for the registration of code enforcement officers. This Rule is hereby adopted on the day of promulgation.

Title 55
PUBLIC SAFETY AND CORRECTIONS
Part VI. Uniform Construction Code Enforcement
Chapter 7. Certificates of Registration

§701. General

A. On and after January 1, 2007, no person shall practice as a code enforcement officer in this state unless registered with the Louisiana State Uniform Construction Code Council (council). A person desiring to be registered as a parish or municipality building code enforcement officer or a third party provider shall apply to the council for a certificate of registration. The applicant shall apply on the application form prescribed the by the council. An applicant shall furnish satisfactory proof to the council of valid certification. A certificate of registration is valid for one year and expires on the last day of the month of issuance. Those possessing certificates of registration must renew their certificates in order to remain in good standing with the council. After the initial registration year expires, the renewal expiration dates shall be as follows. Building code enforcement officers whose last names begin with A through M will expire on December 31 and last names which begin

with N through Z will expire on January 31. All third party providers and wind mitigation surveyors shall expire on July 31.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:292 (February 2007), amended LR 35:2819 (December 2009), repromulgated LR 36:327 (February 2010); amended the Department of Public Safety and Corrections, Office of the State Fire Marshal, State Uniform Construction Code Council, LR 44:1914 (October 2018).

Lt. Col. Jason Starnes,
Chief Administrative Officer

1810#014

RULE

Workforce Commission
Plumbing Board

Plumbers—Introductory Information; Licenses
(LAC 46:LV.101)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953, the Louisiana State Plumbing Board (board), implements an amendment to LAC 46:LV.101 to be in compliance with recent legislative changes designated as Act No. 253 of 2018. The Rule change clarifies applicable law to specify what "works or business" is excluded from the statutory definition of "gas fitting", R.S. 37:1377(K). This adjustment will be effective upon final publication in the *Louisiana Register*. This Rule is hereby adopted on the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LV. Plumbers
Chapter 1. Introductory Information
§101. Definitions

* * *

Gas Fitting—the work or business of installing, repairing, improving, altering, or removing natural gas piping, fittings, valves, or tanks used for conveying fuel gas for appliances on or in premises or in buildings annexed to immovable property. For purposes of this Chapter, gas fitting does not include the following:

1. the installation or maintenance of piping by any entity of a municipal or gas district system that is subject to the regulatory authority of the Public Service Commission, the New Orleans City Council, or the Office of Pipeline Safety in the Department of Natural Resources;

2. any work done by a person who is licensed by the Louisiana Liquefied Petroleum Gas Commission or any other services performed pursuant to such a license.

3.a. piping connection, disconnection, or reconnection from the outlet side of the appliance shutoff valve to the appliance inlet;

b. the following persons or entities shall not be construed as a gas fitter or master gas fitter for any purpose of this Chapter solely due to the performance of services described in Subparagraph 3.a:

i. any person or business entity licensed by the State Licensing Board for Contractors as a mechanical contractor;

ii. any person or business entity classified under the heating, air conditioning, ventilation, duct work, and refrigeration subclassification of mechanical contractors pursuant to R.S. 37:2156.2.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D).

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:49 (January 1991), amended by the Department of Labor, Plumbing Board, LR 21:1348 (December 1995), LR 26:329 (February 2000), amended by the Workforce Commission, Plumbing Board, LR 42:575 (April 2016). LR 43:541 (March 2017), LR 43:972 (May 2017, LR 44:633 (March 2018), amended by the Workforce Commission, Plumbing Board, LR 44:1915 (October 2018).

Ashley Jones Tullier
Executive Director

1810#030

Notices of Intent

NOTICE OF INTENT

Department of Children and Family Services
Division of Child Welfare

Criminal Background and State Central Registry Checks;
State Repository, Central Registry
and Administrative Appeal
(LAC 67:I.203 and 67:V.1103, 1105 and 1111)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(A), the Department of Children and Family Services (DCFS) proposes to amend LAC 67:I.203; and LAC 67:V.1103, 1105 and 1111. The amendment updates the effective date for the implementation for certain provisions related to an administrative appeal when DCFS intends to justify/validate individuals for their involvement as a perpetrator of child abuse and/or neglect.

The full text of this Notice of Intent can be found in the Emergency Rule section of this *Louisiana Register*.

Family Impact Statement

The proposed rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

The proposed rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through November 26, 2018, to Rhenda Hodnett, Assistant Secretary of Child Welfare, Department of Children and Family Services, P. O. Box 3318, Baton Rouge, LA 70821.

Public Hearing

A public hearing on the proposed Rule will be held on November 26, 2018, at DCFS, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA beginning at 10 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (voice and TDD).

Marketa Garner Walters
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Criminal Background and State Central Registry Checks; State Repository, Central Registry and Administrative Appeal

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

The proposed rule change is anticipated to increase expenditures for the Department of Children and Family Services (DCFS) by approximately $3,941 in FY 19 for the publication of the proposed rule. It is not anticipated that any other state or local governmental units will incur costs or savings as a result of this rule change.

In July 2018, an emergency rule was published that delayed the implementation of provisions related to administrative appeals for childcare workers that have a valid finding of a report of child abuse or neglect in the State Central Registry. The emergency rule delayed implementation of these provisions from July 1, 2018 to August 1, 2018.

This proposed rule change updates the rules to reflect the delayed timeline that was established by the emergency rule.

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

Implementation of the proposed rule will have no effect on revenue collections of state or local governmental units.

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

Implementation of this proposed rule will have no cost or economic benefit to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule has no known effect on competition and employment.

Rhenda Hodnett
Assistant Secretary
1810#046

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 119—Louisiana School Transportation Specifications and Procedures—Termination of Bus Drivers and Filling Vacancies (LAC 28:CXIII.309 and 1505)

Under the authority granted in R.S. 17:6 and 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 proposes to amend *Bulletin 119—Louisiana School Transportation Specifications and Procedures*. The proposed amendments align policy with recently-enacted legislation from Act 699 of the 2018 Regular Session of the Legislature, which requires public school boards to notify certain school bus

operators of route vacancies by mail and to update procedures for the removal of permanent school bus operators.

Title 28
EDUCATION
Part CXIII. Bulletin 119—Louisiana School Transportation Specifications and Procedures

Chapter 3. Selection and Employment of School Bus Drivers and Attendants (Aides)

§309. Tenure and Termination of Bus Drivers

A. A permanent school bus operator will not be removed from his position except upon:

1. written and signed charges of willful neglect of duty;
2. incompetence;
3. immorality;
4. intoxication while on duty;
5. failure to comply with the reporting requirements of R.S. 17:491.3 relative to being arrested for one or more specified offenses;
6. physical inability to perform duties;
7. failure to keep the school bus in a safe, comfortable, and practical operating condition; or
8. being a member of or contributing to any group, organization, movement or corporation that is prohibited by law or enjoined from operating in the state of Louisiana, and then only if furnished with a copy of such written charges and given the opportunity to respond.

B. …

C. The procedure for removal of any permanent school bus operator shall be in accordance with R.S. 17:493.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:158, 17:160-161, 17:164-166, 17:492, and 17:493.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:630 (April 1999), amended LR 36:1468 (July 2010), LR 39:80 (January 2013), LR 45:

Chapter 15. School Bus Routes

§1505. Routes: Filling Vacancies

A. …

1. The opportunity to change from the current assigned route to the vacant route must be offered, by mail to his/her residence, to tenured school bus operators in the order of seniority.

A.2. - B.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:158, 17:160-161, 17:164-166, 17:493, and 17:500.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:633 (April 1999), amended LR 36:1475 (July 2010), LR 45:

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 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 via the U.S. Mail until 12 p.m. (noon), November 9, 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 119—Louisiana School Transportation Specifications and Procedures—Termination of Bus Drivers and Filling Vacancies

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

While there may be costs for local school districts to implement the provisions requiring public school boards to notify certain school bus operators of route vacancies by mail and to update procedures for the removal of permanent school bus operators, as required by Act 699 of 2018, these are not anticipated to be material.

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

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

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

The proposed changes will benefit school bus operators by enhancing the criteria required for termination and by strengthening notification requirements of vacant routes. Actual impacts will be determined by the number of individuals affected and are indeterminable at this time.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed changes may provide certain advantages to selected school bus operators, who would otherwise be terminated, or who would otherwise be excluded from participation in route assignments.

Beth Scioneaux	Evan Brasseaux
Deputy Superintendent	Staff Director
1810#042	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 135—Health and Safety—Immunizations
(LAC 28:CLVII.303)

Under the authority granted in R.S. 17:6 and 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 proposes to amend *Bulletin 135—Health and Safety*. The proposed amendments are being made to align the rules with Act 196 of the 2018 Regular Legislative Session, requiring students who are entering the eleventh grade, or who are 16 years old and entering any grade, to provide satisfactory evidence of current immunization against meningococcal disease as a condition of school entry.

Title 28
EDUCATION
Part CLVII. Bulletin 135—Health and Safety
Chapter 3. Health
§303. Immunizations

A. - G.2. ...

3. A student who is 11 years old and is entering a grade other than the sixth grade and a student who is 16 years old and is entering a grade other than eleventh grade must provide satisfactory evidence of current immunization against meningococcal disease as a condition of entry into such grade at any school in the state.

4. Each student who is 11 years old and each student who is 16 years old and is participating in an approved home study program pursuant to R.S. 17:236.1 must provide satisfactory evidence of current immunization against meningococcal disease to BESE, as required.

G.5. - H.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:170, 17:170.2, and 17:170.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1029 (April 2013), amended LR 45:

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 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 via the U.S. Mail until 12 p.m. (noon), November 9, 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 135—Health and Safety—Immunizations

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

The proposed revisions require students who are entering the eleventh grade, or who are 16 and entering any grade, to provide satisfactory evidence of current immunization against meningococcal disease as a condition of school entry, to align with Act 196 of the 2018 Regular Legislative Session.

The proposed revisions will not have a fiscal impact to state or local governmental units.

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

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed policy revisions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition and employment as a result of the proposed revisions.

Beth Scioneaux	Evan Brasseaux
Deputy Superintendent	Staff Director
1810#040	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Operation and Administration; and Curriculum and Instruction (LAC 28:CXV.339, 349, 2305, 2307, 2317 and 2361)

Under the authority granted in R.S. 17:6 and 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 proposes to amend *Bulletin 741—Louisiana Handbook for School Administrators*. The proposed revisions align state policy with Acts of the 2018 Regular Legislative Session by: updating terminology; requiring instruction in high schools pertaining to shaken baby syndrome; recognizing high school graduates who meet certain academic criteria relative to world language proficiency; updating school crisis management and response plans; consideration of gifted evaluations and additional services; updating rules pertaining to substance abuse prevention; requiring local education authorities (LEAs) to develop plans addressing the potential for violence and terrorism in schools; requiring LEAs to adopt policies addressing student internet and online site use and indecent or hostile behavior; and uncoupling AP physics I and II for the purposes of earning credit for the TOPS program.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 3. Operation and Administration
§339. Emergency Planning and Procedures

A. - G. …

H. The school will establish procedures that detail the roles and responsibilities of each school employee and the relevant coordination agreements, services, and security measures of a school and provide for parent for parental notification in the event of a shooting or other violent incident or emergency situation.

I. The governing authority of each public school will, as part of its school crisis management plan, develop resources, policies, procedures, and guidelines to address the potential of violence and terrorism in the schools under its jurisdiction.

J. The local superintendent or chief charter school officer may dismiss any or all schools due to emergency situations, including any actual or imminent threat to public health or safety which may result in loss of life, disease, or injury; an

actual or imminent threat of natural disaster, force majeure, or catastrophe which may result in loss of life, injury or damage to property; and, when an emergency situation has been declared by the governor, the state health officer, or the governing authority of the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:154.1, and 17:416.16.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1262 (June 2005), amended LR 39:3258 (December 2013), LR 41:372 (February 2015), LR 45:

§349. Complaint Procedures

A. …

B. The following definitions apply to this Section.

* * *

Applicable Program—any of the following ESEA programs for which the LDE has submitted a consolidated state plan or consolidated state application under the ESEA, which may include:

a. - c. ...

d. title I, part D (prevention and intervention programs for children and youth who are neglected, delinquent, or economically disadvantaged);

e. - n. ...

* * *

C. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 20 USC 6320, 7883(a), and 7844(a)(3)(C), and 34 CFR 106.8(b) and 299.11-299.12.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1613 (August 2007), amended LR 39:2198 (August 2013), LR 45:

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2305. Ancillary Areas of Instruction

A. - F.3. …

4. Such programs will integrate an evidence-based, age-appropriate instructional component on opioid substance abuse prevention.

a. Any instruction relative to alcohol, tobacco, drug, and substance abuse prevention and education provided pursuant to this Subsection will include the information that mixing opioids and alcohol can cause accidental death.

G. - K.1.b. …

L. Each public high school will provide instruction in the recognition and prevention of shaken baby syndrome. Such instruction shall be integrated into an existing course of study.

1. For purposes of this Subsection:

Shaken Baby Syndrome—the condition known also as "abusive head trauma" that is characterized by injuries resulting from violent shaking or shaking and impacting of the head of an infant or small child.

M. Each LEA will adopt policies regarding access by students to internet and online sites that contain or make reference to harmful, violent, pervasively vulgar material, obscene material, child pornography, or sexually harassing material conducive to the creation of a hostile or dangerous school environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:81, 17:154, 17:261 et seq., 17:263, 17:270, 17:280, 17:281 et seq., 17:404, and17:405 et seq., and 36 USC 106.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1288 (June 2005), amended LR 33:2353 (November 2007), LR 39:2214 (August 2013), LR 39:3259 (December 2013), LR 40:2531 (December 2014), LR 44:1443 (August 2018). LR 45:

§2307. Literacy Screening

A. …

1. Each second grade and third grade student administered a literacy screening will be identified as reading below, at, or above grade level. Second and third grade students scoring above grade level will be considered for evaluation into a gifted program. Students scoring below grade level shall be considered for additional resources.

2. For students with significant hearing or visual impairment, nonverbal students, or students with significant cognitive impairment, the LEA will provide an alternate assessment recommended by the LDE.

3. Each LEA will report to the LDE screening results by child within the timeframes and according to the guidance established by the LDE.

4. For grades 1-3, the school should use the prior year's latest screening level to begin appropriate intervention until the new screening level is determined.

5. Screening should be used to guide instruction and intervention.

B. …

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1289 (June 2005), amended LR 38:1224 (May 2012), LR 39:2214 (August 2013), LR 42:1878 (November 2016), LR 45

§2317. High Schools

A. - J.2.b. …

c. has demonstrated proficiency at the intermediate-high level or above in one or more languages other than English through one of the following methods:

i. passing a world language advanced placement examination or a world language International baccalaureate examination with a score determined by the department, in consultation with the examination provider, to be indicative of language proficiency;

(a). Repealed.

ii. completion of a four-year high school course of study in a world language or completion of at least four Carnegie units content courses in a world language immersion setting;

iii. passing a foreign government's approved language examination and receiving a certificate of competency from the authorizing government agency at:

(a). the corresponding European B2 level;

(b). - (c). Repealed.

iv. passing a nationally-recognized world language proficiency examination with a score determined by the department, in consultation with the examination provider, to be indicative of language proficiency.

3. If the primary language of a student in grades 9 through 12 is other than English, he shall do both of the following to qualify for the state seal of biliteracy:

a. a composite score of proficient on an English language development assessment that addresses all modes of communication; and

b. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:154, 17:1944, and 17:1945.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 36:1485 (July 2010), LR 37:1137 (April 2011), LR 38:754 (March 2012), LR 39:1038 (April 2013), LR 39:2216 (August 2013), LR 40:1328 (July 2014), repromulgated LR 40:1528 (August 2014), amended LR 40:2530 (December 2014), LR 45:

Subchapter B. Academic Programs of Study

§2361. Science

A. The science course offerings for the college diploma shall be as follows.

Course Title(s)	Units
* * *	
IB Physics II	1
AP Physics I	1
AP Physics II	1
AP Biology	1
* * *	

B. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1297 (June 2005), amended LR 33:2605 (December 2007), LR 36:1494 (July 2010), LR 40:1000 (May 2014), LR 40:2528 (December 2014), LR 43:1288 (July 2017), LR 45:

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 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 via the U.S. Mail until 12 p.m. (noon), November, 9 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 741—Louisiana Handbook for School Administrators—Operation and Administration; and Curriculum and Instruction

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

There may be costs for local school districts to implement certain provisions of the proposed rule changes which codify statutory changes from the 2018 R.S. Specifically, the requirement that schools develop resources, policies, procedure and guidelines to address violence and terrorism in schools (Act 716) could result in significant costs to the districts. As an example, a recent decision by one district to place a school resource (security) officer in each school along with other security protocols resulted in an annual increase of $2 M for the district. Actual costs will vary across districts and will depend upon the type of resources and changes adopted and are indeterminable at this time. Additionally, changes require second and third graders scoring above grade level be considered for evaluation into a gifted program (Act 688). BESE policy provides the screening procedure and personnel required for such assessments. Increases in the number of students requiring such evaluations could increase personnel resource needs of a district or school. Additionally, BESE policy provides for class size and student/teacher ratios. An increase in gifted students could require districts to expand existing programs and/or establish new programs both of which would likely increase the demand for qualified teachers. Furthermore, students scoring below grade level shall be considered for additional resources which further serve to increase resource demands. Increased needs will be based on the number of additional students identified and the existing capacity of schools to serve these students.

Districts may be required to acquire or develop new curriculum or instructional materials for increased instructional requirements. However, it is likely resources are available from state and federal agencies which will mitigate any increase in district costs for instruction in public high schools pertaining to the prevention of shaken baby syndrome (Act 300), and for certain instruction relative to alcohol, tobacco, drug and substance abuse (Act 694).

There may be workload adjustments for districts to develop and implement new policies regarding parental notification of emergency events (Act 168) and access to certain internet and online sites (Act 369), however these are not anticipated to be material in nature. Other changes not anticipated to have a material impact include language proficiency certification for certain graduates (Act 89).

Any potential impacts to the TOPS program administered by the Office of Student Financial Assistance (LOSFA) associated with the uncoupling of AP Physics I and AP Physics II for TOPS credit (Act 671), are not anticipated to be material as it does not reduce the eligibility criteria for obtaining the award.

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

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

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

While the changes do not reduce the overall criteria for TOPS eligibility, high school students affected by the changes to the Physics requirements will benefit from the increased flexibility in qualifying for the award.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition and employment as a result of the proposed revisions.

Beth Scioneaux	Evan Brasseaux
Deputy Superintendent	Staff Director
1810#043	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators—Preventive Programs and High School Graduation Requirements
(LAC 28:LXXIX.1301, 1309 and 2109)

Under the authority granted in R.S. 17:6 and 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 proposes to amend *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*. The proposed amendments align state policy with Acts of the 2018 Regular Legislative Session, requiring: instruction relative to alcohol, tobacco, drug, and substance abuse prevention and education; teachers, school counselors, principals and certain other administrators to receive two hours of annual in-service training in suicide prevention; and uncouple AP physics I and AP physics II for purposes of earning TOPS credit.

Title 28
EDUCATION
Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

Chapter 13. Preventive Programs

§1301. Substance Abuse

A. - B. …

C. Any instruction relative to alcohol, tobacco, drug, and substance abuse prevention and education provided pursuant to this Section will include the information that mixing opioids and alcohol can cause accidental death.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3079 (December 2005), LR 45:

§1309. Suicide Prevention

A. Teachers, school counselors, principals and certain other school administrators in public elementary and secondary schools will receive two hours of annual in-service training in suicide prevention.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, 17:411, and 17:437.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:

Chapter 21. Curriculum and Instruction

Subchapter C. Secondary Schools

§2109. High School Graduation Requirements

A. - C.7. …

D. For incoming freshmen in 2014-2015 and beyond who are completing the TOPS university diploma, the minimum course requirements will be the following:

1. - 2.d.xiv. …

3. science—four units:

a. - c.vi.(b). …

vii. one of:

(a). - (b). …

(c). AP physics I;

viii. one of:
(a). - (c). …
(d). AP physics II;
ix. one of:
(a). biology II;
(b). AP biology;
(c). IB biology I;
(d). IB biology II;
(e). human anatomy and physiology;
x. - x.(e). Repealed.
4. - 4.c.viii. …
ix. AP psychology;
D.5. - F.3.b. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 30:2776 (December 2004), LR 31:3081 (December 2005), LR 34:2099 (October 2008), LR 36:2849 (December 2010), LR 37:2142, 2144 (July 2011), repromulgated LR 37:2390 (August 2011), amended LR 37:2597 (September 2011), LR 38:769 (March 2012), LR 38:1008 (April 2012), LR 39:1444 (June 2013), LR 40:1682 (September 2014), LR 40:2535 (December 2014), LR 41:915 (May 2015), LR 41:1485 (August 2015), LR 41:2127 (October 2015), LR 42:1064 (July 2016), LR 43:1289 (July 2017), LR 45:

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 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

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Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators—Preventive Programs and High School Graduation Requirements

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

Any potential impacts to the TOPS program administered by the Office of Student Financial Assistance (LOSFA) associated with the uncoupling of AP Physics I and AP Physics II for TOPS credit, are not anticipated to be material as it does not reduce the eligibility criteria for obtaining the award.

The proposed revisions require certain instruction relative to alcohol, tobacco, drug, and substance abuse prevention and education; require teachers, school counselors, principals and

certain other administrators to receive two hours of annual in-service training in suicide prevention; and uncouple AP Physics I and AP Physics II for purposes of earning TOPS credit.

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

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

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

There may be costs for non-public schools to implement some of the proposed changes. Specifically, the requirement that teachers, counselors and other school administrators receive two hours of annual training on suicide prevention may require additional professional development. However, to the extent such training can be incorporated into existing professional development activities, these costs will be mitigated. Additionally, while the requirements relative to instruction on alcohol, drug, and substance abuse may require additional curriculum and instructional resources, materials available from other state and federal agencies are available to meet this need.

Finally, while the changes do not reduce the overall criteria for TOPS eligibility, high school students affected by the changes to the Physics requirements will benefit from the increased flexibility in qualifying for the award.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition and employment as a result of the proposed revisions.

Beth Scioneaux	Evan Brasseaux
Deputy Superintendent	Staff Director
1810#041	Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division

Closure Requirements for Surface Impoundments
(LAC 33:VII.115 and 713.E) (SW064)

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 Solid Waste regulations, LAC 33:VII.115 and 713.E (SW064).

This Rule creates and defines risk-based closure standards for solid waste surface impoundments using the LDEQ Risk Evaluation/Corrective Action Program (RECAP). The proposed definitions and rule changes will allow for the closure of solid waste surface impoundments under RECAP equivalent to and in lieu of clean closure. This Rule also amends the definition of clean closure for solid waste surface impoundments.

The basis and rationale for this rule are pursuant to two rulemaking petitions from stakeholders. The current regulations only allow facilities to clean close impoundments or close with waste in place. This revision to the regulations will allow facilities to close surface impoundments utilizing risk-based closure standards in accordance with RECAP.

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 VII. Solid Waste
Subpart 1. Solid Waste Regulations

Chapter 1. General Provisions and Definitions

§115. Definitions

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

* * *

Clean Closure—the act of closing a solid waste unit or facility whereby all solid waste is removed, and the constituent of concern concentrations in soil and groundwater meet background conditions.

* * *

Risk-Based Closure—the act of closing a surface impoundment whereby solid waste is removed and managed as approved by the department, and the concentrations of the constituents of concern in soil and groundwater comply with LAC 33:I.Chapter 13 (RECAP).

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000), amended by the Office of Environmental Assessment, LR 31:1576 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1019 (June 2007), LR 34:1023 (June 2008), LR 34:1399 (July 2008), LR 37:1563 (June 2011), LR 37:3233 (November 2011), LR 38:46 (January 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

Chapter 7. Solid Waste Standards

Subchapter A. Landfills, Surface Impoundments, Landfarms

§713. Standards Governing Surface Impoundments (Type I and II)

A. - E.1.a. …

b. an updated closure plan, if applicable; and

c. …

2. Preclosure Requirements. The following standards apply to preclosure requirements for any surface impoundments seeking closure.

a. ...

b. The runoff-diversion system shall be maintained and modified to prevent overflow from the facility to off-site areas.

3. Closure Requirements. Surface impoundments may be closed pursuant to a clean-closure, risk-based closure, or closure with waste in place.

a. For all closures, surface liquids and sludges containing free liquids shall be dewatered or removed from the surface impoundment.

b. For a clean closure or risk-based closure, the closure plan shall reflect a method for determining that all waste has been removed and such a plan shall, at a minimum, include the following:

i. identification (waste analysis of total constituent concentrations; not toxicity characteristic leaching procedure (TCLP)) of the wastes that have been disposed of or managed in the surface impoundment;

ii. identification of the constituents of concern that are intrinsic to the wastes that have been disposed of or managed in the surface impoundment. Justification of the constituents of concern shall be provided in the closure plan;

iii. collection of soil and groundwater samples to:

(a). establish site-specific background levels for the constituents of concern and to document that post-excavation constituent of concern concentrations in groundwater and the bottom and side wall soils of the impoundment are consistent with background levels; or

(b). documentation that the post-excavation constituent of concern concentrations in groundwater and the bottom and side wall soils of the impoundment are less than or equal to the applicable RECAP standards in accordance with LAC 33:I.Chapter 13.

iv. documentation regarding the sampling and testing methods (i.e., including a plan view of the facility, a diagram of sampling locations, and sampling quality-assurance/quality control programs) shall be provided and the Office of Environmental Services shall be notified at least five days prior to any sampling event;

v. analyses to be sent to the Office of Environmental Services confirming that clean closure or risk-based closure has been achieved;

vi. identification of the facility to be used for the disposal of the excavated waste; and

vii. a statement from the permit holder indicating that, after the closure requirements have been met, the permit holder will file a request for a closure inspection with the Office of Environmental Services before backfilling takes place. The administrative authority shall determine whether the facility has been closed properly.

c. Except as otherwise provided in Clause E.3.b of this Section, when determining what site investigation is required for clean closure or risk-based closure, the department shall consider existing data on the site and the surface impoundment in the department's electronic document management system and shall not require duplication or redevelopment of that data.

d. If concentrations of constituents of concern in soil and groundwater at the time of closure meet background or comply with LAC 33:I.Chapter 13, the requirements of Subsection F of this Section shall not apply.

i. For surface impoundments that achieve risk-based closure for industrial/commercial land use and/or groundwater meeting the definition of Groundwater Classification 2 [where constituent concentrations in groundwater exceed the GW_2 RECAP standard (without the application of a dilution and attuenuation factor) within the property boundaries], the permit holder shall comply with the conveyance notification requirements of LAC 33:I.Chapter 13 within 90 days after the surface impoundment is closed. The conveyance notice shall be approved by the department prior to filing the notice in the records of the parish in which the property is located. Upon submittal of the conveyance notification and filing with the parish, the department will approve closure of the impoundment.

e. If solid waste remains at the facility, a final cover shall be required that meets the following standards.

i. Final cover shall be a minimum of 24 inches of recompacted clay with a permeability of less than $1x10^{-7}$ cm/sec overlain with an approved geomembrane covering the entire area. Areas that are steeper than 4:1 slope do not require geomembrane overlay. Final slopes shall not be less than four percent nor greater than 3(H):1(V). Alternative final slopes may be approved by the administrative authority.

ii. The Office of Environmental Services shall be notified after the final cover is applied.

iii. A minimum of 6 inches of topsoil shall be placed on top of the soil cover to support vegetative growth to prevent erosion.

iv. Other covers that satisfy the purposes of minimizing infiltration of precipitation, fire hazards, odors, vector food and harborage, as well as discouraging scavenging and limiting erosion, may be submitted for consideration and approval by administrative authority.

v. Alternate final cover used in accordance with Clause E.3. e.iv of this Section must provide performance equivalent to or better than the final cover requirements in Clauses E.3. e.i and iii of this Section.

vi. The finished grade shall be sufficiently sloped for proper maintenance and drainage.

vii. All facilities with a potential for gas production or migration shall provide a gas collection/treatment or removal system.

f. After a closure inspection and approval, the permit holder shall plant a ground cover to prevent erosion and to return the facility location to a more natural appearance.

g. Surface impoundments shall be closed in a manner that minimizes the need for further maintenance and minimizes the post-closure release of leachate to groundwaters or surface waters to the extent necessary to protect human health and the environment. Quality-assurance/quality-control procedures shall be developed and implemented to ensure that the final cover is designed, constructed, and installed properly.

4. Upon determination by the administrative authority that a facility has completed closure in accordance with an approved plan, the administrative authority shall release the closure fund to the permit holder. The permit holder shall submit a request for the release of this fund to the Office of Management and Finance.

F. Facility Post-Closure Requirements

1. The following standards regarding post-closure requirements apply to surface impoundments closed with waste in place or surface impoundments that did not achieve clean closure or risk-based closure.

a. Post-Closure Care Length

i. Facilities that receive solid waste on or after October 9, 1993, must remain in post-closure care for 30 years after closure of the facility.

ii. Existing facilities that do not receive waste on or after October 9, 1993, must remain in post-closure care for three years after closure of the facility.

iii. However, if the facility received waste on or after October 9, 1991, the final cover must be maintained as

specified in Subparagraph F.2.b of this Section for 30 years after closure.

b. The post-closure care, except as otherwise specified above, must consist of at least the following:

i. maintaining the integrity and effectiveness of the final cover (including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events), preventing run-on and runoff from eroding or otherwise damaging the final cover; and providing annual reports to the Office of Environmental Services on the integrity of the final cap;

ii. maintaining and operating, if applicable, the leak-detection system;

iii. maintaining and operating the gas collection/treatment or removal system and the gas-monitoring system; and

iv. maintaining the groundwater-monitoring system and monitoring the groundwater in accordance with LAC 33:VII.805.

2. The post-closure period begins when the Office of Environmental Services approves closure. The length of the post-closure care period for surface impoundments may be:

a. increased by the administrative authority if the administrative authority determines that the lengthened period is necessary to protect human health and the environment in accordance with LAC 33:I.Chapter 13; or

b. decreased by the administrative authority if the permit holder demonstrates that the reduced period is sufficient to protect human health and the environment in accordance with LAC 33:I.Chapter 13 and this demonstration is approved by the administrative authority (Any demonstration must provide supporting data, including adequate groundwater monitoring data.)

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2524 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2493 (October 2005), LR 33:1053 (June 2007), LR 33:2146 (October 2007), LR 36:1241 (June 2010), LR 37:1564 (June 2011), LR 37:3250 (November 2011), repromulgated LR 37:3511 (December 2011), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

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 SW064. Such comments must be received no later than December 5, 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 to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations 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 SW064. These proposed regulations are available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on November 28, 2018, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. 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.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. 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

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Closure Requirements for Surface Impoundments

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

There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule.

The proposed rule modifies the standards governing Type I and II surface impoundments. It creates and defines risk-based closure standards for solid waste surface impoundments using proposed definitions and rule changes will allow for the closure of solid waste surface impoundments under RECAP equivalent to and in lieu of clean closure. Additionally, the proposed rule amends the definition of clean closure for solid waste surface impoundments.

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

There will be an indeterminable decrease in revenues to the Louisiana Department of Environmental Quality (LDEQ) as a result of the proposed rule change. Facilities that are now eligible to close under risk-based closure methods in lieu of conducting 30 years of post-closure monitoring will no longer be liable for the same number of renewal permits. Depending on when a permit would need to be renewed, there would be a reduction of 2 or 3 renewals per eligible facility. A renewal permit is valid for 10 years with a fee of $3,300.

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

Owners/operators of facilities that require a solid waste permit for a surface impoundment will be impacted by the proposed rule change. Currently, owners/operators have to close surface impoundments by either clean closure or closure with waste in place. For those facilities in assessment monitoring, closure with waste in place is the primary method of closure and financial assurance for 30 years of post-closure monitoring. Allowing a facility to close surface impoundments under risk-based closure will reduce the amount of financial assurance required to be given from the facility to the department, however this will vary from site to site. The department estimates approximately 30 facilities will be eligible to close under risk-based closure standards.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment in the public or private sector as a result of the proposed rule.

Herman Robinson	Evan Brasseaux
General Counsel	Staff Director
1810#018	Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Division of Administration
Racing Commission

Permitted Medications in Quarter Horses (LAC 35:I.1506)

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 adopt LAC 35:I.1506 by Notice of Intent. The proposed Rule prohibits the use of Clenbuterol in any quarter horse racing in Louisiana.

Title 35
HORSE RACING
Part I. General Provisions
Chapter 15. Permitted Medication
§1506. Permitted Medications in Quarter Horses

A. Any racehorse participating in a quarter horse race shall comply with the medication rules set forth herein, specifically LAC 35:I.Chapter 15 and LAC 35:I.Chapter 17, however the following exception(s) shall apply:

1. Clenbuterol is a prohibited substance in quarter horses and other breeds racing with quarter horses. There is no applicable withdrawal guideline for such horses.

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 45:

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.

Small Business Analysis

This proposed Rule has no known measurable impact on small businesses as described in R.S. 49:965.6.

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. Monday - Friday, and interested parties may submit oral or written comments, data, views, or arguments 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 Rhea Loney, Assistant Attorney General, 320 North Carrollton Avenue, Suite 2-B, New Orleans, Louisiana 70119-5100.

Charles A. Gardiner III
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Permitted Medications in Quarter Horses

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 administrative rule change.

The proposed administrative rule change will bring Louisiana into uniformity with reforms regarding prohibiting the use of the medication Clenbuterol in quarter horses in horse racing.

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, veterinarians, and owners will be impacted by the proposed administrative rule in that it prohibits the use of the medication Clenbuterol, which is currently an allowed controlled therapeutic substance in race horses in Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment as a result of the proposed administrative rule change.

Charles A. Gardiner III	Evan Brasseaux
Executive Director	Staff Director
1810#001	Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Division of Administration
Racing Commission

Preference for Eliminated Horses (LAC 35:V.6336)

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:V.6336 by notice of intent. Currently in an overfilled race, a single entry (where

a trainer has one horse entered) has preference over a double entry (where a single trainer has entered two horses with different owners). The proposed Rule amendment removes this preference and treats single entries and double entries equal in overfilled races.

Title 35
HORSE RACING
Part V. Racing Procedures
Chapter 63. Entries
§6336. Preference for Eliminated Horses

A. Should two horses which are owned separately, but trained by the same trainer, be entered in any race, causing an excess of the number of horses which may, because of track limitation, be permitted to start, the horses to start shall be determined and selected by lot from all of the horses entered. Those entries which are eliminated shall receive a preference as provided in these rules.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 13:289 (May 1987), amended by the Department of Economic Development, Racing Commission, LR 14:702 (October 1988), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 45:

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.

Small Business Analysis

This proposed Rule has no known measurable impact on small businesses as described in R.S. 49:965.6.

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. Monday - Friday, and interested parties may submit oral or written comments, data, views, or arguments 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 Rhea Loney, Assistant Attorney General, 320 North Carrollton Avenue, Suite 2-B, New Orleans, Louisiana 70119-5100.

Charles A. Gardiner III
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Preference for Eliminated Horses

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 expenditures as a result of the proposed administrative rule. Under the current rule, when there is an overfilled horse race, a single entry (a single trainer has one horse entered) has preference over a double entry (a single trainer has two horses with different owners entered). The proposed rule amendment removes this preference and single entries and double entries are treated equal in overfilled races.

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

The proposed rule change will not result in any effect on estimated revenue collection.

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

The proposed administrative rule change may result in an indeterminable economic benefit to licensed trainers who train race horses with different owners wanting to enter a horse race. Under the proposed rule, single entry and double entry horses will have equal opportunity to enter, whereas under the current rule, a single entry has preference over the double entry.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment as a result of the proposed administrative rule change.

Charles A. Gardiner III	Evan Brasseaux
Executive Director	Staff Director
1810#002	Legislative Fiscal Office

NOTICE OF INTENT

Department of Health
Bureau of Health Services Financing
and
Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers
New Opportunities Waiver—Complex Care Services
(LAC 50:XXI.Chapter 137 and 13933 and 14301)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities propose to amend LAC 50:XXI.Chapter 137 and §13933 and §14301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities promulgated an Emergency Rule which amended the provisions governing the New Opportunities Waiver (NOW) in order to provide additional reimbursement for services rendered to participants with complex medical and behavioral needs, and to align the minimum age requirement for participation with the waiver amendment approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (*Louisiana Register*, Volume 44, Number 10). This proposed Rule continues the provisions of the October 20, 2018 Emergency Rule.

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. - D. ...

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;
3. complex care service; and
a. - e. Repealed.
4. skilled nursing services. Skilled nursing services may be provided with:
a. substitute family care;
b. supported independent living;
c. day habilitation;
d. supported employment (all three modules); and/or
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), LR 45:

§13703. Participant Qualifications and Admissions Criteria

A. In order to qualify for the New Opportunities Waiver (NOW), an individual must be three years of age or older and meet all of the following criteria:
1. - 8. ...
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 Community Supports and Services, LR 30:1201 (June 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:96 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2528 (December 2017), LR 45:

§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. - 6. ...
7. the individual fails to cooperate in the eligibility determination/re-determination process and in the development or implementation of the approved POC;
8. continuity of services is interrupted as a result of the individual not receiving a NOW service during a period of 30 or more consecutive days. This does not include interruptions in NOW services because of hospitalization, institutionalization (such as ICFs-DD or nursing facilities), or non-routine lapses in services where the family agrees to provide all needed or paid natural supports. There must be documentation from the treating physician that this interruption will not exceed 90 days. During this 90-day period, the Office for Citizens with Developmental Disabilities (OCDD) will not authorize payment for NOW services; and/or
9. there is no justification, based on a uniform needs-based assessment and a person-centered planning discussion, that the NOW is the only OCDD waiver that will meet the participant's needs.
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), LR 45:

Chapter 139. Covered Services

§13933 Complex Care

A. The complex care service provides additional support to individuals currently receiving qualified waiver services who have complex medical and/or behavioral needs, and are at a higher risk of institutionalization.
1. The integration of the complex care waiver service provides supports that focus on the prevention of deteriorating or worsening medical or behavioral conditions.
2. The complex care service will be re-evaluated to determine ongoing need.
B. Determination Process
1. Medical
a. Non-complex medical tasks must be delegated by a registered nurse to a non-licensed direct service worker (DSW) according to the provisions of LAC 48:I.Chapter 92, Subchapter D, Medication Administration and Noncomplex Tasks in Home and Community-Based Settings.
b. Individuals must require at least two of the following non-complex nursing tasks:
i. suctioning of a clean, well-healed, uncomplicated mature tracheostomy in an individual who has no cardiopulmonary problems and is able to cooperate with the person performing the suctioning (excludes deep suctioning);
ii. care of a mature tracheostomy site;
iii. removing/cleaning/replacing inner tracheostomy cannula for mature tracheostomy;
iv. providing routine nutrition, hydration or medication through an established gastrostomy or jejunostomy tube (excludes naso-gastrostomy tube);
v. clean intermittent urinary catheterization;
vi. obtaining a urinary specimen from a port of an indwelling urinary catheter; or
vii. changing a colostomy appliance;
viii. ensuring proper placement of nasal cannula (excludes initiation/changing of flow rate;
ix. capillary blood glucose testing;
x. simple wound care (including non-sterile/clean dressing removal/application);
xi. Other delegable non-complex tasks as approved by OCDD; and
c. documented evidence that home health/skilled nursing agencies cannot provide the service via other available options, such as the Medicaid State Plan.
2. Behavioral
a. The individual meets two of the following items:
i. specific behavioral programming/procedures are required, or the individual receives behavioral health treatment/therapy and needs staff assistance on a daily basis

to complete therapeutic homework or use skills/coping mechanisms being addressed in therapy;

ii. staff must sometimes intervene physically with the individual beyond a simple touch prompt or redirect, or the individual's environment must be carefully structured based on professionally driven guidance/assessment to avoid behavior problems or minimize symptoms; or

iii. a supervised period of time away is needed at least once per week. This may manifest by the presence of severe behavioral health symptoms on a weekly basis that restricts the individual's ability to work, go to school and/or participate in his/her community; and

b. The individual requires one of the following due to the items listed in a-a.iii above:

i. higher credentialed staff (college degree, specialized licensing, such as registered behavior technician [RBT], applied behavior analysis [ABA], etc.), advanced behavioral training for working with individuals with severe behavioral health symptoms or significant experience working with this population; or

ii. the need for higher qualified supervision of the direct support of staff (master's degree, additional certification, such as board certified behavior analyst [BCBA], etc.), and the expertise is not available through other professionals/services.

C. Complex care is not a billable service for waiver participants who do not receive individual and family support services.

D. Complex care service must be approved for waiver participants receiving IFS hours in addition to 12 or more hours of skilled nursing per day.

E. Complex care service providers must be licensed home and community-based services (HCBS) providers with a personal care attendant module.

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 45:

Chapter 143. Reimbursement

§14301. Unit of Reimbursement

A. - B.3. ...

C. The following services are paid through a per diem:

1. - 2. ...

3. supported employment-follow along;

4. adult companion care; and

5. complex care.

D. - 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 30:1209 (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), LR 45:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability or autonomy as described in R.S. 49:972 as it will provide services for participants with complex medical and behavioral needs and allow individuals under 21 to access home and community-based NOW services.

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 a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 as it will provide services for participants with complex medical and behavioral needs and allow individuals under 21 to access home and community-based NOW services.

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 a new service.

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.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, November 29, 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. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Home and Community-Based Services Waivers—New Opportunities Waiver—Complex Care Services

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

It is anticipated that implementation of this proposed rule will increase programmatic costs to the state by approximately $125,373 for FY 18-19, $1,114,345 for FY 19-20 and $1,646,113 for FY 20-21. In FY 18-19, the state match requirements shall be met with New Opportunities Waiver (NOW) Fund dollars and utilized to secure federal match to provide the add-on payments for complex care. In FY 19-20 and FY 20-21, the state match requirements shall be met through the Department's budget appropriation from the state general fund. It is anticipated that $1,296 ($648 SGF and $648 FED) will be expended in FY 18-19 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 64.67 percent in FY 18-19 and 65.79 percent in FY 19-20 and FY 20-21.

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 $228,953 for FY 18-19, $2,143,021 for FY 19-20 and $3,165,676 for FY 20-21. The proposed rule will also increase revenue collections by approximately $125,373 in FY 18-19 from the NOW Fund. It is anticipated that $648 will be collected in FY 18-19 for the federal share of the 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 64.67 percent in FY 18-19 and 65.79 percent in FY 19-20 and FY 20-21.

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

This proposed Rule continues the provisions of the October 20, 2018 Emergency Rule which amended the provisions governing the New Opportunities Waiver (NOW) in order to add complex care to the home and community-based services covered under the NOW, and to align the minimum age requirement for participation with the waiver amendment approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). It is anticipated that implementation of this proposed Rule will be beneficial to NOW participants in need of complex medical and behavioral health services. The proposed rule also benefits younger recipients by reducing the participant age limit to align with the approved waiver. This proposed rule will be beneficial to providers of complex care services as a result of the additional reimbursement for these services. It is anticipated that implementation of this proposed rule will increase NOW expenditures by approximately $353,030 for FY 18-19, $3,257,366 for FY 19-20 and $4,811,789 for FY 20-21 due to the additional payments to providers of complex care services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Jen Steele
Medicaid Director
1810#059

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health
Bureau of Health Services Financing

Medicaid Eligibility
Children's Health Insurance Program Reauthorization Act
Option for Lawfully Resident Children
(LAC 50:III.2329 and 2523)

The Department of Health, Bureau of Health Services Financing proposes to adopt LAC 50:III.2329 and to repromulgate the provisions of the June 20, 1998 Rule governing Medicaid Eligibility for non-citizens in order to adopt this Rule into LAC 50:III.2523, pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated a Rule which adopted provisions to provide regular Medicaid coverage to optional qualified aliens (hereafter referred to as "qualified non-citizens"), who were in the United States prior to August 22, 1996, who meet all eligibility criteria and requiring a five-year waiting period for qualified non-citizens, entering the United States on or after August 22, 1996 (*Louisiana Register*, Volume 24, Number 6).

The Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009 provides states with the option to eliminate the five-year waiting period and provide coverage under the Medical Assistance Program to a new eligibility group consisting of children up to age 19 who are lawfully residing in the United States, and for which an enhanced federal medical assistance percentage (FMAP) rate is available.

The Department of Health, Bureau of Health Services Financing hereby amends the provisions governing Medicaid eligibility to adopt the CHIPRA option which will eliminate the five-year waiting period and provide coverage to lawfully residing children. This proposed Rule will also repromulgate the provisions of the June 20, 1998 Rule governing Medicaid eligibility for qualified non-citizens to ensure that these provisions are promulgated in the *Louisiana Administrative Code* in a clear and concise manner.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part III. Eligibility
Subpart 3. Eligibility Groups and Factors
Chapter 23. Eligibility Groups and Medicaid Programs
§2329. Lawfully Resident Children

A. The Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009, Public Law No. 111-3, established provisions which allow states the option of providing Medicaid and Children's Health Insurance Program (CHIP) coverage to children up to age 19 who are lawfully residing in the United States, including those within their first five years of having certain legal status.

B. The department shall utilize the CHIPRA Option under P.L. 111-3 provisions for the enrollment of children, up to age 19, who are lawfully residing in the United States.

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 45:

Chapter 25. Eligibility Factors

§2523. Citizenship

A. Qualified Non-Citizens

1. The department hereby adopts criteria for the coverage of qualified non-citizens pursuant to the provisions of §401 of the Personal and Work Opportunity Act of 1996 (P.L. 104-193) as amended by the Balanced Budget Act of 1997 (P.L. 105-33).

2. The department elects to provide regular Medicaid coverage to optional qualified non-citizens who were in the United States prior to August 22, 1996, who meet all eligibility criteria.

3. Qualified non-citizens entering the United States on or after August 22, 1996 are not eligible for Medicaid coverage for five years after entry into the United States.

a. Such qualified non-citizens are eligible for emergency services only.

b. Upon expiration of the five-year period, coverage for regular Medicaid services shall be considered if the qualified non-citizen meets all eligibility criteria.

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 45:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule may have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 as it eliminates the waiting period for coverage for lawfully residing children who meet eligibility criteria.

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 may have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 as it reduces the financial burden on families with lawfully residing children in need of healthcare services by eliminating the waiting period for coverage.

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. These provisions will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

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

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, November 29, 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. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Medicaid Eligibility
Children's Health Insurance Program Reauthorization Act—Option for Lawfully Resident Children

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

It is anticipated that the implementation of this proposed rule will result in estimated state general fund programmatic net savings of $128,303 for FY 18-19, $21,909 for FY 19-20 and net costs of $140,871 for FY 20-21. It is anticipated that $540 ($270 SGF and $270 FED) will be expended in FY 18-19 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 64.67 percent in FY 18-19, 65.79 percent in FYs 19-20 and 20-21, and an enhanced FMAP rate of 98.27 percent in FY 18-19 and 90.43 percent in FYs 19-20 and 20-21 for the projected CHIP population.

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

It is anticipated that the implementation of this proposed rule will reduce federal revenue collections by approximately $105,953 for FY 18-19 and increase revenue collections by approximately $1,065,117 for FY 20-21 and $2,603,273 for FY 20-21. It is anticipated that $270 will be expended in FY 18-19 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 64.67 percent in FY 18-19, 65.79 percent in FYs 19-20 and 20-21, and an enhanced FMAP rate of 98.27 percent in FY 18-19 and 90.43 percent in FYs 19-20 and 20-21 for the projected CHIP population.

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

This proposed rule amends the provisions governing Medicaid eligibility to allow for the option to eliminate the five-year waiting period for Medicaid coverage of lawfully residing children in compliance with the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA). The proposed rule also repromulgates the provisions of the June 20, 1998 Rule governing Medicaid eligibility for qualified non-citizens to ensure that these provisions are promulgated in the Louisiana Administrative Code in a clear and concise

manner. This proposed rule will be beneficial to non-citizen recipients as it eliminates the five-year waiting period for providing Medicaid coverage to lawfully residing children. There are no anticipated economic costs or benefits to providers since this proposed rule does not change payments. It is anticipated that implementation of this proposed rule will result in a net reduction in Medicaid programmatic expenditures by approximately $234,796 for FY 18-19 and a net increase in expenditures by approximately $1,043,208 for FY 19-20 and $2,744,144 for FY 20-21 due to the transition of children from fee-for-service to managed care at the enhanced CHIP match rate. The reduction in FY 19-20 is dependent upon the phase in of the total population estimated to be eligible under the CHIPRA option (37 per month). To the extent the take up rate is faster than projected, the savings projected in FY 19 would decrease.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed rule will not have an effect on competition and employment.

Jen Steele	Evan Brasseaux
Medicaid Director	Staff Director
1810#060	Legislative Fiscal Office

NOTICE OF INTENT

Department of Health
Bureau of Health Services Financing

Nurse Licensure Compact
(LAC 48:I.Chapter 88)

The Department of Health, Bureau of Health Services Financing proposes to adopt LAC 48:I.Chapter 88 as authorized by R.S. 36:254 and R.S. 37:1018-1020. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Act 577 of the 2018 Regular Session of the Louisiana Legislature enacted R.S. 37:1018-1020, which directed the Department of Health (LDH) to establish provisions governing the Nurse Licensure Compact, a multi-state compact for nurses to obtain multi-state license privileges, in order to decrease redundancies in the consideration and issuance of nursing licenses, and to provide an opportunity for interstate practice by nurses who meet LDH's uniform licensure requirements. In compliance with the requirements of Act 577, the Department of Health, Bureau of Health Services Financing proposes to adopt provisions governing the Nurse Licensure Compact.

Title 48.
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Licensing and Certification
Chapter 88. Nurse Licensure Compact
§8801. Definitions

Department—the Louisiana Department of Health (LDH), the department.

Health Standards Section (HSS)—the section in LDH responsible for licensing health care facilities and agencies, certifying facilities and agencies applying for participation in the Medicaid (title XIX) and Medicare (title XVIII) programs, and conducting surveys and inspections.

Home State—the party state which is the nurse's primary state of residence.

Licensing Board—a party state's regulatory body responsible for issuing nurse licenses.

Multi-State License—a license to practice as a registered nurse (RN) or a licensed practical nurse/licensed vocational nurse (LPN/LVN) issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multi-state licensure privilege.

Multi-State Licensure Privilege—a legal authorization associated with a multistate license permitting the practice of nursing as either an RN or LPN/LVN in a remote state.

Nurse—registered nurse (RN) or licensed practical nurse/licensed vocational nurse (LPN/LVN), as defined by each party state's practice laws.

Nurse Licensure Compact (NLC)—Part V of Chapter 11 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1018 through 1020.

Party State—any state that has adopted the Nurse Licensure Compact.

Remote State—a party state other than the home state.

Single-State License—a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multi-state licensure privilege to practice in any other party state.

State—a state, territory or possession of the United States and the District of Columbia.

State Practice Laws—a party state's laws, rules and regulations that govern the practice of nursing, define the scope of nursing practice and create the methods and grounds for imposing discipline. State practice laws do not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1018-1020.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 45:

§8803. General Administration

A. Pursuant to R.S. 37:1018-1020 et seq., all health care entities licensed and/or certified by the Health Standards Section of LDH including, but not limited to, those specified in §8803.B.1-25 shall:

1. register with the National Council of State Boards of Nursing's (NCSBN) Nursys e-Notify system; and

2. provide required nurse data for collection of aggregate data from employees on the number and geographic representation of registered nurses (RNs) and licensed practical nurses/licensed vocational nurses (LPNs/LVNs) employed in Louisiana practicing pursuant to a multi-state or single state license, as determined by the Louisiana State Board of Nursing (LSBN) and the Louisiana State Board of Practical Nurse Examiners (LSBPNE).

B. Once registered, the licensed facility/agency, the LSBN and the LSBPNE shall have real-time access to nurse licensure verification including expirations, upcoming renewals and discipline from all nurse licensure compact states. The real-time notifications shall be delivered to employer inboxes automatically and immediately available to the requisite nursing boards prior to an RN or LPN/LVN furnishing any such services in one or more of the following licensed and/or certified health care facilities and agencies:

1. nursing facilities (NF);
2. home health agencies (HHA);
3. hospice agencies;
4. emergency medical transportation services (EMTS);
5. behavioral health services (BHS) providers;
6. home and community-based services (HCBS) providers;
7. adult day health care (ADHC) providers;
8. intermediate care facility for people with developmental disabilities (ICF-DD);
9. adult residential care providers (ARCP);
10. hospitals;
11. rural health clinics (RHC);
12. outpatient physical therapy (OPT) clinics;
13. comprehensive outpatient rehabilitation facilities (CORF);
14. pediatric day health care (PDHC) facilities;
15. end stage renal disease (ESRD) clinics;
16. federally qualified health centers (FQHC);
17. forensic supervised transitional residential and aftercare (FSTRA) facilities;
18. psychiatric residential treatment facilities (PRTF);
19. therapeutic group homes (TGH);
20. ambulatory surgical centers (ASC);
21. outpatient abortion facilities (OAF);
22. support coordination agencies (SCA);
23. adult brain injury (ABI) facilities;
24. community mental health centers (CMHC); and
25. portable x-ray providers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1018-1020.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 45:

§8805. Licensed Facility and Agency Requirements

A. In accordance with federal, state and local laws, rules and regulations, agencies and facilities licensed by the department shall comply with state nurse licensure laws to ensure the health and safety of the public.

B. The governing body of the health care facility or agency licensed by the department shall be responsible for registering with the NCSBN's Nursys e-Notify system (or other system as designated by the state board of nursing).

C. Facilities and agencies licensed by the department as health care providers shall report data to the applicable state nurse licensing board on the number and geographic representation of RNs and LPNs/LVNs employed by the licensed health care facility or agency practicing pursuant to a multi-state license, as determined by the respective licensing board.

D. The report shall be completed prior to an RN or LPN/LVN furnishing any nursing services in this state. Failure of an employer to submit this data to the board shall not be a basis for disciplinary action against or restriction of the multi-state license of any RN or LPN/LVN.

E. The governing body of the licensed health care facility or agency shall be responsible for the development, implementation and enforcement of policies and procedures related to §8805.A-D, as applicable to the facility or agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1018-1020.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 45:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, November 29, 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. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Nurse Licensure Compact

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 18-19. It is anticipated that $972 will be expended in FY 18-19 for the state's

administrative expense for 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 the Department's revenue collections, but will increase revenue collections by the Louisiana State Board of Nursing and the Louisiana State Board of Practical Nurse Examiners by an indeterminable amount due to the collection of licensing fees for individuals that opt to practice nursing under the multi-state licensing compact.

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

This proposed rule, in compliance with Act 577 of the 2018 Regular Session of the Louisiana Legislature, adopts provisions governing the Nurse Licensure Compact, a multi-state compact for nurses to obtain multi-state license privileges, in order to decrease redundancies in the consideration and issuance of nursing licenses and to provide an opportunity for interstate practice by nurses who meet the Department of Health's uniform licensure requirements. This proposed rule may result in economic costs to providers for additional background checks required by the Louisiana State Board of Nursing (LSBN) and the Louisiana State Board of Practical Nurse Examiners (LSBPNE) for nurses that seek to practice under a multi-state license issued by a state with less rigorous background check standards than Louisiana, but will be beneficial by providing clear Nurse Licensure Compact participation requirements. It is anticipated that implementation of this proposed rule may result in indeterminable costs to providers of nursing services in FY 18-19, FY 19-20 and FY 20-21, since there is no way to determine the number of nurses that will elect to participate, and any revenue generated from additional background checks is speculative and will be used to defray any expenses incurred by the LSBN or the LSBPNE while performing these checks.

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
1810#061	Legislative Fiscal Office

NOTICE OF INTENT

Department of Health
Board of Nursing

Reinstatement of Licensure (LAC 46:XLVII.3415)

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. 37:917-918, that the Louisiana State Board of Nursing (LSBN) is proposing Rule changes to §3415, Reinstatement of Licensure. Our mission is "To safeguard the life and health of the citizens of Louisiana by assuring persons practicing as registered nurses and advanced practice registered nurses are competent and safe". The proposed Rule change revises the criteria set forth in Title 46, Professional and Occupational Standards, Part XLVII Chapter 34, Disciplinary Proceedings: Alternative to Disciplinary Proceedings, §3415. The RN and/or APRN will be able to submit an application for reinstatement if his/her license has been revoked, but the application will not be considered for reinstatement if the license has been: 1. revoked permanently, 2. declared revoked permanently, or 3. less than five years from date the board's revocation order became a final judgement.

Title 46
PROFESSIONIAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses: Practical Nurses and Registered Nurses
Subpart 2. Registered Nurses
Chapter 34. Disciplinary Proceedings: Alternative to Disciplinary Proceedings

§3415 Reinstatement of License

A. An application for reinstatement of a suspended, revoked, or surrendered license shall be in writing in the form prescribed by the board. Applications and supporting documentation shall be submitted to the board at least 21 days prior to the scheduled hearing or conference.

B. The application for reinstatement of a suspended or a revoked license does not require satisfaction of the requirements for initial licensure. However, the requirements of LAC 46: XLVII.3333 and 3335 shall be met.

C. Prior to reinstatement of a license previously suspended (except for nonpayment of fees) or revoked, a hearing or conference is held before the board or staff to afford the applicant with the opportunity to present evidence that the cause for the revocation or suspension no longer exists and to provide an opportunity for the board or staff to evaluate changes in the person or conditions. In certain situations, the license may be reinstated by consent order or settlement order. The burden of proof is on the applicant to prove the conditions that led to the suspension or revocation no longer exist and/or no longer affect applicant's ability to practice safely. If reinstatement is granted, a period of probation with stipulations may be imposed.

D. In addition to the requirements of Subsections A, B, and C of this Section, an application for reinstatement of a revoked license shall not be submitted and shall not be considered by the board or by board staff until after five years pass from the date the board's revocation order became a final judgement.

E. The board and board staff shall not accept and shall not consider an application for reinstatement from a person whose license or licenses were revoked permanently or were declared revoked permanently.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, R.S. 37:921, R.S. 37:922 and R.S. 37: 923

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7.77 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 16:1060 (December 1990), LR 24:1293 (July 1998), amended by the Department of Health, Board of Nursing LR 45:

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 November 10, 2018.

Dr. Karen C. Lyon
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Reinstatement of Licensure

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

The proposed rule changes will result in a one-time publication cost of $500 for the LA State Board of Nursing (LSBN) in FY 19. The proposed rule changes will add language to the LSBN's Reinstatement of Licensure policy and will allow for Registered Nurses (RNs) and/or Advanced Practice Registered Nurses (APRNs) whose licenses the Board has revoked to be considered for reinstatement. RNs/APRNs seeking such reinstatement must provide adequate proof that the circumstances leading to their license revocation no longer exist and/or do not impede their ability to practice safely. However, the potential reinstatement does not extend to RNs/APRNs whose licenses the LSBN has revoked permanently.

The proposed rule change will not affect expenditures of local governmental units.

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

The proposed rule changes may result in an indeterminable, though likely nominal increase in revenue collections for the LSBN to the extent the Board reinstates licenses for RNs and/or APRNs that were previously revoked. To the extent the Board reinstates revoked licenses, it would realize a revenue increase of $100 per license annually. However, any revenue derived from reinstating revoked licenses is anticipated to be nominal, as the Board typically revokes three or fewer licenses annually. Furthermore, the total revenue increase is indeterminable because the number of revoked licenses the LSBN may reinstate is unknown.

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

The proposed rule changes may benefit RNs and/or APRNs whose licenses the LSBN previously revoked in the event that the Board reinstates their licenses. RNs/APRNs seeking such reinstatement must provide adequate proof that the circumstances leading to their license revocation no longer exist and/or do not impede their ability to practice safely. Previously, the LSBN only allowed persons with suspended or surrendered RN and/or APRN licenses to apply for reinstatement.

To the extent RNs and/or APRNs have licenses reinstated subsequent to the proposed rule change, they must pay a license fee of $100 annually, but will also have the economic benefit of the ability to resume practice. However, reinstatement will not be offered from RNs and/or APRNs whose licenses have been revoked permanently or declared revoked permanently by the LSBN. Furthermore, the LSBN will not consider reinstatement of a revoked license until five years pass from the date a revocation order became a final judgment.

While the extent of the economic benefit for RNs and APRNs cannot be quantified, for illustrative purposes the average annual salary for RNs is $63,560 and the average annual salary for APRNs is $107,480.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes may have a nominal effect on employment, as it may increase competition for nursing jobs in Louisiana to the extent additional RNs/APRNs are eligible to practice after having previously revoked licenses reinstated. However, the effect on employment will likely be nominal, as the LSBN typically revokes three or fewer licenses in a given year, and it is unknown how many licenses the Board will reinstate.

Dr. Karen C. Lyon Executive Director 1810#019	Evan Brasseaux Staff Director Legislative Fiscal Office

NOTICE OF INTENT

Louisiana State University System
Louisiana State University Health Sciences Center
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., as amended, the President of the Louisiana State University System has amended a Rule to assist with complete case ascertainment by requiring hospitals to screen both in-patient and out-patient records; assist with data quality by requiring that facilities resubmit data 15 months after diagnosis, participate in the follow-up data exchange, provide access to the full social security number, and report clinically diagnosed cases; provide the Louisiana Tumor Registry (LTR) with the ability to obtain genetic and genomic testing information; allow the LTR to contact the death certificate informant in cases where only the death certificate is available; clarify the charges or fines for facilities that are non-compliant or have failed to

submit reportable cases; and provide for related matters by supplanting Chapter 85 of Title 48 of the *Louisiana Administrative Code* in its entirety with the following.

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 Louisiana Tumor Registry (LTR) will use its infrastructure and data to assist in the statewide cancer care coordination program. In carrying out this mandate, the LTR collaborates with the National Cancer Institute (NCI), the Centers for Disease Control and Prevention (CDC), 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). LR 45:

§8502. Background

A. In December 1971, President Richard Nixon signed the National Cancer Act (P.L. 92-218). As a result of this act, the Surveillance, Epidemiology and End Results (SEER) Program, a national cancer surveillance program within the NCI, was established. Data on cancer incidence and survival were collected in selected states and regions, beginning with cases diagnosed on January 1, 1973. The importance of cancer registration was subsequently reinforced by the passage of federal legislation in 1992 (Public Law 102-515) establishing the National Program of Cancer Registries within the CDC. Louisiana participates in both cancer surveillance programs.

B. Acts No. 1197 of the 1995 Louisiana Legislative Session clarified the cancer-reporting responsibilities of health care professionals and institutions, provided for intervention in cases of noncompliance, reinforced the confidentiality requirements to protect participants from civil liability, authorized the exchange of cancer incidence data with other states, and provided for related matters.

C. Acts No. 1138 §2 of the 1995 Session transferred the Louisiana Tumor Registry program and the Louisiana Cancer and Lung Trust Fund Board to the Board of Supervisors of the Louisiana State University Agricultural and Mechanical College, to be administered by the Louisiana State University Health Sciences Center (LSUHSC) at New Orleans.

D. Acts No. 197 of the 2001 Regular Legislative Session replaced "Secretary of the Department of Health and Hospitals" and "Secretary" with "President of the Louisiana State University System, or his designee" or "President" and replaced "office of public health in the Department of Health and Hospitals" with "office of the President." It also mandated the reporting of follow-up information and confirmed the ability of the LTR to release data to qualified researchers and other state cancer registries.

E. Acts No. 225 of the 2003 Regular Legislative Session added benign and borderline tumors of the brain and central nervous system to the reportability list and authorized the LTR to cooperate with other designated national and international cancer surveillance programs.

F. Acts No. 373 of the 2017 Regular Legislative Session requires the 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 the 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 the 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). LR 45:

§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).

Director—the director of the Louisiana Tumor Registry, who is appointed by the president of the Louisiana State University System.

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.

Louisiana Tumor Registry/LTR—the program in Louisiana State University System that administers a population-based statewide cancer registry.

Regional Tumor Registry—an organization that is contracted with the LTR to provide in its region such services as: screening all possible sources to identify reportable cases, abstracting required information on all reportable cases, obtaining current follow-up information, editing and consolidating data, performing quality assurance programs, training personnel from hospitals and other reporting facilities, and furnishing electronic records of acceptable quality to the LTR from all medical facilities and health care providers in the parishes assigned to that region.

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). LR 45:

§8505. Responsibilities of Health Care Facilities and Providers

A. All hospitals, pathology laboratories (including molecular 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 LTR. Health care facilities and providers shall report all in-patient and out-patient cases regardless of whether the patient is a resident of Louisiana, or where the patient was originally diagnosed and/or treated. In addition the LTR shall have complete remote electronic access to, including but not limited to, all medical records, aligning patient identifiers (name, complete Social Security number, and date of birth), and obtain related diagnostic material such as biospecimens of cancers.

1. If the facility does not have electronic medical records, physical access to records or copies of records shall be granted to the LTR.

B. The LTR is mandated to conduct cancer studies and may request additional information from healthcare providers and facilities, medical/health records, self-reported surveys of cancer patients, and diagnostic material in order to carry out these studies.

1. Diagnosis-related material, such as cancer biospecimens and pathology slides, as well as biological materials shall be sent to the Louisiana Tumor Registry if requested.

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). LR 45:

§8507. Case Reporting

A. Reportable Cases

1. Any in situ or invasive neoplasm, as designated by the most recent edition of the *International Classification of Diseases for Oncology,* published by the World Health Organization, is considered a reportable diagnosis. A list of reportable cases includes, but is not limited to:

i. both microscopically confirmed and clinically diagnosed cases;

ii. all in-patient and out-patient cases and records, both analytic and non-analytic in nature.

iii. cases diagnosed prior to facility-specific reference dates seeking care currently;

iv. benign and borderline tumors as well as precancerous lesions and other neoplasms mandated by the LTR or its funding agencies shall be considered reportable. Details are available at the LTR website.

B. Transmission and Format for Reporting

1. All healthcare facilities and providers are required to electronically transmit data to the LTR securely. Facilities without electronic medical records must submit hard copies securely to the LTR.

2. The LTR will stipulate the format for reporting, the required codes, and the format for transmitting data by all hospitals, pathology laboratories, radiation centers, physicians, nursing homes, hospices, and other licensed health care facilities and providers.

C. Data Quality. Data must meet the quality standards defined by the LTR. Data submissions of unacceptable quality will be returned for correction and must be resubmitted as specified by the LTR. Adequate text must accompany all coded data items to ensure data quality.

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 (NAACCR). A complete list of data items is available on the LTR website. Additional variables including available screening data for reportable cases 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. Deadlines for Reporting

1. Hospitals must submit completed cancer abstracts within six months of diagnosis or first contact with the patient for that cancer in accordance with the LTR Timely Data Reporting Policy and Calendar.

i. Hospitals are also required to resubmit cancer abstracts 15 months after diagnosis.

ii. Updated hospital follow-up information is to be submitted to the LTR at least once a year in accordance with the specific requirements of the LTR's Follow-up Data Exchange program.

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) within one month of a data request.

4. Healthcare facilities and providers shall report to the LTR within one month if they diagnose or treat any cancer patient under age 20 years old.

F. Failure to Report Cancer Cases. If a healthcare facility or provider fails to meet the deadline for reporting in the format specified by the Louisiana Tumor Registry, provides data of unacceptable quality, or is found to be non-compliant in reporting in any way, personnel from the LTR or its contractors shall be provided access to the facility's medical records in order to screen and abstract the required information for a fee based on the fines stipulated herein. Any funds accrued from fines/penalties or reimbursements shall be used for the LTR's operational expenses. The LTR may take legal action if necessary to enforce compliance with the law.

1. If the facility does not provide accurate reporting, the facility shall reimburse the Louisiana Tumor Registry or its contractor $45 per case or the actual cost of screening, abstracting, coding, travel expenses, and data processing, whichever is greater.

2. Facilities refusing to cooperate for whatever reason 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 per facility, with a cap of $5000 total per year per facility.

3. If facilities are found, after annual audits, to be non-compliant with the LTR's rules for reportable cases, the LTR shall charge fines of $100 per unreported case, which then shall be abstracted and submitted to the LTR.

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:

i. rescreening medical and health records to ensure that all reportable cases have been identified;

ii. 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 shall supply this information when requested.

I. External Linkages. The LTR data may be linked with external databases in order to improve the accuracy and completeness of its data or for research. This includes additional data from genomic and genetic testing companies. 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). LR 45:

§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 LTR.

B. The LTR 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. The 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, vendors, consultants, and contractors of the LTR 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. Protection of Reporting Sources. Health care providers and facilities that disclose cancer morbidity or mortality information to the LTR or its employees in conformity with the law shall not be subject to actions for damages. Their licenses shall not be denied, suspended, or revoked for good-faith release of confidential information to the LTR.

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 LOPH shall be used solely for statistical, scientific and medical research purposes. This applies also to data procured by employees or agents of the LTR or organizations, including public or private college universities acting in collaboration with the LTR in special cancer studies.

2. No case-specific data shall be available for subpoena, nor shall they be disclosed, discoverable, or

compelled to be produced in any civil, criminal, administrative, or other proceeding, nor shall such records be deemed admissible as evidence in any civil, criminal, administrative, or other tribunal or court for any reason.

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 LSU 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), LR 45:

§8511. Release of Information

A. Confidentiality of Published Data

1. Reports published or presented by the LTR shall include aggregate, not case-specific, data.

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 appropriate administrative, technical and physical safeguards modeled after HIPAA.

B. Diagnostic, Treatment, and Follow-Up Information. Diagnostic, treatment, and follow-up information about a patient shall be provided, if requested, to a physician or medical facility diagnosing or treating the case. Section 45 CFR 164.506 of HIPAA allows such sharing of health information.

C. Collaboration with Federal and State Public Health Agencies and National and International Cancer Surveillance Programs

1. The LTR is authorized to collaborate with the NCI, the CDC, and other national and international cancer surveillance programs and organizations designated by the LTR, including but not limited to the NAACCR 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 LTR. 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 that appropriate consent will be obtained.

E. Requests for Aggregate Data

1. Data requested by the LOPH 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. The LTR may combine years of data to create a large enough population to ensure patient confidentiality and anonymity as well as data reliability. 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). LR 45:

§8512. Contacting Patients or Death Certificate Informant

A. The LTR is authorized to contact cancer patients to obtain information on self-reported family history of cancer, health-related quality of life, cancer screening, cancer diagnosis, and other related topics, as well as to acquire biological materials such as saliva samples. Participation of cancer patients is voluntary. The LTR shall use appropriate data collection means to minimize the burden on participants.

B. In the instance of a cancer case reported solely by a death certificate, the LTR may contact the listed informant to identify what facility the patient was treated in to obtain more clinical data for the case, if applicable.

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), LR 45:

§8513. Interstate Exchange of Data

A. Because cancer patients may be diagnosed or treated in other states, the LTR 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. Before the release of any confidential information to other state cancer registries, an interstate data exchange agreement shall be executed by a representative of the other state registry who is authorized to legally obligate the registry and by a representative of the Louisiana State University System.

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), LR 44:74 (January 2018). LR 45:

§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), LR 45:

§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 (December 2004), amended by LSU System, Louisiana State University Health Sciences Center, Louisiana Tumor Registry, LR 35:2790 (December 2009), LR 39:3308 (December 2013), LR 44:74 (January 2018). LR 45:

Family Impact Statement

The proposed Rule of the Louisiana Tumor Registry 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 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

The proposed changes to the Louisiana Tumor Registry legislative rules will have no effect on:

1. household income, assets, and financial security;

2. early childhood development and preschool through postsecondary education development;

3. employment and workforce development;

4. taxes and tax credits;

5. child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Public Comments

The proposed revisions to the Louisiana Tumor Registry legislative rules comply with R.S. 40:1105.1 et seq., which authorizes the registry to monitor the incidence of cancer in Louisiana.

All interested persons are invited to submit written comments on the proposed regulations. Such comments must be received no later than November 30, 2018, at 4:30 p.m. and should be sent to Lauren Maniscalco, Louisiana Tumor Registry, 2020 Gravier St, 3rd Floor, New Orleans, LA 70112. Comments may also be faxed to 504/568-5800, phoned to 504/568-5890 or 504/568-5757.

Xiao-Cheng Wu, MD, MPH, CTR
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Tumor Registry

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

The proposed rule changes may result in additional costs for state and local governmental health care facilities to the extent they do not report the information as required by law to the LA Tumor Registry (LTR), and/or do not comply with LTR requests for information and are fined by the Registry as a result. The proposed rule changes increase the minimum fine for reporting inaccurate or incomplete case data by $20, from $45 to $65. Furthermore, the proposed rule changes include a new $100 fine per unreported case for governmental health care facilities if a facility is found to have missed cases through annual audits. Because the number of unreported cases and the number of governmental health care facilities reporting data inaccurately are unknown, any potential expenditures associated with fines is indeterminable

The proposed rule changes may result in additional expenditures for the LTR in the event healthcare facilities do not comply with LTR requests for data and/or the LTR discovers unreported cases during its annual audits, requiring the Registry to hire a contractor to collect required or unreported case data from a facility's records. However, any additional expenditures associated with collecting such data will be defrayed in whole or in part by new and increased penalty fines for health care facilities (see Part II).

The proposed rule changes will result in a one-time expenditure of $1,000 for the LTR in FY 19, as well as marginal administrative costs such as postage associated with implementation of the proposed rule changes in FY 19 and subsequent fiscal years. Expenditures associated with the proposed rule changes will be funded utilizing existing personnel and budget authority.

Generally, the proposed rule changes further elaborate upon and clarify existing rules. Furthermore, the proposed rule changes allow the LTR to obtain genetic and genomic testing information from companies via external linkages, as well as to contact the informant on a death certificate if the LTR only receives a death certificate for a cancer case and requires further information.

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

The proposed rule changes will increase revenues for the LTR to the extent health care facilities do not comply with request for information and/or have unreported cases found during the annual case audit process. The proposed rule changes increase the minimum fine for reporting inaccurate or incomplete case data by $20, from $45 to $65. The LTR may also fine health care facilities $100 per unreported case. The amount of fines collected is dependent upon the number of health care facilities not reporting information as required by law to the Registry. Because the number of unreported cases and the number of facilities reporting data inaccurately are unknown, any potential revenue from this source is indeterminable. Furthermore, the LTR will utilize any revenue collected from these sources to defray any costs associated with gathering the unreported and/or incorrectly reported case information (see Part I).

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

The proposed rule changes may result in additional costs for non-governmental health care facilities to the extent they do not report the information as required by law to the LTR and/or do not comply with LTR requests for information and are fined by the Registry as a result. The proposed rule changes increase the minimum fine for reporting inaccurate or incomplete case data by $20, from $45 to $65. Furthermore, the proposed rule changes include a new $100 fine per unreported case for non-governmental health care facilities if a facility is found to have missed cases through annual audits. Because the number of unreported cases and the number of non-governmental health care facilities reporting data inaccurately are unknown, any potential expenditures associated with fines is indeterminable.

The proposed rule changes allow the LTR to contact the informant listed on a death certificate if the Registry only receives a death certificate for a cancer case and requires further information regarding the recently deceased person's case.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition or employment.

Xiao-Cheng Wu, MD
Director
1810#067

John D. Carpenter
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Natural Resources
Office of Conservation

Pipeline Safety
(LAC 43:XIII.Chapters 3 and 5)

The Department of Natural Resources, Office of Conservation proposes to amend LAC 43:XIII in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed rule changes are required as a part of the Department of Natural Resources certification agreement with the US Department of Transportation and are intended to adopt existing federal regulations as state regulations.

Title 43
NATURAL RESOURCES
Part XIII. Office of Conservation—Pipeline Safety
Subpart 2. Transportation of Natural Gas and Other Gas by Pipeline [49 CFR Part 191]
Chapter 3. Annual Reports, Incident Reports and Safety Related Condition Reports [49 CFR Part 191]

§301. Scope [49 CFR 191.1]

A. This Chapter prescribes requirements for the reporting of incidents, safety-related conditions, ~~and~~ annual pipeline summary data, National Operator Registry information, and other miscellaneous conditions by operators of underground natural gas storage facilities and natural gas pipeline facilities located in the Louisiana, including underground natural gas storage facilities and pipelines within the limits of the Outer Continental Shelf as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331). [49 CFR 191.1(a)]

B. - B.4.c. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:218 (April 1983), amended LR 10:510 (July 1984), LR 11:255 (March 1985), LR 18:854 (August 1992), LR 27:1536 (September 2001), LR 30:1220 (June 2004), LR 33:473 (March 2007), LR 38:110 (January 2012), LR 45:

§303. Definitions [49 CFR 191.3]

A. As used in Part XIII and in the PHMSA Forms referenced in this Part [49 CFR 191.3]:

* * *

Incident—any of the following events:

a. an event that involves a release of gas from a pipeline, gas from an underground natural gas storage facility, liquefied natural gas, liquefied petroleum gas, refrigerant gas, or gas from an LNG facility, and that results in one or more of the following consequences:

i. a death, or personal injury necessitating in-patient hospitalization;

ii. estimated property damage of $50,000 or more, including loss to the operator and others, or both, but excluding cost of gas lost;

iii. unintentional estimated gas loss of three million cubic feet or more;

b. an event that results in an emergency shutdown of an LNG facility. Activation of an emergency shutdown system for reasons other than an actual emergency does not constitute an incident;

c. an event that is significant in the judgment of the operator, even though it did not meet the criteria of Subparagraphs a or b of this definition.

* * *

Underground Natural Gas Storage Facility—means an underground natural gas storage facility as defined in §503 of this Chapter.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 11:255 (March 1985), amended LR 18:854 (August 1992), LR 20:442 (April 1994), LR 27:1536 (September 2001), LR 30:1221 (June 2004), LR 33:473 (March 2007), LR 38:110 (January 2012), LR 44:1032 (June 2018), LR 45:

§305. Telephonic Notice of Certain Incidents [49 CFR 191.5]

A. …

B. Each notice required by Subsection A of this Section must be made to the National Response Center either by telephone to (800) 424- 8802 (in Washington, DC, 202 267-2675) or electronically at http:// www.nrc.uscg.mil and by telephone to the state of Louisiana to (225) 342-5505 and must include the following information: [49 CFR 191.5(b)]

B.1. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:218 (April 1983), amended LR 10:510 (July 1984), LR 11:255 (March 1985), LR 20:442 (April 1994), LR 30:1221 (June 2004), LR 38:110 (January 2012), LR 44:1032 (June 2018), LR 45:

§307. Report Submission Requirements [49 CFR 191.7]

A. General. Except as provided in Subsection B and Subsection E of this Section, an operator must submit each report required by this part electronically to the Pipeline and Hazardous Materials Safety Administration at http://portal.phmsa.dot.gov/pipeline unless an alternative reporting method is authorized in accordance with Subsection D of this Section. [49 CFR 191.7(a)]

1. Each report required by §307.A, for intrastate facilities subject to the jurisdiction of the Office of Conservation, must also be submitted to Office of Conservation, P.O. Box 94275, Baton Rouge, LA 70804-9275 or may be transmitted by electronic mail to PipelineInspectors@la.gov.

A.1.a. - E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:219 (April 1983), amended LR 10:510 (July 1984), LR 11:255 (March 1985), LR 20:442 (April 1994), LR 27:1536 (September 2001), LR 30:1221 (June 2004), LR 31:679 (March 2005), LR 33:473 (March 2007), LR 35:2800 (December 2009), LR 38:110 (January 2012), LR 44:1032 (June 2018), LR 45:

§315. Transmission Systems; Gathering Systems; and Liquefied Natural Gas Facilities: Incident Report [49 CFR 191.15]

A. - B. …

C. Underground Natural Gas Storage Facility. Each operator of an underground natural gas storage facility must submit DOT Form PHMSA F7100.2 as soon as practicable but not more than 30 days after detection of an incident required to be reported under § 305. [49 CFR 191.15(c)]

D. Supplemental Report. Where additional related information is obtained after a report is submitted under Subsection A or B of this Section, the operator must make a supplemental report as soon as practicable with a clear reference by date to the original report. [49 CFR 191.15(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:219 (April 1983), amended LR 10:511 (July 1984), LR 11:255 (March 1985), LR 30:1222 (June 2004), LR 38:111 (January 2012), LR 45:

§317. Transmission Systems; Gathering Systems; and Liquefied Natural Gas Facilities: Annual Report [49 CFR 191.17]

A. - B. …

C. Underground Natural Gas Storage Facility. Each operator of an underground natural gas storage facility must submit an annual report on DOT PHMSA Form 7100.4-1 by March 15, for the preceding calendar year except that the first report must be submitted by July 18, 2017.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:219 (April 1983), amended LR 10:511 (July 1984), LR 11:256 (March 1985), LR 30:1222 (June 2004), LR 38:111 (January 2012), LR 45:

§321. OMB Control Number Assigned to Information Collection [49 CFR 191.21]

A. This Section displays the control number assigned by the Office of Management and Budget (OMB) to the information collection requirements in Chapter 3. The Paperwork Reduction Act requires agencies to display a current control number assigned by the Director of OMB for each agency information collection requirement. [49 CFR 191.21]

OMB Control Number 2137-0522	
Section of 49 CFR Part 191 Where Identified	**Form No.**
191.5	Telephonic
191.9	PHMSA7100.1, PHMSA7100.3
191.11	PHMSA7100.1-1, PHMSA7100.3-1
191.15	PHMSA7100.2, PHMSA7100.3
191.17	PHMSA7100.2-1, PHMSA7100.3-1, PHMSA7100.4-1.
191.22	PHMSA1000.1, PHMSA1000.2

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 11:256 (March 1985), amended LR 20:442 (April 1994), LR 30:1222 (June 2004), LR 38:112 (January 2012), LR 45:

§322. National Registry of Pipeline and LNG Operators [49 CFR 191.22]

A. OPID Request. Effective January 1, 2012, each operator of a gas pipeline, gas pipeline facility, underground natural gas storage facility, LNG plant or LNG facility must obtain from PHMSA an Operator Identification Number (OPID). An OPID is assigned to an operator for the pipeline or pipeline system for which the operator has primary responsibility. To obtain on OPID, an operator must complete an OPID Assignment Request DOT Form PHMSA F 1000.1 through the National Registry of Pipeline and LNG Operators in accordance with §307. [49 CFR 191.22(a)]

B. OPID Validation. An operator who has already been assigned one or more OPID by January 1, 2011, must validate the information associated with each OPID through the National Registry of Pipeline, Underground Natural Gas Storage Facility, and LNG Operators at http://opsweb.phmsa.dot.gov, and correct that information as necessary, no later than June 30, 2012. [49 CFR 191.22(b)]

C. Changes. Each operator of a gas pipeline, gas pipeline facility, underground natural gas storage facility, LNG plant or LNG facility must notify PHMSA electronically through the National Registry of Pipeline and LNG Operators at http://opsweb.phmsa.dot.gov of certain events. For intrastate facilities subject to the jurisdiction of the Office of Conservation, a copy must also be submitted to Office of Conservation, P.O. Box 94275, Baton Rouge, LA 70804-9275. [49 CFR 191.22(c)]

1. - 1.a. …

b. construction of 10 or more miles of a new pipeline or replacement pipeline; [49 CFR 191.22(c)(1)(ii)]

c. construction of a new LNG plant or LNG facility; or [49 CFR 191.22(c)(1)(iii)]

d. construction of a new underground natural gas storage facility or the abandonment, drilling or well workover (including replacement of wellhead, tubing, or a new casing) of an injection, withdrawal, monitoring, or observation well for an underground natural gas storage facility. [49 CFR 191.22(c)(1)(iv)]

C.1.e - C.2.b. …

c. a change in the entity (e.g., company, municipality) responsible for an existing pipeline, pipeline segment, pipeline facility, underground natural gas storage facility, or LNG facility; [49 CFR 191.22(c)(2)(iii)]

C.2.d. - C.2.e. …

f. The acquisition or divestiture of an existing underground natural gas storage facility subject to Subpart 3 of this Part. [49 CFR 191.22(c)(2)(vi)]

D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 38:112 (January 2012), amended LR 44:1032 (June 2018), LR 45:

§323. Reporting Safety-Related Conditions [49 CFR 191.23]

A. - A.1. …

2. in the case of an underground natural gas storage facility, including injection, withdrawal, monitoring, or

observation well, general corrosion that has reduced the wall thickness to less than that required for the maximum well operating pressure, and localized corrosion pitting to a degree where leakage might result; [49 CFR 191.23(a)(2)]

3. unintended movement or abnormal loading by environmental causes, such as an earthquake, landslide, or flood, that impairs the serviceability of a pipeline or the structural integrity or reliability of an underground natural gas storage facility, including injection, withdrawal, monitoring, or observation well for an underground natural gas storage facility, or an LNG facility that contains, controls, or processes gas or LNG; [49 CFR 191.23(a)(3)]

4. any crack or other material defect that impairs the structural integrity or reliability of an underground natural gas storage facility or an LNG facility that contains, controls, or processes gas or LNG; [49 CFR 191.23(a)(4)]

5. any material defect or physical damage that impairs the serviceability of a pipeline that operates at a hoop stress of 20 percent or more of its specified minimum yield strength or underground natural gas storage facility, including injection, withdrawal, monitoring, or observations well for an underground natural gas storage facility. [49 CFR 191.23(a)(5)]

6. any malfunction or operating error that causes the pressure of a pipeline, underground natural gas storage facility, or LNG facility that contains or processes gas or LNG to rise above its maximum allowable operating pressure (or working pressure for LNG facilities) plus the build-up allowed for operation of pressure limiting or control devices; [49 CFR 191.23(a)(6)]

7. a leak in a pipeline or an underground natural gas storage facility, including injection, withdrawal, monitoring, or observation well for an underground natural gas storage facility, or LNG facility that contains or processes gas or LNG that constitutes an emergency; [49 CFR 191.23(a)(7)]

8. inner tank leakage, ineffective insulation, or frost heave that impairs the structural integrity of a LNG storage tank; [49 CFR 191.23(a)(8)]

9. any safety-related condition that could lead to an imminent hazard and causes (either directly or indirectly by remedial action of the operator), for purposes other than abandonment, a 20 percent or more reduction in operating pressure or shutdown of operation of a pipeline or an underground natural gas storage facility, including injection, withdrawal, monitoring, or observation well for an underground natural gas storage facility, or a LNG facility that contains or processes gas or LNG. [49 CFR 191.23(a)(9)]

B. - B.2. …

3. exists on a pipeline (other than an LNG facility or Underground Natural Gas Storage Facility) that is more than 220 yards (200 meters) from any building intended for human occupancy or outdoor place of assembly, except that reports are required for conditions within the right-of-way of an active railroad, paved road, street, or highway; or [49 CFR 191.23(b)(3)]

B.4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, amended LR 30:1223 (June 2004), LR 45:

§327. Filing Offshore Pipeline Condition Reports [49 CFR 191.27]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 18:854 (August 1992), amended LR 20:443 (April 1994), LR 30:1224 (June 2004), LR 33:474 (March 2007), LR 35:2800 (December 2009), LR 45:

Subpart 3. Transportation of Natural Gas or Other Gas by Pipeline: Minimum Safety Standards [49 CFR Part 192]

Chapter 5. General [Subpart A]

§503. Definitions [49 CFR 192.3]

A. As used in this Part:

* * *

Underground Natural Gas Storage Facility—means a facility that stores natural gas in an underground facility incident to natural gas transportation, including:

a. a depleted hydrocarbon reservoir;

b. an aquifer reservoir; or

c. a solution-mined salt cavern reservoir, including associated material and equipment used for injection, withdrawal, monitoring, or observation wells, and wellhead equipment, piping, rights-of-way, property, buildings, compressor units, separators, metering equipment, and regulator equipment.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1224 (June 2004), amended LR 31:679 (March 2005), LR 33:474 (March 2007), LR 35:2800 (December 2009), LR 38:112 (January 2012), LR 44:1033 (June 2018), LR 45:

§507. What Documents are Incorporated by Reference Partly or Wholly in this Part? [49 CFR 192.7]

A. - B.9. …

Source and Name of Referenced Material	Approved for Title 43 Reference
10. API Recommended Practice 1170, "Design and Operation of Solution-mined Salt Caverns Used for Natural Gas Storage," First edition, July 2015 (API RP 1170).	§512
11 API Recommended Practice 1171, "Functional Integrity of Natural Gas Storage in Depleted Hydrocarbon Reservoirs and Aquifer Reservoirs," First edition, September 2015, (API RP 1171).	§512
C. - J.1. …	

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1226 (June 2004), amended LR 31:680 (March 2005), LR 33:474 (March 2007), LR 35:2801 (December 2009), LR 38:113 (January 2012), LR 44:1033 (June 2018), LR 45:

§512. Underground natural gas storage facilities. [49 CFR 192.12]

A. Underground natural gas storage facilities must meet the following requirements.

1. Each underground natural gas storage facility that uses a solution-mined salt cavern reservoir for gas storage constructed after July 18, 2017 must meet all requirements and recommendations of API RP 1170 (incorporated by reference, see § 192.7). [49 CFR 192.12(a)]

2. Each underground natural gas storage facility that uses a solution-mined salt cavern reservoir for storage including those constructed not later than July 18, 2017 must meet the operations, maintenance, integrity demonstration and verification, monitoring, threat and hazard identification, assessment, remediation, site security, emergency response and preparedness, and recordkeeping requirements and recommendations of API RP 1170, sections 9, 10, and 11 (incorporated by reference, see § 192.7) by January 18, 2018. [49 CFR 192.12(b)]

3. Each underground natural gas storage facility that uses a depleted hydrocarbon reservoir or an aquifer reservoir for storage constructed after July 18, 2017 must meet all requirements and recommendations of API RP 1171 (incorporated by reference, see §192.7). [49 CFR 192.12(c)]

4. Each underground natural gas storage facility that uses a depleted hydrocarbon reservoir or an aquifer reservoir for gas storage, including those constructed not later than July 18, 2017 must meet the operations, maintenance, integrity demonstration and verification, monitoring, threat and hazard identification, assessment, remediation, site security, emergency response and preparedness, and recordkeeping requirements and recommendations of API RP 1171, sections 8, 9, 10, and 11 (incorporated by reference, see § 507) by January 18, 2018. [49 CFR 192.12(d)]

5. Operators of underground gas storage facilities must establish and follow written procedures for operations, maintenance, and emergencies implementing the requirements of API RP 1170 and API RP 1171, as required under this section, including the effective dates as applicable, and incorporate such procedures into their written procedures for operations, maintenance, and emergencies established pursuant to § 2705. [49 CFR 192.12(e]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

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.

Small Business Analysis

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Written comments will be accepted by hand delivery or USPS only, until 4 p.m., December 4, 2018, at Office of Conservation, Pipeline Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation, Pipeline Division, 617 North Third Street, Room 931, Baton Rouge, LA 70802. Reference Docket No. PRA 2018-01. All inquiries should be directed to Michael Peikert at the above addresses or by phone to (225) 219-3799. No preamble was prepared.

Richard P. Ieyoub
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Pipeline Safety

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

The proposed rule changes are not anticipated to have any implementation costs to the state or local governmental units at this time. The proposed rule changes are required as a part of the Department of Natural Resources (DNR) certification agreement with the US Department of Transportation. The proposed rule changes codify existing federal regulations by defining an Underground Natural Gas Storage Facility and incorporating these regulations into the state's existing reporting requirements.

The Office of Conservation (OC) anticipates it will be able to enforce these regulations using existing staff. OC's Injection and Mining Division already permits and inspects natural gas storage caverns. However, to the extent these new requirements create an additional workload that exceeds expectations, there may be a need for additional staff at some time in the future. Currently, only five intrastate underground natural gas storage facilities exist. Should more intrastate facilities be constructed in the future, additional staff may be required. Inspection fees would offset the cost for the new operators and federal reimbursements.

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

The proposed rule changes are anticipated to have no effect on revenue collections of state and local government units. The proposed rule changes do not impose any new fees or change to existing fees. In the event additional intrastate underground natural gas storage facilities are constructed, DNR will be required to inspect these sites and will charge an inspection fee. Any additional revenue that may arise is anticipated to be used to offset the additional costs associated with the inspections.

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

The proposed rule changes directly affect pipeline operators and underground natural gas storage facilities. The proposed rule changes codify adopted federal regulations that these regulators are currently complying with; therefore, there should be no economic impact to the regulated community.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Richard P. Ieyoub
Commissioner
1810#021

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections
Corrections Services

Offender Incentive Pay and Other Wage Compensation
(LAC 22:I.331)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to amend the contents of §331, Offender Incentive Pay and Other Wage Compensation.

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
Part I. Corrections
Chapter 3. Adult Services
§331. Offender Incentive Pay and Other Wage Compensation

A. Purpose—to state the secretary's policy regarding payment of incentive pay and other wage compensation to offenders.

B. Applicability—deputy secretary, undersecretary, chief of operations, director of prison enterprises, regional wardens and wardens. Each unit head is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation.

C. Policy. It is the secretary's policy that compensation shall be paid, in accordance with the provisions of this regulation, to offenders who have performed satisfactory work in the job assignment in which they have been classified, except those offenders who opt to receive good time in lieu of incentive pay pursuant to R.S. 15:571.3.

D. Eligibility

1. An offender sentenced or resentenced or who is returning to the physical custody of the department on or after September 20, 2008 who is not eligible to earn good time at any rate shall serve three years from the date of reception prior to becoming eligible to earn incentive pay.

a. Grandfather Clause: Offenders Received at a Reception and Diagnostic Center Prior to September 20, 2008

i. The provisions of Paragraph D.1 above shall apply to offenders received at a reception and diagnostic center on or after September 20, 2008. Offenders received at a reception and diagnostic center prior to September 20, 2008 shall be subject to the waiting period previously in effect for this regulation. Offenders who are currently receiving incentive pay shall not be affected and shall continue to be eligible to receive incentive pay as they did on the effective date of this regulation, but shall be subject to the provisions of Subparagraph E.2.a as it applies to job changes.

b. Exception: Offenders participating in a certified apprenticeship program

i. Offenders in the physical custody of the department who are participating in a certified apprenticeship program shall not be required to serve three years from the date of reception prior to becoming eligible to earn incentive pay. These offenders shall be eligible to earn incentive pay while participating in the certified apprenticeship program.

2. An offender sentenced or re-sentenced or who is returning to the physical custody of the department on or after September 20, 2008, who is eligible to earn good time at any rate shall not be eligible to earn incentive pay.

a. Grandfather Clause: Offenders Earning Good Time Pursuant to Act 1099 of the 1995 Regular Session

i. Offenders currently earning good time at a rate of three days for every 17 days served pursuant to Act 1099 of the 1995 Regular Session who are also earning incentive pay shall be allowed to continue to earn incentive pay at authorized rates.

E. Procedures

1. Pay Rules

a. 80 hours in a Two-Week Period

i. No offender shall earn incentive pay for more than 80 hours in a two-week period, unless specifically authorized by mutual agreement of the director of prison enterprises and the warden of the respective institution.

ii. Exception: Governor's Mansion

(a). Offenders assigned to job duties at the governor's mansion shall not be limited to 80 hours in a two-week period.

b. Actual Hours Worked

i. Offenders who are eligible to earn incentive pay shall be paid only for actual hours worked in their job assignment. Offenders shall not be paid for time spent away from their job assignment due to circumstances such as holidays, callouts, duty status, weather, illness, etc.

c. Extra Duty Assignments

i. Incentive pay shall not be paid for extra duty assignments that are imposed as sanctions through the offender disciplinary process.

d. Forfeiture due to disciplinary sanction

i. Any offender whose incentive pay is forfeited as a disciplinary sanction shall return to the "introductory pay level" of $0.02 per hour for a six-month period if his eligibility to earn incentive pay is reinstated. At the end of the six-month period, the offender's pay shall be automatically adjusted to the lowest pay rate for the assigned job.

e. Professional Offender Job Classifications

i. Offenders who were previously incarcerated and working in a professional offender job classification who return to the physical custody of the department shall not be ensured placement in the previously worked professional offender job classification. Placing an offender in a previously worked professional offender job classification shall be at the discretion of the warden or designee.

ii. Once eligible to earn incentive pay, if a returning offender is placed in a previously worked professional offender job classification, the offender shall be paid at the lowest pay rate and shall earn any increases in pay rate by working his way up the pay scale as if he had not previously worked in the professional offender job classification.

iii. For the purpose of this regulation, a professional offender job classification is defined as a peer minister/tutor, mentor/tutor, American Sign Language interpreter, or counsel substitute. (See department regulation nos. B-02-021 "Corrections Reentry Court Workforce Program" and B-07-001 "Educational, Vocational and Occupational Programs and Placement, Tutor Certification Program and American Sign Language Interpreting Program (Including Library Services)" for more information on these job classifications.)

f. Private Sector/Prison Industry Enhancement (PS/PIE) Programs or Work Release Programs

i. For the purpose of this regulation, wages earned from a private sector/ prison industry enhancement (PS/PIE) program or a work release program shall not be considered "incentive pay." Therefore, offenders employed in any of these programs are eligible to earn good time. The director of prison enterprises shall establish record-keeping procedures relating to wages earned by offenders employed in a PS/PIE program that include all mandatory deductions from offender wages, other deductions such as child support or garnishment and the distribution of net offender wages to offender banking.

2. Pay Rates

a. Once eligible to earn incentive pay, each offender shall initially be paid an "introductory pay level" of $0.02 per hour for a period of six months. After six months, the offender shall be paid at the lowest pay rate that is commensurate with the job assignment he is placed in by the institution. In the event of a change in an offender's job assignment or custody status, the offender's rate of compensation shall automatically be adjusted to the lowest pay rate of the assigned job. If a change in job assignment is not for disciplinary reasons, the warden may approve the offender to be paid at the same rate as the previous job assignment and the rate of compensation shall not be automatically adjusted to the lowest pay rate of the new job assignment.

i. Grandfather Clause: Offenders Earning Incentive Pay Prior to Effective Date of this Regulation

(a). Offenders earning incentive pay at any rate, prior to the effective date of this regulation, shall continue to earn at these rates. If the offender is reassigned to a new job or vacates the job for any reason and it has been determined the rate of pay for the job that he is leaving should be lower, the next offender to fill that position shall receive the adjusted lower rate.

b. An offender may receive an increase in his hourly pay rate of no greater than $0.04 per hour on an annual basis unless specifically authorized by mutual agreement of the director of prison enterprises and the warden of the respective institution, except as provided below in Subparagraphs E.2.f. – m. of this Section.

c. A series of pay ranges and a standardized list of job titles shall be established by the director of prison enterprises and approved by the secretary or designee. The institutions shall be assigned limits on the total amount of incentive pay paid in certain pay ranges. These limits shall be derived on a percentage basis determined by the total hours worked by offenders who are eligible to earn incentive pay at each institution and shall be approved by the director of prison enterprises and the secretary or designee. Prison enterprises shall issue reports detailing each institution's status with regard to their limits on a quarterly basis. Offender banking shall monitor the assigned limits to ensure that the institutions remain within their limits and report discrepancies to the chief of operations, the appropriate regional warden, the director of prison enterprises and the warden of the institution.

i. The regional wardens shall work closely with the director of prison enterprises to ensure that any institution that exceeds the established limits is brought back into compliance in an expeditious manner.

ii. Exception: Offenders in PE job Titles

(a). Offenders who work in prison enterprises job titles shall not affect an institution's pay range percentage limits.

d. All offenders classified in limited duty status (as defined in health care policy no. HC-15 "Duty Status Classification System") and who are eligible to earn incentive pay shall earn at a rate of no more than $0.04 per hour. This excludes offenders classified as regular duty with restrictions or those with a temporary limited duty status.

e. All offenders classified in working cellblocks and maximum custody field lines who are eligible to earn incentive pay shall earn at the rate of $0.02 per hour.

f. All offenders assigned as students to educational or career and technical education programs who are eligible to earn incentive pay shall be paid at the rate of $0.04 per hour.

i. Exception: Offenders in NOBTS

(a). Due to the importance of the New Orleans Baptist Theological Seminary program and its positive impact on the department, offenders enrolled in this program shall earn incentive pay at the following rates.

Freshmen:	$0.14 per hour
Sophomores:	$0.16 per hour
Juniors:	$0.18 per hour
Seniors:	$0.20 per hour

ii. Upon completion of any educational or career and technical education program, the offender may, upon request and at the discretion of the warden and based upon availability, return to the same job at the same rate of pay he held prior to enrollment in the program.

g. Offenders assigned to prison enterprises industrial, agricultural, service or other prison enterprises jobs may be compensated at a rate up to $0.40 per hour, pursuant to R.S. 15:873. The pay range for these jobs shall be established by the director of prison enterprises and approved by the secretary or designee.

h. The following tutors may be paid, on a graduating scale, up to $1.00 per hour while working as a tutor in the area of certification:

i. Academic offender tutors with an associate degree or higher who achieve certification from the Corrections Education Association (CEA) through the department's peer tutor training program, or

ii. Career and technical education tutors who earn a certificate from National Center for Construction Education and Research (NCCER), Automotive Service Excellence (ASE), or other approved Industry Based Certification (IBC).

i. Certified tutors may earn $0.75 per hour during the first 12 months after certification and may receive an annual increase of $0.10 per hour, up to a maximum of $1.00 per hour.

j. In accordance with the provisions of department regulation no. B-07-001 "Educational, Vocational and Occupational Programs and Placement, Tutor Certification Program and American Sign Language Interpreting Program (Including Library Services)," offenders who have completed the department's American sign language course shall earn incentive pay based upon the highest test score achieved in the Educational Interpreter Performance Assessment (EIPA) or equivalent testing at the following rates.

Test Scores of 2.00 – 2.90	$0.70 per hour
Test Score of 3.00 – 3.90	$0.80 per hour
Test Score of 4:00 – 4.90	$0.90 per hour May be increased to a maximum of $1.00 per hour, at the discretion of the secretary or designee.

k. In accordance with the provisions of department regulation no. B-02-021 "Corrections Reentry Court Workforce Program," offenders working as a mentor/tutor or peer minister/tutor shall earn incentive pay at the following rates.

Mentor/Tutor:	$0.50 per hour
Peer Minister/Tutor:	$0.50 per hour
Certified Mentor/Tutor:	$0.65 per hour
Lead Certified Mentor/Tutor:	$0.75 per hour

l. Offenders who are assigned to work as counsel substitutes shall be paid in accordance with their education and years of legal experience. Incentive pay shall be earned at the following rates.

Legal Worker 1	$0.25 per hour Must be enrolled in paralegal classes or have less than five years legal work experience.
Legal Worker 2	$0.50 per hour Must have attained paralegal certificate or paralegal degree and have less than three years legal work experience OR have five years legal work experience and no paralegal certificate or paralegal degree.
Legal Worker 3	$0.80 per hour Must have attained paralegal certificate or paralegal degree and have a minimum of three years legal work experience OR have ten years legal work experience and no paralegal certificate or paralegal degree.
Counsel Substitutes	May receive an annual increase of $0.05 per hour, up to a maximum of $1.00 per hour, at the discretion of the secretary or designee.

m. Offenders assigned as restrictive housing/ transitional program mentors/tutors shall be compensated at a rate of up to $0.75 per hour while working as a mentor/tutor in the restrictive housing/ transitional work program area. Incentive pay shall be earned at the following.

Peer Transitional Mentor/Tutor	$0.50 per hour
Lead Transitional Mentor/Tutor	$0.75 per hour

F. Sources of Funding

1. Pursuant to R.S. 15:873, offender compensation may be paid from the following sources:

a. offenders assigned to any state agency that operates from self-generated revenues shall be paid from those self-generated revenues; or

b. he division of prison enterprises.

2. Pursuant to R.S. 15:873, offenders who are employed in a certified PS/PIE program shall be paid by one of the following, in accordance with the PS/PIE program's operational model and the terms of the employment agreement:

a. The private business that employs the offender; or

b. The division of prison enterprises.

3. Offenders who are participating in a transitional work program shall be paid by the private business that employs them, in accordance with the terms of the employment agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 34:1927 (September 2008), amended LR 36:531 (March 2010), LR 38:1253 (May 2012), LR 40:2600 (December 2014), LR 41: 1307 (July 2015), LR 45:

Family Impact Statement

Amendment to the current Rule should not have any known or foreseeable impact on family formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Written comments may be addressed to Natalie LaBorde, Executive Counsel, Department of Public Safety and Corrections, P. O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on November 9, 2018.

James M. Le Blanc
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Offender Incentive Pay and Other Wage Compensation

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

The proposed rule change is a revision to the existing offender incentive pay and other wage compensation regulation. The proposed rule increases hourly incentive wage rates paid to offenders who are participating in the American Sign Language Interpreting Program, based on test scores. Offenders with a test score of 2.0-2.9 earn $0.70 per hour, an increase from the previous hourly wage of $0.20. Offenders with a test score of 3.0-3.9 earn $0.80 per hour, an increase from the previous hourly

wage of $0.50. Offenders with a test score of 4.0-4.9 earn $0.90 per hour, an increase from the previous hourly wage of $0.75.

The proposed rule change is a revision to the existing eligibility guidelines for offenders receiving incentive pay. Offenders in the physical custody of the Department who are participating in a certified apprenticeship program will no longer be required to serve three years from the date of reception prior to becoming eligible to earn incentive pay. These offenders shall be eligible to earn incentive pay while participating in a certified apprenticeship program.

In addition, the proposed rule provides that offenders assigned as restrictive housing/transitional program mentors/tutors shall be compensated at a rate of up to $0.75 per hour while working as a mentor/tutor in the restrictive housing/transitional work program area. Incentive pay shall be earned at $0.50 per hour for a Peer Transitional Mentor/Tutor and $0.75 per hour for a Lead Transitional Mentor/Tutor.

These revisions will increase state expenditures as incentive pay is funded through self-generated monies through the Division of Prison Enterprises. However, due to the relatively low hourly pay rates for offenders under the proposed rule, the anticipated fiscal impact is minimal. Because wages outlined in the proposed rule are funded using self-generated revenues, offender labor will only be utilized and their wages paid to the extent the anticipated revenues are realized.

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

There will be no effect on revenue collections of state or local governmental units as a result of the proposed rule change.

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

Offenders participating in the American Sign Language Interpreting Program will receive an economic benefit of an hourly wage of at least $0.70 per hour and up to $0.90 per hour depending on their test score. Offenders in the physical custody of the Department who are participating in a certified apprenticeship program will no longer be required to serve three years from the date of reception prior to becoming eligible to earn incentive pay. These offenders shall be eligible to earn incentive pay while participating in a certified apprenticeship program. As a result, offenders who have been in the physical custody of the Department for less than three years who are participating in a certified apprenticeship program will receive an economic benefit.Offenders assigned as restrictive housing/transitional program mentors/tutors will receive an economic benefit of an hourly wage of at least $0.50 per hour and up to $0.75 per hour depending on their classification. The amount earned by offenders is indeterminable since it is unknown how much each offender would be receiving and how many offenders will be assigned to these job titles in the future.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule change.

Thomas C. Bickham, III
Undersecretary
1810#022

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections
Office of Motor Vehicles

Hang Tags for Mobility Impaired Individuals
(LAC 55:III.Chapter 21)

Under the authority of R.S. 47:463.4, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles (department), hereby gives notice of its intent to promulgate rules regarding Hang Tags for Mobility Impaired Individuals. This Chapter is new and implements the provisions of Act 240 of the 2018 Regular Session of the Louisiana Legislature which provide for the length of time a permanent hang tag is valid. This proposed Chapter is intended to be adopted and effective on February 20, 2019.

Title 55
PUBLIC SAFETY
Part III. Motor Vehicles
Chapter 21. Hang Tags for Mobility Impaired Individuals

§2101. Definitions

A. As used in this Chapter, the following terms have the meanings described below.

Medical Examiner—a person licensed to practice medicine in Louisiana or any other state or territory of the United States, a person licensed to practice chiropractic by the Louisiana State Board of Chiropractic Examiners, a person licensed by the Louisiana State Board of Physical Therapy Examiners, or advanced practice registered nurses.

Mobility Impaired—the individuals who come under statutory definition of a mobility impaired person or a veteran who has a 50 percent or more service connected disability are eligible for the mobility impaired hang tag.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:463.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 45:

§2103. Application for Hang Tags (Visiting a Field Office)

A.1. First time applicants applying for a hang tag for mobility impairment must include:

a. a currently dated medical examiner's certification of mobility impairment form (DPSMV 1966). A *medical examiner* is defined as:

i. a person licensed to practice medicine in Louisiana or any other state or territory of the United States;

ii. a person licensed to practice chiropractic by the Louisiana State Board of Chiropractic Examiners;

iii. a person licensed by the Louisiana State Board of Physical Therapy Examiners, or an advanced practice registered nurse;

b. in the case of a disabled veteran, a decision letter or an affidavit from the Veterans Affairs Office attesting to the veteran's disability. A veteran who currently has a

disabled veteran's license plate is not required to submit a separate medical examiner's certificate of mobility impairment. He is eligible to receive a "permanent" hang tag at no charge at initial issuance.

2. The certification must indicate the type of impairment as follows.

a. Permanently Impaired. Certification must state the physical condition which qualifies the applicant for a hang tag is a permanent condition. A mobility impaired hang tag will be issued with a 10 year expiration date. Re-certification will not be required upon renewal.

b. Temporarily Impaired. Certification must state the physical condition which qualifies the applicant for a hang tag is temporary (one year or less). A mobility impaired hang tag will be issued with a one year expiration date. If the temporary mobility impairment persists past a year from the date of issuance, an additional certification must be submitted upon renewal of temporary hang tag.

3. Up to three additional hang tags may be issued on behalf of a person with a mobility impairment. Only one fee ($3 for temporarily impaired hang tag and $7.50 for a permanently impaired hang tag) will be accessed. Only one mobility impaired ID card will be issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:463.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 45:

§2105. Proper Display of a Hang Tag

A. The hang tags are designed to be hung from the vehicle's front windshield rear view mirror. When there is no rear view mirror, the hang tag may be displayed on the vehicle's dashboard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:463.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 45:

§2107. Application for Hang Tags (Applicant is Unable to Visit a Field Office)

A. First time applicants:

1. a currently dated medical examiner's certification form or, in the case of a disabled veteran, proof of a special disabled veteran license plate, a decision letter or an affidavit from the Office of Veteran Affairs and a separate medical examiner's certification which indicates the applicant is unable appear in person at the Office of Motor Vehicles;

2. a color photograph of the applicant.

B. Renewal applicants:

1. if the applicant has a permanent status—mobility ID and expired hang tag;

2. if the applicant has a temporary status—a currently dated examiner's certification of mobility impairment form (DPSMV 1966) or, in the case of a disabled veteran, a decision letter or an affidavit from the Office of Veteran Affairs and a separate medical examiner's statement indicating the applicant is unable to appear in person at the Office of Motor Vehicles;

3. a color photograph of the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:463.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 45:

§2109. Denial, Revocation or Cancellation of Hang Tags or Mobility Impaired Identification Card

A. The department may deny, cancel or revoke a hang tag or mobility impaired identification card for any of the following reasons.

1. The applicant made a misstatement of fact in his/her application for a hang tag or mobility impaired identification card, or the applicant omitted a material fact from his application for a hang tag or mobility impaired identification card.

2. The applicant intentionally furnished false information to the department in connection with his application for hang tag or mobility impaired identification card.

3. The individual has been found to be in possession of a fictitious hang tag or mobility impaired identification card, or a hang tag or mobility impaired identification card which has been altered or caused to be altered by the individual.

4. Any personal information of the individual that appears on the face of the hang tag or mobility impaired identification card has changed, and more than 60 days has elapsed since the information has changed.

5. The department receives information that the individual is no longer a resident of the state of Louisiana.

6. The individual to whom the hang tag or mobility impaired identification card was issued has allowed another individual to use his/her hang tag or mobility impaired identification card for purposes of identification or in the furtherance of the commission of fraud.

7. The individual is convicted of any criminal offense in which fraud, theft, or unauthorized use are elements of the offense, and the individual used the hang tag or mobility impaired identification card in the commission of the offense.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:463.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 45:

Family Impact Statement

1. The Effect of this Rule on the Stability of the Family. This Rule should not have any effect on the stability of the family.

2. The Effect of this Rule on the Authority and Rights of Parents Regarding the Education and Supervision Of their Children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of this Rule on the Functioning of the Family. This Rule should not have any effect on the functioning of the family.

4. The Effect of this Rule on Family Earnings and Family Budget. This Rule should not have any effect on family earnings and family budget.

5. The Effect of this Rule on the Behavior and Personal Responsibility of Children. This Rule should not have any effect on the behavior and personal responsibility of children.

6. The Effect of this Rule on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rule. This Rule should not have any effect

on the ability of the family or local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

1. The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in the R.S. 49:973.

2. The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

Small Business Analysis

1. 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.

2. 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 Harrietta J. Bridges, Stephen Quidd, or Jennifer Del Murray, by mail at Post Office Box 66614, Baton Rouge, LA 70896, by fax at (225) 925-4624.Written comments will be accepted through the close of business, November 15, 2018.

Public Hearing

A public hearing is tentatively scheduled for November 19, 2018 at 10 a.m. at 7979 Independence Blvd. Suite 301, Baton Rouge, LA 70806. Please call in advance to confirm the time and place of meeting, as the meeting will be cancelled if the requisite number of comments are not received.

Lt. Col. Jason Starnes
Chief Administrative Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Hang Tags for Mobility Impaired Individuals

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

The proposed rule will not result in any costs or savings to state or local governmental units. The proposed rule codifies current law and practice related to hang tags for mobility impaired individuals and increases the fee and duration (from $3.00 per 4 years to $7.50 per 10 years) for hang tags for individuals with permanent mobility impairment in accordance with Act 240 of the 2018 Regular Legislative Session.

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

The proposed rule will result in a short-term increase in Self-Generated Revenue (SGR) for the Department of Public Safety (DPS) Office of Motor Vehicles (OMV). Act 240 of the 2018 Regular Legislative Session increased the fee for a hang tag for an individual with a permanent disability from $3.00 to $7.50 ($4.50 increase) and the duration from four (4) years to ten (10) years. The proposed rule change codifies current law, resulting in an increase in SGR in the initial four (4) years related to the fee increase and a decrease in SGR in the subsequent six (6) years related to the extension of the duration. Total SGR collected by OMV over the ten-year duration would be revenue neutral.

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

The proposed rule may provide an economic benefit to individuals with a permanent mobility impairment by providing an additional six (6) years before having to visit a motor vehicles office for renewal.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no effect on competition and employment.

Lt. Col. Jason Starnes	Evan Brasseaux
Chief Administrative Officer	Staff Director
1810#066	Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections
Office of State Police

First Responders—Best Practices for Administration of Naloxone or Another Opioid Antagonist
(LAC 55:XXV.Chapter 1)

The Department of Public Safety and Corrections, Public Safety Services, Office of State Police, in accordance with R.S. 49:950 et seq., R.S. 40:978.1, and R.S.14:403.11, gives notice of its intent to promulgate new rules setting forth a set of best practices for use by a fire department or law enforcement agency, for training necessary to safely and properly administer opioid antagonists to individuals who are undergoing or who are believed to be undergoing an opioid-related drug overdose, the standards and procedures for the storage and administration of opioid antagonists, and emergency follow-up procedures.

The abuse and addiction to opioids is a global epidemic that is estimated to affect between 26.4 and 36 million people worldwide. Of those addicted in the United States, 2.1 million people are addicted to prescription drugs, and some 517,000 people are addicted to heroin according to estimates from the federal Centers for Disease Control and Prevention (CDC). Opioid-related drug use deaths in the United States and Louisiana have been increasing, and opioid overdose is one of the leading causes of accidental deaths in Louisiana. Fatal and nonfatal overdose can result from the abuse of opiates such as morphine, heroin, fentanyl, oxycodone, and hydrocodone.

Opioid antagonists are prescription drugs that displace the opioid from receptors in the brain and can rapidly reverse the life threatening symptoms of an opioid overdose. One common opioid antagonist is naloxone. Opioid antagonists can be administered through intranasal spray and by injection into the muscle, under the skin, or intravenous. Although these opioid antagonists are scheduled drugs, they have no euphoric properties and minimal side effects. If administered to a person who is not suffering an opioid overdose, it rarely produces any clinical effects.

R.S. 40:978.1 authorizes first responders to receive a prescription for naloxone or another opioid antagonist, maintain the naloxone or other opioid antagonist in his possession, and administer the naloxone or other opioid antagonist to individuals who are undergoing or who are believed to be undergoing an opioid-related drug overdose

R.S. 14:403.11 authorizes first responders to administer, without prescription, opioid antagonists, when encountering an individual exhibiting signs of an opioid overdose.

Both laws require first responders to complete training, at a minimum, on how to recognize symptoms of an opioid-related overdose; standards and procedures for the storage and administration opioid antagonists; and emergency follow-up procedures.

The full text of this Notice of Intent can be found in the Emergency Rule section of this *Louisiana Register*.

Family Impact Statement

1. The effect of these rules on the stability of the family. These rules should not have any effect on the stability of the family.

2. The effect of these rules on the authority and rights of parents regarding the education and supervision of their children. These rules should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect of these rules on the functioning of the family. These rules should not have any effect on the functioning of the family.

4. The effect of these rules on family earnings and family budget. These rules should not have any effect on family earnings and family budget.

5. The effect of these rules on the behavior and personal responsibility of children. These rules should not have any effect on the behavior and personal responsibility of children.

6. The effect of these rules on the ability of the family or local government to perform the function as contained in the proposed rules. These rules should not have any effect on the ability of the family or local government to perform the function as contained in the proposed rules.

Poverty Impact Statement

1. The impact of the proposed rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in the LA R.S. 49:973.

2. The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

Small Business Analysis

1. 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.

2. 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: Michele Giroir, Post Office Box 66614, Baton Rouge, LA 70896. Written comments will be accepted through November 15, 2018.

Greg Graphia
Captain

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: First Responders
Best Practices for Administration of Naloxone or Another Opioid Antagonist

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

The proposed rule will not result in any costs or savings to state or local governmental units. The proposed rule implements a set of best practices for use by fire department or law enforcement agencies to properly administer an opioid antagonist (i.e. naloxone) to individuals who are undergoing or who are believed to be undergoing an opioid-related overdose.

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

The proposed rule will have no effect on revenue collections of state or local governmental units.

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

The proposed rule will have no effect on revenue collections of state or local governmental units.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no effect on competition or employment.

Jason Starnes
Deputy Superintendent
1810#027

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue
Office of Alcohol and Tobacco Control

Governmental Entity Special Events
(LAC 55:VII.403)

The agency received a written request to promulgate this Rule by Representative Vincent J. Pierre, District 44 in Lafayette, and Representative Jean-Paul Coussan, District 45 in Lafayette. Under the authority of R.S. 26:793(A)(4) and R.S. 26:922 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of Alcohol and Tobacco Control, hereby gives notice of its intent to promulgate §403 that would address issuance of special event permits to governmental entities, quasi-governmental entities, quasi-governmental development districts, and their agents and assigns by the commissioner of the Office of Alcohol and Tobacco Control since these entities are not addressed otherwise by existing law or regulation. The promulgation of §403 will assist the Office of Alcohol and Tobacco Control by providing guidelines for the issuance of special event permits to governmental entities, quasi-governmental entities, quasi-governmental development districts, and their agents and assigns. This proposed Section is intended to be adopted and effective on January 20, 2019.

Title 55
PUBLIC SAFETY
Part VII. Alcohol and Tobacco Control
Chapter 4. Alcohol Public Safety Regulations
§403. Governmental Entity Special Events

A. The commissioner shall have the authority to issue alcohol and tobacco special event permits to governmental entities, quasi-governmental entities, quasi-governmental development districts, and their agents and assigns. Special event permits issued to governmental entities, quasi-governmental entities, and quasi-governmental development districts, shall be classified as Type B Special Events pursuant to R.S. 26:793(A)(1)(c) and LAC 55:VII.323(B)(1)(b). Special event permits issued to the agents and assigns of governmental entities, quasi-governmental entities, and quasi-governmental development district shall be classified as Type C Special Events pursuant to R.S. 26:793(A)(1)(d) and LAC 55:VII.323(B)(1)(c). Special event permits issued to governmental entities, quasi-governmental entities, quasi-governmental development districts and their agents and assigns shall not be subject to the twelve special event permit per year limitation imposed on non-governmental entities. The agents and assigns of governmental entities, quasi-governmental entities, and quasi-governmental development district shall still be restricted to twelve special events for those events wherein they are not acting as an agent or assign of a governmental entities, quasi-governmental entities, or quasi-governmental development district

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:793(A)(4) and R.S. 26:922.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 45:

Family Impact Statement

1. The effect of this Rule on the stability of the family. This Rule should have no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

2. The effect of this Rule on the authority and rights of parents regarding the education and supervision of their children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect of this Rule on the functioning of the family. This Rule should not have any effect on the functioning of the family.

4. The effect of this Rule on family earnings and family budget. This Rule should not have any effect on family earnings and family budget.

5. The effect of this Rule on the behavior and personal responsibility of children. This Rule should not have any effect on the behavior and personal responsibility of children.

6. The effect of this Rule on the ability of the family or local government to perform the function as contained in the proposed Rule. This Rule should not have any effect on the ability of the family or local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

1. The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in the R.S. 49:973.

2. The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

Small Business Analysis

1. 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, R.S. 49:965.2 et seq.

2. 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 Commissioner Juana Marine-Lombard, Office of Alcohol and Tobacco Control, P.O. Box 66404, Baton Rouge, LA 70896

or at legal.department@atc.la.gov. Written comments will be accepted through the close of business, November 15, 2018.

Juana Marine-Lombard
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Governmental Entity Special Events

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

Proposed rule provides guidance on the issuance of alcohol and tobacco special event permits to governmental entities, quasi-governmental entities, quasi-governmental development districts, and their agents and assigns by the Commissioner of the Office of Alcohol and Tobacco Control (ATC), and specifies the type of permit that shall be issued to a particular type of applicant.

No direct costs or savings to state or local governmental units are anticipated due to this proposed rule.

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

This proposed rule amendment is not anticipated to materially impact ATC self-generated revenue collections.

The rule clarifies that governmental entities, quasi-governmental entities, and quasi-governmental development districts shall be classified as Type B Special Events, and subject to a fee of $10 to obtain a special event permit.

The rule further specifies that agents and assigns of such entities shall be classified as Type C Special Events, and subject to a fee of $100.

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

No material impact on entities hosting special events, or hired by such entities, is anticipated due to this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No material impact on competition or employment is anticipated due to this proposed rule.

Juana Marine-Lombard	Gregory V. Albrecht
Commissioner	Chief Economist
1810#013	Legislative Fiscal Office

NOTICE OF INTENT

Department of Transportation and Development
Professional Engineering and Land Surveying Board

Engineering and Land Surveying
(LAC 46:LXI.105, 707, 709, 1101, 1107, 2701, and 3107)

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Professional Engineering and Land Surveying Board has initiated procedures to amend its rules contained in LAC 46:LXI.105, 707, 709, 1101, 1107, 2701, and 3107.

This is a housekeeping revision of existing rules under which LAPELS operates.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXI. Professional Engineers and Land Surveyors
Chapter 1. General Provisions
§105. Definitions

A. The words and phrases defined in R.S. 37:682 shall apply to these rules. In addition, the following words and phrases shall have the following meanings, unless the content of the rules clearly states otherwise.

* * *

Practice of Land Surveying—defined in R.S. 37:682. The board recognizes that there exists a close relationship between land surveying and some areas of engineering, with some activities common to both professions; however, survey work related to property boundaries must be performed under the responsible charge of a professional land surveyor. Presented below are guidelines which shall be used as an aid in determining the types of surveying services which may be rendered by professional land surveyors or professional engineers.

a. Surveying and mapping functions which require the establishment of relationships to property ownership boundaries are unique to land surveying and must be performed by or under the responsible charge of a professional land surveyor. These functions include:

i. boundary surveys;
ii. subdivision surveys and plats;
iii. public land surveys;
iv. surveys of servitudes (easements) and rights of way;
v. surveys of leases.

b. Surveying and mapping functions not unique to land surveying must be performed by or under the responsible charge of a professional land surveyor whenever they require the establishment of relationships to property ownership boundaries. These functions include:

i. topographical surveys;
ii. surveys for record drawing;
iii. layout surveys for construction;
iv. hydrographic surveys;
v. mine surveys;
vi. mapping.

c. Surveying and mapping functions which do not require the establishment of relationships to property ownership boundaries must be performed by or under the responsible charge of either a professional engineer or a professional land surveyor. These surveying and mapping functions include:

i. topographical surveys;
ii. surveys for record drawing;
iii. layout surveys for construction;
iv. hydrographic surveys;
v. mine surveys;
vi. mapping;
vii. geodetic surveys;
viii. cartographic surveys;

ix. horizontal and vertical control surveys;
x. quantity and measurement surveys;
xi. profiles and cross-sections;
xii. site grading plans.

d. Professional services which require the application of engineering principles and the interpretation of engineering data must be performed by or under the responsible charge of a professional engineer.

* * *

Topographical Survey—the measurement by any method of natural or man-made features in the air, on the surface or in the subsurface of the earth, or within bodies of water for the purpose of determining or establishing their size, shape, grade and/or contour. This also includes the preparation of any data depicting the above-described features. Such surveys may include the use of conventional survey methods, LIDAR and scanning technologies, and hydrographic survey methods to gather this data.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Surveyors, LR 4:298 (August 1978), amended LR 5:110 (May 1979), LR 7:643 (December 1981), LR 14:449 (July 1988), LR 16:772 (September 1990), LR 17:804 (August 1991), LR 20:901 (August 1994), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1020 (July 2001), LR 30:1704 (August 2004), LR 32:1618 (September 2006), LR 35:1908 (September 2009), LR 38:835 (March 2012), repromulgated LR 38:1030 (April 2012), amended LR 44:612 (March 2018), LR 45:

Chapter 7. Bylaws

§707. Board Organization

A. - C. …

D. Duties

1. Chairman. The chairman shall preside at all meetings, appoint all committees, except as otherwise provided, and shall, together with the secretary, sign all certificates issued by the board. The chairman shall, with the assistance of the executive director, compile the agenda for each regular and special meeting.

2. …

3. Secretary. The secretary shall:

a. - b. …

c. sign the minutes of the board meetings after approval of the minutes by the board.

4. Treasurer. The treasurer shall be responsible for the annual budget of the board. The treasurer shall present a financial report to the board at each regular meeting.

E. Committees. The board may establish standing committees, including but not limited to the following: executive committee, engineering committees, land surveying committee, engineer intern committee, laws and rules committee, education/accreditation committee, finance committee, nominations and awards committee, complaint review committees, continuing professional development committee, firm licensure committee, and enforcement committee. The board may also establish ad hoc committees from time-to-time as necessary.

1. - 3.b. …

4. Land Surveying Committee. The chairman of the board shall appoint a land surveying committee composed of not less than two board members. At least two of the board members on the land surveying committee shall be professional land surveyors. The land surveying committee shall:

a. - c. …

d. conduct oral examinations or interviews of applicants, as necessary; and

e. supervise the development and administration of examinations on the Louisiana laws of land surveying.

5. - 13. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:52 (February 1976), amended LR 5:110 (May 1979), LR 11:1179 (December 1985), LR 19:54 (January 1993), LR 21:1353 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1024 (July 2001), LR 30:1707 (August 2004), LR 33:2788 (December 2007), LR 35:1908 (September 2009), LR 37:2411 (August 2011), LR 38:2563 (October 2012), LR 40:1388 (July 2014), LR 42:1104 (July 2016), LR 44:614 (March 2018), LR 45:

§709. Executive Director

A. - B. …

C. Duties of the Executive Director. The executive director shall:

1. - 13. …

14. assist the board in the adoption and amendment of rules and bylaws in accordance with the state law;

15. represent the board at meetings of technical and professional societies and appear before student groups and legislative committee meetings;

16. write articles for publication to inform licensees, certificate holders and the public of activities and actions of the board;

17. be an associate member of NCEES;

18. assist the finance committee in the preparation of the budget;

19. assist in ensuring that expenditures are within the budget;

20. receive and account for all monies derived from the operation of the board;

21. comply with R.S. 37:690 in all matters relating to receipts and disbursements;

22. audit all bills and accounts covering expenditures and prepare all vouchers and checks for payment of approved bills;

23. keep a register of receipts and expenditures, maintaining such financial books, and show the financial condition of the board and the validity of the licenses and of the certificates which have been issued;

24. assist in the legislative audit made of all receipts and disbursements at the close of each fiscal year by a certified public accountant; and

25. assist the chairman with planning and compiling the agenda for each regular and special meeting of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation, Board of Registration for Professional Engineers and Land Surveyors, LR 2:53 (February 1976), amended LR 5:118 (May 1979), LR 11:1180 (December 1985), LR 19:55 (January 1993), LR 21:1354 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1025 (July 2001), LR 30:1709 (August 2004), LR 37:2412 (August 2011), LR 38:2563 (October 2012), LR 44:614 (March 2018), LR 45:

Chapter 11. Curricula

§1101. Approved Curricula

A. - C. …

D. To qualify for certification as an engineer intern pursuant to §901.A.2 or §901.A.3, a graduate of a non-accredited engineering or related science or engineering technology curriculum must submit to the board an evaluation of the curriculum prepared by a board-approved education credential evaluation service.

E. In general, the board will recognize as approved all accredited land surveying curricula of four years or more. The board may recognize as approved a land surveying curriculum that was not accredited at the time of the applicant's graduation, but which became accredited within the following two years.

F. Based on an investigation by a committee of the board, the board may, by a majority vote at a regular meeting, recognize as an approved curriculum a non-accredited land surveying curriculum of four years or more from a school of satisfactory standing that does not meet the specifications of §1101.D. The board shall keep a record of the land surveying curricula thus approved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 5:365 (November 1979), LR 7:646 (December 1981), LR 10:805 (October 1984), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1029 (July 2001), LR 30:1713 (August 2004), LR 44:618 (March 2018), LR 45:

§1107. Land Surveying, Mapping and Real Property Courses

A. To qualify for certification as a land surveyor intern pursuant to §907.A.1, the "30 semester credit hours, or the equivalent, in land surveying, mapping, and real property courses approved by the board" shall include:

1. 15 semester credit hours, or the equivalent, in land surveying courses, at least three of which shall be in boundary surveying;

2. three semester credit hours, or the equivalent, in mapping courses;

3. three semester credit hours, or the equivalent, in real property courses; and

4. nine semester credit hours, or the equivalent, in either land surveying or mapping courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 45:

Chapter 27. Use of Seals

§2701. Seal and Signature

A. - A.3.b.ii.(d). …

* * *

iii. - iii.(c). Repealed.

4. Seal Use

a. Completed Work

i. - iv.(a). …

v. Compiled As-Built Record Drawings

(a). The preparation of compiled engineering as-built record drawings is not considered to be the practice of engineering and such drawings are not required to be sealed or signed by a professional engineer. If the professional engineer was in responsible charge of the original underlying engineering work, he/she should (in lieu of a seal) include on the title page of the compiled engineering as-built record drawings a disclaimer (with date) which incorporates the following:

> These compiled engineering as-built record drawings are a compilation of a copy of the original sealed engineering design drawings for this project, modified by addenda, change orders and information furnished by the contractor or others associated with the construction of the project. The information shown on these compiled engineering as-built record drawings that was provided by the contractor and/or others cannot be verified for accuracy or completeness. The compilation of this information does not relieve the contractor or others of responsibility for errors resulting from incorrect, incomplete or omitted data on their as-built record drawings - nor does it relieve them of responsibility for non-conformance with the original contract documents. The original sealed engineering drawings are on file in the offices of (name of professional engineer).

4..a.v.(b). - 5.b. …

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:696.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 8:192 (April 1982), amended LR 12:692 (October 1986), LR 16:774 (September 1990), LR 17:273 (March 1991), LR 19:58 (January 1993), LR 22:287 (April 1996), LR 23:869 (July 1997), amended by the Louisiana Legislature, House Concurrent Resolution Number 2 of the 1998 First Extraordinary Session, LR 24:1207 (June 1998), repromulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 25:1525 (August 1999), amended LR 27:1039 (July 2001), LR 30:1723 (August 2004), LR 33:2789 (December 2007), LR 34:2415 (November 2008), LR 35:1910 (September 2009), LR 38:1418 (June 2012), LR 39:1481 (June 2013), LR 42:443 (March 2016), LR 43:344 (February 2017), LR 43:540 (March 2017), LR 44:625 (March 2018), LR 45:

Chapter 31. Continuing Professional Development (CPD)

§3107. Reciprocity/Out-of-Jurisdiction Resident

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2153 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1048 (July 2001), LR 30:1731 (August 2004), repealed LR 45:

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 *Louisiana Register*: The proposed Rule has no known impact on family formation, stability or autonomy.

Poverty Impact Statement

In accordance with R.S. 49:953(A)(1)(a)(ix) and 973, the following Poverty Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known impact on child, individual or family poverty in relation to individual or community asset development.

Provider Impact Statement

In accordance with HCR No. 170 of the 2014 Regular Session, the following Provider Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known effect on the staffing level requirements or qualifications required to provide the same level of service, the cost to the provider to provide the same level of service or the ability of the provider to provide the same level of service.

Public Comments

Interested parties are invited to submit written comments on the proposed Rule through November 10, 2018 at 4:30 p.m., to Donna D. Sentell, Executive Director, Louisiana Professional Engineering and Land Surveying Board, 9643 Brookline Avenue, Suite 121, Baton Rouge, LA 70809-1433.

Donna D. Sentell
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Engineering and Land Surveying

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

There are no estimated implementation costs or savings to state or local governmental units resulting from this proposed rule change. The proposed rule change revises existing rules under which LAPELS operates to provide clarity and codify existing practices. The proposed rule change updates the language and terminology within the rules to make it clearer and more descriptive of and consistent with current LAPELS practice.

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

There will be no effect on revenue collections of state or local governmental units as a result of this proposed rule change.

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

The proposed rule change will have no impact on costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition and employment in the public and private sectors as a result of the proposed rule change.

Donna D. Sentell
Executive Director
1810#026

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Depart of Wildlife and Fisheries
Office of Fisheries
and
Wildlife and Fisheries Commission

Removal of Abandoned Crab Traps
(LAC 76:VII.367)

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:332(N), that the Wildlife and Fisheries Commission proposes to amend LAC 76:VII.367 to temporarily close a portion of state inside waters to the use of crab traps in order to facilitate the removal of abandoned crab traps in these waters.

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; Volume 44, Number 1). The Wildlife and Fisheries Commission took action on October 4, 2018 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, 2019 through 11:59 p.m. February 14, 2019 within portions of Plaquemines and Jefferson Parishes as described below:

1. from a point originating on the western boundary of the Barataria Waterway (29 degrees 34 minutes 54.52 seconds north latitude, 90 degrees 3 minutes 41.24 seconds west longitude); thence easterly to the intersection of Highway 23 and Reddick Lane (29 degrees 34 minutes 53.36 seconds north latitude, 89 degrees 49 minutes 38.29 seconds west longitude); 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 (29 degrees 27 minutes 19.15 seconds north latitude, 89 degrees 42 minutes 25.96 seconds west longitude); thence southwesterly following the southern bank of the Freeport Sulphur Canal to a point located at 29 degrees 23 minutes 51.08 seconds north latitude, 89 degrees 46 minutes 30.00 seconds west longitude; thence westerly to a point located on the western shore of the Barataria Waterway at 29 degrees 24 minutes 17.19 seconds north latitude, 89 degrees 59 minutes 24.00

seconds west longitude; 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, 2019 through 11:59 p.m. February 10, 2019 within Jefferson, St. John the Baptist, St. Charles, St. Tammany, and Tangipahoa Parishes as described below:

1. from a point of origin where I-55 intersects Pass Manchac (30 degrees 17 minutes 7.08 seconds north latitude, 90 degrees 24 minutes 6.07 seconds west longitude; thence easterly following the northern bank of Pass Manchac to the point where Pass Manchac exits at the northwest bank of Lake Pontchartrain; thence northerly following the bank of Lake Pontchartrain to the south bound lane of the Lake Pontchartrain Causeway (30 degrees 21 minutes 51.75 seconds north latitude, 90 degrees 5 minutes 38.59 seconds west longitude); thence southerly to a point where the Lake Pontchartrain Causeway crosses the Lakefront Trail located at 30 degrees 1 minutes 10.06 seconds north latitude, 90 degrees 9 minutes 17.28 seconds west longitude; thence westerly following the Lakefront Trail along the south bank of Lake Pontchartrain until it intersects the Duncan Canal (30 degrees 2 minutes 50.56 seconds north latitude, 90 degrees 16 minutes 45.21 seconds west longitude); thence westerly past the Duncan Canal continuing to follow the south bank of Lake Pontchartrain to a point where I-10 passes over the southern bank of Lake Pontchartrain (30 degrees 3 minutes 21.43 seconds north latitude, 90 degrees 22 minutes 17.79 seconds west longitude); thence westerly on I-10 to the intersection of I-55, thence northerly on I-55 and terminating at the origin.

C. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 15, 2019 through 11:59 p.m. February 28, 2019 within portions of Terrebonne Parish as described below:

1. from a point originating at the intersection of the eastern shoreline of Bayou Dularge and the northern shoreline of Falgout Canal (29 degrees 24 minutes 44.098 seconds north latitude, 90 degrees 46 minutes 58.47 seconds west longitude); thence westerly along the northern shoreline of Falgout Canal to Lake de Cade; thence westerly along the northern shoreline of Lake de Cade to the mouth of Bayou de Cade; thence southwesterly along the northern shoreline of Bayou de Cade to Lost Lake; thence westerly along the northern shoreline of Lost Lake to the mouth of Rice Bayou; thence southerly along the western shoreline of Rice Bayou to Blue Hammock Bayou; thence westerly along the northern shore of Blue Hammock Bayou to Four League Bay; thence southerly along the eastern shoreline of Four League Bay to the mouth of Oyster Bayou; thence southerly along the eastern shoreline of Oyster Bayou to a point along the inside-outside shrimp line as defined in LAC 76:VII.370 (29 degrees 13 minutes 12.001 seconds north latitude, 91 degrees 07 minutes 48.002 seconds west longitude); thence easterly along the inside-outside shrimp line to the eastern shoreline of Bayou Grand Caillou; thence northerly along the eastern shoreline of Bayou Grand Caillou to 29 degrees 15 minutes 00 seconds north latitude; thence westerly across Bayou Grand Caillou to the northern shoreline of the Tennessee Gas Pipeline canal; thence westerly along the northern shoreline of the Tennessee Gas Pipeline canal to the eastern shore of Bayou Dularge; thence northerly along the eastern shoreline of Bayou Dularge and terminating at its origin.

D. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 15, 2019 through 11:59 p.m. February 28, 2019 within Plaquemines parish as described below:

1. from a point originating along the eastern shoreline of the Mississippi River at 29 degrees 46 minutes 11.835 seconds north latitude; thence easterly along 29 degrees 46 minutes 11.835 seconds north latitude to its intersection with the eastern bank of Bayou Terre Aux Boeufs at 29 degrees 46 minutes 11.835 seconds north latitude, 89 degrees 47 minutes 20.53 seconds west longitude; thence southerly along the eastern bank of Bayou Terre Aux Boeufs to 29 degrees 41 minutes 15.19 seconds north latitude, 89 degrees 38 minutes 00 seconds west longitude; thence southerly along 89 degrees 38 minutes 00 seconds west longitude to 29 degrees 34 minutes 12 seconds north latitude, 89 degrees 38 minutes 00 seconds west longitude; thence westerly along 29 degrees 34 minutes 12 seconds north latitude to 29 degrees 34 minutes 12.00 seconds north latitude, 89 degrees 42 minutes 36 seconds west longitude; thence southerly along 89 degrees 42 minutes 36 seconds west longitude to its intersection with the eastern bank of the Mississippi River at 29 degrees 30 minutes 51.57 seconds north latitude, 89 degrees 42 minutes 36.24 seconds west longitude; thence northerly along the eastern bank of the Mississippi River to its point of origin.

E. The use of crab traps shall be prohibited for a 10-day period from 12 a.m. March 13, 2019 through 11:59 p.m. March 22, 2019 within Cameron Parish as described below:

1. from a point originating at the Louisiana/Texas state line at 29 degrees 57 minutes 00 seconds north latitude, 93 degrees 48 minutes 29.67 seconds west longitude; thence northerly along the Louisiana/Texas state line to its intersection with the southernmost east bound lane on Interstate 10; thence northeasterly along the southernmost east bound lane on Interstate 10 to its intersection at 30 degrees 11 minutes 15.16 seconds north latitude, 93 degrees 33 minutes 18 seconds west longitude; thence southerly along 93 degrees 33 minutes 18 seconds west longitude to its intersection at 29 degrees 57 minutes 00 seconds north latitude, 93 degrees 33 minutes 18.00 seconds west longitude; thence westerly along 29 degrees 57 minutes 00 seconds north latitude to its point of origin.

F. All crab traps remaining in the closed area during the specified period shall be considered abandoned. Crab trap removal regulations do not provide authorization for access to private property; authorization to access private property can only be provided by individual landowners. Crab traps may be removed only between one-half hour before sunrise to one-half hour after sunset. Department of Wildlife and Fisheries personnel or its designees are authorized to remove these abandoned crab traps within the closed area. All traps removed during a closed area are to be brought to the designated disposal area. 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), LR 45:

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 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 to Mr. Peyton Cagle, Marine Fisheries Biologist DCL-B, Marine Fisheries Section, 1213 N. Lakeshore Dr., Lake Charles, LA 70611, or via email to peyton.cagle@la.gov prior to December 4, 2018.

Robert J. Samanie, III
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Removal of Abandoned Crab Traps

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 unit expenditures.

The proposed rule change would prohibit the use of crab traps in portions of eight parishes at different periods in February and March 2019. The proposed rule would establish four area closures in February banning the local use of crab traps in portions of Jefferson and Plaquemines parish (February 1 through February 14, 2019), portions of Jefferson, St. Charles, St. John the Baptist, St. Tammany, and Tangipahoa parishes (February 1 through February 10, 2019), portions of Terrebonne Parish (February 15 through February 28, 2019), and portions of Plaquemines Parish (February 15 through February 28, 2019). It would establish an additional closure in March prohibiting the local use of crab traps in portions of Cameron Parish between March 13 and March 22, 2019.

The proposed rule change would also mandate the removal of crab traps from the designated areas by trap owners prior to the closures and authorizes the Louisiana Department of Wildlife and Fisheries (LDWF) or their designees, during the closure, to remove any crab traps within the closed area and transport them to designated disposal sites. LDWF will not incur additional costs in order to remove crab traps.

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

The proposed rule change is 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)

Crab fishermen who utilize the areas proposed for closure will experience lost fishing time during the designated period and encounter additional costs from having to temporarily remove their traps. These crab fishermen must either move their traps to open fishing areas or remove their traps from the water for the duration of the closure. Traps that are not removed from waters in the closed areas within the allotted time will be destroyed, potentially creating an additional cost to replace the traps for noncompliant fishermen.

Local seafood dealers, processors and consumers may experience a slight decrease in the availability of fresh crabs during the closures, resulting in a slightly higher price for fresh crabs in the short term. However, the crab resource will not be lost or harmed in any way and will be available for harvest when the closed area is reopened.

The removal of abandoned crab traps should provide improved fishing and reduced fishing costs for recreational saltwater fishermen, commercial fishermen and individuals who operate vessels within the designated areas by reducing encounters with abandoned traps that often result in lost fishing time and damage to the vessel's lower unit or fishing gear. The removal of abandoned crab traps will reduce the mortality of and injuries to crabs and by-catch that become ensnared and die in these traps.

The overall impact of the proposed area closure is anticipated to be minimal because the closure would occur during the time of the year with lowest harvests and adjacent waters will remain open for crab fishermen to continue to fish.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Since waters adjacent to the closure area will remain open for crab harvest and fishermen who fish during this time period are expected to relocate their traps, effects on competition and employment are expected to be negligible.

Bryan McClinton	Evan Brasseaux
Undersecretary	Staff Director
1810#033	Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Blue Crab Harvest Regulations (LAC 76:VII.346)

Notice is hereby given 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), that the Wildlife and Fisheries Commission, on September 6, 2018, proposes to change blue crab harvest regulations. The proposed change will address the current state of the stock of

blue crab and still allow a limited harvest during September and October of 2019 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 recreational and commercial take of female blue crab from any of the waters of the state, whether private or public, or the possession of female blue crabs while on waters of the state is prohibited for a 35-day period beginning the second Monday of September for the year 2019. For the purposes of this Section, all female blue crab in possession of any persons on the water shall be deemed to have been taken from the waters of the state.

B. There shall be no commercial harvest of immature female blue crabs except:

1. when an immature female blue crab is in the premolt stage and is being held for processing as soft crabs; or
2. sold to a processor for the making of soft crabs.

C. Obvious signs such crabs are in premolt stage shall include they are no further from molting than having a white line on the back paddle fin, which is recognized by the crab industry as a premolt stage.

D. However, a legally licensed commercial crab fisherman may have in his/her possession an incidental take of immature female blue crabs, and/or mature female blue crabs during the prohibited months, in an amount not to exceed 2 percent of the total number of blue crabs in his/her possession.

1. To determine whether the total number of blue crabs in possession violates this Subsection, the enforcement agent shall take:
   a. a random sample of 50 blue crabs from each crate; or
   b. group of blue crabs equivalent to one crate.
2. If more than 2 percent of the blue crabs in that 50-crab random sample are immature female blue crabs, and/or mature female blue crabs during the prohibited months, the entire number of blue crabs in that crate or group of blue crabs equivalent to one crate shall be considered to be in violation.

E. Blue crabs in a work box, defined as a standard crab crate as used by a commercial crab fisherman aboard the vessel to sort or cull undersized crabs and/or immature female crabs from the harvest in order to obtain a legal catch, shall not be subject to the immature female restriction while held aboard the vessel and the fisherman is actively fishing.

1. Commercial crab fishermen shall be allowed to have in possession aboard the vessel either:
   a. one work box, if not using a grader; or
   b. two work boxes under the grader, if using a grader.

F. An immature female blue crab, also known as a "maiden" or "V-bottom" crab, can be identified as having a triangular shaped apron on her abdomen. A mature female blue crab can be identified as having a dome shaped apron on her abdomen.

G. Violation of any provision of this Section constitutes a class two violation.

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. 56:332(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), LR 45:

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 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

Written comments should be addressed to Peyton Cagle, Marine Fisheries Biologist, 1213 N. Lakeshore Dr., Lake Charles, LA 70601, or via e-mail to: peyton.cagle@la.gov prior to December 4, 2018.

Robert J. Samanie, III
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Blue Crab Harvest Regulations

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

The proposed rule change is not anticipated to impact costs for state or local government units.

The proposed rule change alters the timing and nature of regulations prohibiting the harvest of female crabs by replacing a current restriction in effect during the spring with a restriction on harvests during the autumn of 2019. It removes a prohibition on the commercial harvest of mature female blue crabs during the months of March and April 2019. It imposes a substitute prohibition on the commercial or recreational take or possession of female crabs for a 35-day period beginning the second Monday of September 2019. Because this proposed rule only contemplates an effective period of one year, future rule changes are anticipated.

Additionally, the proposed rule change makes the prohibition of the commercial harvest of immature female blue crabs permanent by removing the sunset provision that would have caused that prohibition to expire after 2019.

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

The proposed rule change is not anticipated to have a material impact on the revenue collections of Louisiana Department of Wildlife and Fisheries (LDWF) based on historical data collections.

Violations of the current and proposed prohibitions on the harvest or possession of female crabs are class two violation with penalties including fines of $100 to $350 or possible imprisonment. Most of the funds collected from fines accrue to local governing authorities. For every guilty verdict, $7 is deposited into two funds maintained by LDWF.

LDWF Law Enforcement Division issued 18 warnings and citations for violation of the two-month prohibition on the commercial harvest of mature female crabs in 2018. Additionally, LDWF Law Enforcement issued 18 warnings and 16 citations for the commercial harvest of immature female crabs in 2017. The funds collected from fines levied for violations of the proposed rule changes are expected to be modest.

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

Individuals who harvest blue crabs commercially and recreationally will be impacted by the proposed rule change.

The combined effect of the proposed rule change is expected to increase receipts by $1.47 M for commercial fisherman.

The proposed rule change removing the current prohibition on the commercial harvest of mature female crabs in March and April is expected to result in an increase in dockside receipts among commercial crab harvesters of approximately $3.26 M per year. However, the imposition of a 35-day prohibition on the possession or take of female crabs in portions of September and October 2019 is expected to result in a decrease in dockside receipts of approximately $1.79 M among commercial fishermen.

The net change of the proposed rule change extending the prohibition of the commercial harvest of immature female blue crabs, balancing the upfront loss of revenue of immature females and the probable future value of recaptured crabs is expected to be -$0.2 M, beginning in 2020. In addition to these estimated economic effects, this prohibition is expected to generate unquantifiable benefits for the state's stock of blue crabs by increasing the number of mature female crabs at large, potentially increasing the spawning population.

The changes in dockside value used in this assessment do not include expected decreases in income among blue crab dealers and seafood processors. The LDWF lacks sufficient information on the sales and expenses of processing the crabs affected by the proposed rule changes.

Lost recreational crab fishing take is expected to be 116,000 pounds or less based on historical data.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is expected to have no effect on competition or employment. It may result in the shift of some employment resources and needs in FY 20 from autumn to the spring.

Bryan McClinton	Evan Brasseaux
Undersecretary	Staff Director
1810#035	Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Registration and Numbering of Houseboats
(LAC 76:XI.501)

The Wildlife and Fisheries Commission does hereby give notice of its intent to enact LAC 76:XI.501 establishing rules governing the registration of houseboats. Authority for adoption of the Rule is R.S. 34:851.2(13), 34:851.19, 34:851.20, 34:851.21, 34:851.32(C), and 56:10(B)(17).

Title 76
WILDLIFE AND FISHERIES
Part XI. Boating
Chapter 5. Houseboats
§501. Houseboat Registration

A. Beginning on January 1, 2019 every houseboat operated, occupied, inhabited, utilized, or otherwise deployed on the waters of this state must be registered with the Department of Wildlife and Fisheries and be properly numbered in accordance with R.S. 34:851.20.

B. *Houseboat*—a vessel constructed or utilized for the primary purpose of a temporary or permanent dwelling without an effective means of propulsion for safe navigation.

1. When determining whether a vessel meets the definition of a "houseboat", the department shall utilize the standard such that a reasonable observer would conclude that the vessel is capable of being used as an abode, habitation, or dwelling for at least a temporary basis.

a. Such determination should involve, but is not limited to, whether the vessel has a roof and is enclosed, or has multiple walls or structures capable of protecting inhabitants from the elements.

b. Additional evidence that may be considered in determining whether a vessel satisfies the reasonable observer standard include the presence of doors, windows, electrical wiring, plumbing, appliances, cabinetry, bedding, or any other features commonly found in a dwelling. However, the existence or absence of any of these items is not dispositive.

C. Owners of houseboats shall submit an application for registration of houseboats on a department-approved form that contains the following:

1. the name and address of the owner;

2. a description of the houseboat including either the HIN or a photo showing the vessel in its entirety;

3. proof of ownership via title, bill of sale, judgment, or an affidavit averring ownership;

4. evidence that taxes were paid (i.e. Department of Revenue "R-1331 Form") on the houseboat or the materials used to construct it, or that the vessel was acquired by casual sale and no taxes were due;

5. signature of the owner.

D. The certificate of number shall be issued in addition to a decal which shall be permanently attached to the houseboat, both to be accessible for inspection at all times when such vessel is upon the waters of the state.

E. Notwithstanding the requirements in R.S. 34:851.20(M), titling of houseboats, whether commercially manufactured or homemade, is not required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:851.2(13), R.S. 34:851.19, R.S. 34:851.20, R.S. 34:851.21, R.S. 34:851.32(C), and R.S. 56:10(B)(17).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 45:

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 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 to Major Rachel Zechenelly, Enforcement Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA, 70898-9000 prior to December 4, 2018.

Robert J. Samanie, III
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Registration and Numbering of Houseboats

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

There will be an indeterminable increase in expenditures to the Louisiana Department of Wildlife and Fisheries (LDWF) to purchase additional boat registration decals, however these costs will be recovered by the associated registration fees established in LA R.S. 34:851.20.

The purpose of the proposed rule change is to comply with Act 628 of 2018, and establish the regulations for the registration of houseboats beginning on January 1, 2019. It defines a houseboat as a vessel built or used for the main purpose of temporary or permanent dwelling with no effective means of propulsion for safe navigation; specifies the information necessary for registration; and the requirements for posting the certificate number and registration decal in a visible and accessible location of any houseboat in public waters.

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

There will be an indeterminable increase in revenues to the Louisiana Department of Wildlife and Fisheries. Although, not explicitly stated in the proposed rule, the application process will include the department assessing registration and change in ownership fees in accordance with LA R.S. 34:851.20. The number of houseboats which will be impacted by these rules on Louisiana waters is unknown at this time.

Violations of the proposed rule will be considered class one violations with penalties including fines of $50 to $500 or possible imprisonment. Most of the funds collected through fines accrue to local governing 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)

Owners of houseboats will be impacted by the proposed rule change. Although not explicitly stated in the proposed rule, these individuals will be assessed a fee in accordance with LA R.S. 34:851.20 in order to register a houseboat or process a change in ownership. Additionally, if individuals are found in violation of the rules they may be subject to fines ranging from $50 - $500 or possible imprisonment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no effect on competition and employment.

Bryan McClinton
Undersecretary
1810#034

Evan Brasseaux
Staff Director
Legislative Fiscal Office

Committee Reports

COMMITTEE REPORT

Senate Committe on Health and Welfare

Oversight Hearing on Rule Proposed by Board of Pharmacy—Pharmacy Benefit Managers
(LAC 46:LIII.Chapter 24)

In accordance with the powers conferred in the Administrative Procedure Act in R.S. 49:968, the Senate and House Committees on Health and Welfare met jointly on October 8, 2019, to exercise oversight authority on the attached proposed rule submitted by the Louisiana Board of Pharmacy. This correspondence shall serve as the written report of the committee required in R.S. 49:968(F).

The proposed rule, received by the committees on September 11, 2018, establishes regulatory authority by the board over pharmacy benefit managers. After a thorough hearing on the matter, including presentations by the board, the Attorney General's Office, the Department of Insurance, and both proponents and opponents of the proposed rule, the Senate committee, by majority vote of the members present and voting, rejected the proposed rule.

The majority of the Senate committee members found that the proposed rule was not in conformity with the intent and scope of the enabling legislation, was not in conformity to all applicable provisions of law and of the constitution, was lacking in advisability, and was therefore unacceptable.

Fred H. Mills, Jr.
Chairman

1810#023

Administrative Code Update

CUMULATIVE: January-September 2018

LAC Title	Part #.Section #	Action	Location: Month	LR 44 Page #
4	V.Chapter 15	Amended	June	1174
7	III.101	Amended	Mar.	437
	III.Chapter 5	Adopted	Mar.	437
	V.Chapter 29	Amended	Mar.	440
	XV.127	Amended	Mar.	439
	XV.167	Amended	Sept.	1589
	XV.169	Adopted	Sept.	1589
	XXV.Chapter 1	Amended	July	1235
	XXXV.107	Amended	Aug.	1417
10	XV.111	Amended	June	1009
13	I.Chapter 5	Amended	Aug.	1417
17	I.Chapter 1	Amended	Jan.	75
19	V.100,500,700,900,1100,1300	Amended	Aug.	1451
	VII.107,109	Amended	Feb.	229
	VII.117	Adopted	Feb.	229
22	I.207	Amended	Mar.	608
	III.Chapter 47	Amended	June	1007
	V.203	Amended	June	1006
	V.203,211	Amended	Mar.	574
	XI.102,303,307,510,701,703,711	Amended	Mar.	574
	XIII.503	Amended	Feb.	270
28	I.503,1107,1303	Amended	Apr.	744
	III.103, 1701, 2301	Amended	June	1005
	IV.Chapters 1-23	Amended	Mar.	484
	IV.501,503,1207,1209,1407,1409,1501	Repromulgated	Mar.	484
	IV.703	Amended	June	1004
	IV.1217,1419,1619,1803	Repealed	Mar.	484
	IV.1307	Adopted	Mar.	484
	IV.1507-1513,1603,1611,1617,1803,1809	Repromulgated	Mar.	484
	IV.2003,2301	Repromulgated	Mar.	484
	XI.101,301,405,409,413,601-709,903,1101	Amended	Mar.	446
	XI.303,515-521,611-613,708,1107,1605	Repealed	Mar.	446
	XI.305,411,501,503,901,905-911,1601	Adopted	Mar.	446
	XI.1102,1105,1301,1603,2401,2501,2505	Amended	Mar.	446
	XI.1607,2101,4005,4310	Repealed	Mar.	446
	XI.2901,3101,3103,3301,3303,3901-4301	Amended	Mar.	446
	XI.4503	Amended	Feb.	230
	XI.5105-5109,5305-5312,5315,5501,5511	Amended	Mar.	461
	XI.5701,5901-5907,6101-6115,6803,6811	Amended	Mar.	461
	XI.6115	Repromulgated	Aug.	1424
	XI.6155-6801,6804,6831,6900,7000,7001	Repealed	Mar.	461
	XI.6813-6821,6825-6903,6911-7101,7209	Amended	Mar.	461
	XI.6913	Amended	July	1237
	XI.7005-7041,7203,7205,7400,7901-8101	Repealed	Mar.	461
	XI.7311-7503,8301-8307,8503,8507	Amended	Mar.	461
	XI.Chapter 97	Adopted	Aug.	1425
	XXXIX.103,305,501,503,507,513,705,707	Amended	Mar.	479
	XXXIX.503,703,705,707	Amended	June	1003
	XXXIX.701,703	Adopted	Mar.	479
	XXXIX.901	Amended	Mar.	479
	XXXIX.903-915,1101	Repealed	Mar.	479
	CXV.333,2318	Amended	Feb.	263
	CXV.2305	Amended	Aug.	1443
	CXXXI.203,901-911	Amended	Feb.	264
	CXXXI.305,311	Amended	Apr.	745
	CXXXIX.Chapters 3-40	Amended	Feb.	230
	CXXXIX.311,313,519,2805,4001,4003	Adopted	Feb.	230
	CXXXIX.512,518,523,1502,3501	Repealed	Feb.	230
	CXXXIX.4005	Adopted	Feb.	230
	CLXI.103,701-707,713,1105,1301,1307	Amended	Feb.	247
	CLXI.505,507,509,1701,1703,1705	Repealed	Feb.	247
	CLXI.1509,1515,1709-1717,1721-1725	Amended	Feb.	247
	CLXI.Chapter 18	Adopted	Feb.	247
	CLXI.1903,1907,1909,1919,2103	Amended	Feb.	247
	CLXV.103,309,311-315,505,509,513,521	Amended	Feb.	257
	CLXV.310	Adopted	Feb.	257
	CLXV.103,511,515,519	Amended	Apr.	800
	CLXV.512	Adopted	Apr.	800
	CLXV.903	Amended	Feb.	262
	CLXVII.103,307,313,503,509,511,512, 515,517,523,703	Amended	Aug.	1438
	CLXVII.507,705	Repealed	Aug.	1438
33	I.501	Amended	Jan.	43
	I.1203,1911	Amended	July	1238
	III.211,223,307,309,319	Amended	July	1238
	III.307	Repromulgated	Aug.	1444
	III.321	Adopted	Jan.	42
	III.502	Amended	Apr.	748
	III.505,507,2160,3003,5116,5122,5311	Amended	Apr.	746
	III.2132	Amended	July	1242
	III.5901	Amended	Apr.	746
	V.108,1101,1109,1111,1113,1901,2245	Amended	Jan.	39
	V.2299,4105,4301	Amended	Jan.	39
	V.5111	Repromulgated	Aug.	1444
	V.5111,5119,5123,5139	Amended	July	1238
	V.10303	Amended	May	921
	V.Chapters 301-305	Amended	June	1021
	V.30139	Repealed	June	1021
	V.30143,30591	Adopted	June	1021
	IX.1309	Amended	July	1238
	XI.Chapters 1-13	Amended	Sept.	1591
	XI.511,513,515,801,803	Adopted	Sept.	1591
34	III.313	Amended	Mar.	577
	V.Chapters 1-33	Amended	Apr.	749
	V.111	Adopted	Apr.	770
35	III.5704,5706,5710,5714,5724,5764	Adopted	May	913
	III.5707,5709,5713,5723	Amended	May	913
	XI.9905, 9909	Amended	May	916
37	XIII.Chapter 3	Amended	Jan.	64
	XIII.325	Adopted	Jan.	64
	XIII.1945	Repromulgated	Apr.	784
	XIII.4101,4117	Amended	Aug.	1448
	XIII.Chapter 139	Repealed	Aug.	1448
	XIII.Chapter 155	Adopted	Jan.	68
40	I.6605,6613	Amended	Jan.	102
	I.6665	Repromulgated	Apr.	798
	I.6665,6667	Adopted	Jan.	102
	III.501	Adopted	Jan.	102
	III.502	Adopted	June	1097
42	I.Chapter 17	Amended	Apr.	788
	I.1785	Adopted	Apr.	788
	III.2723	Amended	Aug.	1449
	XI.2405	Amended	Aug.	1450
	XI.2415	Amended	Aug.	1451
43	I.133	Adopted	Feb.	345
	XIII.Chapters 1-65	Amended	June	1021
	XIII.329,1935,2940,Chapters 67-85	Adopted	June	1021
	XIII.6311	Repealed	June	1021
46	I.Chapter 22	Adopted	Feb.	268
	XXXI.Chapter 3	Amended	May	908
	XXXI.308,507,1110,1201	Adopted	May	908
	XXXI.310, 1111	Repealed	May	908
	XXXI.502,503,709,713,901,903	Amended	May	908
	XXXI.1101,1105,1109,1705,1707,1709	Amended	May	908
	XXXIII.134	Adopted	Jan.	45
	XXXIII.306,706,1607,1611,1613,1709	Amended	Jan.	45
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	XLI.725	Amended	May	915
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48	I.4001,4003,4005,4007	Amended	June	1015
	I.5043	Amended	Aug.	1445
	I.Chapter 62	Amended	Apr.	773
	I.6297	Adopted	Apr.	773
	I.6837	Amended	July	1252
	I.Chapter 82	Amended	Mar.	588
	I.8216,8246	Adopted	Mar.	588
	I.8249,8251	Repealed	Mar.	588
	I.Chapter 90	Amended	Feb.	287
	I.12501,12503	Amended	Feb.	280
	I.12524	Adopted	Feb.	280
	I.19707	Amended	Jan.	63
	V.Chapter 85	Amended	Jan.	71
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	XIX.4334	Amended	Feb.	283
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	XXI.13702,14202	Adopted	Jan.	50
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	XXIX.949	Amended	June	1020
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51	I.101	Amended	Apr.	783
	I.109,120	Adopted	Apr.	783
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	XII.101,105,319,355	Amended	July	1250
	XII.111-191,201-279	Adopted	Feb.	296
	XII.302	Adopted	July	1250
52	I.1703	Amended	July	1237

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	V.2501,2503,2505,2507,2509,2511,2513, 2515,2517,2519,2521,2523,2525,2527, 2529,2531,2533,2535,2537,2539,2541, 2543,2545,2547,2549,2551,2553,2555, 2557,2529	Repealed	July	1254
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58	III.1901	Adopted	Aug.	1454
61	I.103	Adopted	Jan.	98
	I.301,302,311	Amended	Sept.	1635
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	I.1501	Amended	June	1062
	I.1515	Amended	Sept.	1638
	I.1915	Adopted	Sept.	1640
	III.1501	Amended	Sept.	1638
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	V.101,303,304,701,703,907,1103,1307	Amended	Mar.	577
	V.706,1504	Adopted	Mar.	577
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67	I.201,203	Amended	June	997
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	V.3903	Repealed	May	908
70	IX.Chapter 15	Adopted	May	922
	IX.1521	Adopted	May	822
	XI.101	Amended	Feb.	347
76	I.317	Amended	Apr.	798
	V.130	Amended	May	929
	VII.149	Amended	Feb.	347
	VII.346	Amended	Jan.	102
	VII.335	Amended	Aug.	1457
	VII.367	Amended	Jan.	100
	VII.370	Adopted	June	1090
	VII.905	Amended	Aug.	1455
	VII.911	Adopted	Aug.	1455
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Potpourri

POTPOURRI

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences

Approved Pesticide Active Ingredients for Medical Marijuana Program

The following is a list of pesticide active ingredients the Louisiana Department of Agriculture and Forestry has approved for use on cannabis plants. The pesticide product shall be registered by the manufacturer annually with the department. The registration shall expire on December 31 of each year.

Approved/Registered Active Ingredients for Cannabis Use	
Pesticide Label Type	**Active Ingredient**
Fungicide	Azadirachtin
Insect Repellent	Azadirachtin
Insecticide	Azadirachtin
Nematicide	Azadirachtin
Fungicide	Bacillus subtilis GB03
Fungicide	Canola Oil
Insecticide	Canola Oil
Repellent	Castor Oil
Rodenticide	Castor Oil
Repellent	Cedarwood Oil
Insect Repellent	Cinnamon
Insecticide	Cinnamon
Fungicide	Cinnamon Oil
Insect Repellent	Cinnamon Oil
Insecticide	Cinnamon Oil
Fungicide	Citric Acid
Insecticide	Citric Acid
Repellent	Citronella Oil
Fungicide	Clove Oil
Herbicide	Clove Oil
Insect Repellent	Clove Oil
Insecticide	Clove Oil
Fungicide	Copper Hydroxide
Fungicide	Copper Octanoate
Fungicide	Corn Oil
Insecticide	Cornmint Oil
Fungicide	Cottonseed Oil
Insecticide	Cottonseed Oil
Plant Growth Regulator	Cytokinin
Fungicide	Garlic Oil
Insect Repellent	Garlic Oil
Insecticide	Garlic Oil
Vertebrate Repellent	Garlic Oil
Insecticide	Geraniol
Insecticide	Geranium Oil
Plant Growth Regulator	Gibberellic Acid
Fungicide	Gliocladium virens G-21
Algaecide Slimicide	Hydrogen Peroxide (Dioxide)
Disinfectant	Hydrogen Peroxide (Dioxide)
Fungicide	Hydrogen Peroxide (Dioxide)
Herbicide	Hydrogen Peroxide (Dioxide)

Approved/Registered Active Ingredients for Cannabis Use	
Pesticide Label Type	**Active Ingredient**
Fungicide	Kaolin
Insecticide	Kaolin
Plant Growth Regulator	Kaolin
Vertebrate Repellent	Kaolin
Insect Repellent	Lauryl Sulfate
Insect Repellent	Lemongrass Oil
Fungicide	Linseed Oil
Insecticide	Linseed Oil
Miticide	Linseed Oil
Insecticide	Malic Acid
Fungicide	Mineral Oil/Petroleum Distillate
Insecticide	Mineral Oil/Petroleum Distillate
Miticide	Mineral Oil/Petroleum Distillate
Fungicide	Neem Oil
Insect Repellent	Neem Oil
Insecticide	Neem Oil
Nematicide	Neem Oil
Insect Repellent	Peppermint
Insecticide	Peppermint
Insecticide	Peppermint Oil
Algaecide Slimicide	Peroxyacetic Acid
Fungicide	Peroxyacetic Acid
Herbicide	Peroxyacetic Acid
Fungicide	Phosphorous Acid Mono- And Di-Potassium, Salts of
Plant Growth Regulator	Phosphorous Acid Mono- And Di-Potassium, Salts of
Insect Repellent	Piperonyl Butoxide
Insecticide	Piperonyl Butoxide
Fungicide	Potassium Bicarbonate
Fungicide	Potassium Sorbate
Miticide	Potassium Sorbate
Insect Repellent	Pyrethrins
Insecticide	Pyrethrins
Fungicide	Reynoutria sachalinensis
Fungicide	Rosemary Oil
Herbicide	Rosemary Oil
Insect Repellent	Rosemary Oil
Insecticide	Rosemary Oil
Insecticide	Sesame Oil
Insecticide	Sodium Chloride
Invertebrate Control	Sodium Ferric EDTA
Fungicide	Sodium Lauryl Sulfate
Insecticide	Soybean Oil
Miticide	Spearmint oil
Fungicide	Streptomyces lydicus WYEC 108
Fungicide	Sulfur
Insecticide	Sulfur
Insect Repellent	Thyme Oil
Insecticide	Thyme Oil
Fungicide	Trichoderma asperellum strain ICC 012
Fungicide	Trichoderma gamsii strain ICC 080
Insect Repellent	White Pepper

Mike Strain, DVM
Commissioner

1810#003

POTPOURRI

Department of Health
Bureau of Health Services Financing

2019 First Quarter Hospital Stabilization Assessment

In compliance with House Concurrent Resolution (HCR) 51 of the 2016 Regular Session of the Louisiana Legislature, the Department of Health, Bureau of Health Services Financing amended the provisions governing provider fees to establish hospital assessment fees and related matters (*Louisiana Register*, Volume 42, Volume 11).

House Concurrent Resolution 6 of the 2018 Regular Session of the Louisiana Legislature enacted an annual hospital stabilization formula and directed the Department of Health to calculate, levy and collect an assessment for each assessed hospital.

The Department of Health shall calculate, levy and collect a hospital stabilization assessment in accordance with HCR 6. For the quarter beginning July 1, 2018 through September 30, 2018, the quarterly assessment amount to all hospitals will be $14,649,165. This amounts to 0.1238251 percent of total inpatient and outpatient hospital net patient revenue of the assessed hospitals.

Rebekah E. Gee MD, MPH
Secretary

1810#062

POTPOURRI

Department of Health
Bureau of Health Services Financing

2019 Second Quarter Hospital Stabilization Assessment

In compliance with House Concurrent Resolution (HCR) 51 of the 2016 Regular Session of the Louisiana Legislature, the Department of Health, Bureau of Health Services Financing amended the provisions governing provider fees to establish hospital assessment fees and related matters (*Louisiana Register*, Volume 42, Volume 11).

House Concurrent Resolution 6 of the 2018 Regular Session of the Louisiana Legislature enacted an annual hospital stabilization formula and directed the Department of Health to calculate, levy and collect an assessment for each assessed hospital.

The Department of Health shall calculate, levy and collect a hospital stabilization assessment in accordance with HCR 6. For the quarter beginning October 1, 2018 through December 31, 2018, the quarterly assessment amount to all hospitals will be $14,649,165. This amounts to 0.1238251 percent of total inpatient and outpatient hospital net patient revenue of the assessed hospitals.

Rebekah E. Gee MD, MPH
Secretary

1810#072

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
Fred L Kennedy	Monroe	M	F L Kennedy et UX	001	181902
Muslow and Parker	Caddo Pine Island	S	J.W. Lynn Estate et al	015	115037(30)
Trade and Development Corp	Caddo Pine Island	S	Jessie Gayle	001	91489(30)
Warhorse Oil and Gas, LLC	Fordoche	L	vua ; Holloway Prop LLC et al	002	135940
Warhorse Oil and Gas, LLC	Fordoche	L	vua ; Holloway Prop LLC et al	006	138342
Warhorse Oil and Gas, LLC	Fordoche	L	vua ;Holloway Prop LLC et al	001	227993
Warhorse Oil and Gas, LLC	Gueydan	L	Lichtenstein	001	242742
Warhorse Oil and Gas, LLC	Gueydan	L	Lichtenstein	002	244368
Warhorse Oil and Gas, LLC	Righthand Creek	L	WX RB sua; Joseph Hudson	001	245244
Warhorse Oil and Gas, LLC	Gordon, South	L	U Y RC sua; Forestar 27	001	247806
Warhorse Oil and Gas, LLC	Cankton, North	L	Pareti ra sua; Chiasson	001	249502
Warhorse Oil and Gas, LLC	Gueydan	L	Lichtenstein	004	249577
Warhorse Oil and Gas, LLC	Big Lake	L	Anahuac 1-2 ra sua; Granier	001	249625
Warhorse Oil and Gas, LLC	Anse La Butte	L	Yvonne D Broussard et al	001	249672

Richard P. Ieyoub
Commissioner

1810#025

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