

CONTENTS

I. EXECUTIVE ORDERS
EWE-76-3 Amends and supercedes specified provisions of E.O. No. 57, Article III relative to law enforcement planning districts 105

II. EMERGENCY RULES
Dairy Stabilization Board—Establishes an experimental system of dock pricing and back-door delivery 105
Livestock Sanitary Board—Amends Regulation 3—Governing the Operation of Livestock Auction Markets 106
Wildlife and Fisheries Commission—Extends for thirty days the oyster harvesting season in a certain area east of the Mississippi River and in Bay Junop in Terrebonne Parish 107

III. RULES
Corrections, Department of—Regulation No. 10-11, Records of Adult Offenders and Ex-offenders 107
Elementary and Secondary Education, Board of—Revises requirements for high school graduation and creates guidelines for the adoption of textbooks 109
Health and Human Resources Administration, Division of Family Services—Adds a policy for payment to chiropractors in the Medical Assistance Program 111
Health and Human Resources Administration, Division of Family Services—Amends policies and procedures manual relative to Aid to Families with Dependent Children. 111
Health and Human Resources Administration, Division of Youth Services—Amends the State Plan for Child Support Enforcement and Establishment of Paternity. 111
Parole, Board of—Regulations Determining Conduct of the Board of Parole and Related Agencies in the Granting, Releasing, and Supervising of Parolees 113
Public Safety, Department of—Rules for the Issuance of a Driver’s License Following a Name or Sex Change 118
Public Safety, Department of—Sign Requirements for Used Vehicle Dealerships 119
Public Works, Department of—Amendment to Section 2.6.Q.O. of the Regulations and Standards for Water Well Construction 119

IV. NOTICES OF INTENT
Consumer Protection Division, Governor’s 120
Consumer Protection Division, Governor’s 121
Elementary and Secondary Education, State Board of 122
Health and Human Resources Administration, Division of Management, Office of Licensing and Certification Section 122
Livestock Sanitary Board 124
Public Safety, Department of 125
School Lunch Employees’ Retirement System, Board of Trustees. 130

Executive Orders

EXECUTIVE ORDER EWE-76-3

Acting pursuant to the authority vested in me by the Constitution and the laws of the State of Louisiana, I, Edwin W. Edwards, Governor of Louisiana, do hereby issue the following proclamation and executive order specifically amending and superseding specified provisions of Executive Order No. 57 issued on the 29th day of January, A.D., 1974.

WHEREAS, the Red River Delta Law Enforcement Planning Council, Inc. has been created to function as the law enforcement planning agency for the area comprised of the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Winn and Vernon; and

WHEREAS, the creation of the Red River Delta Law Enforcement Planning Council, Inc. is in the best interests of the people of the State of Louisiana because of better service in assessing problems in the fields of law enforcement and the administration of criminal justice and more comprehensive and coordinated plans in law enforcement; and

WHEREAS, the Kisatchie-Delta Economic Development District Council, Inc. has functioned in this capacity for this district until this time; and

WHEREAS, Executive Order No. 57 states in Article III relative to Law Enforcement Planning Districts that the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Winn, and Vernon comprise the Kisatchie-Delta Law Enforcement Planning District; and

WHEREAS, Executive Order No. 30 stated in Article IV, Section A relative to "Delineation" that one of the law enforcement planning agencies is the "Kisatchie-Delta Economic Development District Council, Inc.—Kisatchie-Delta Law Enforcement Planning District" and such agency is the sixth unnumbered agency listed in the section and which agency is referred to in Article IV of Executive Order No. 57 as a recognized planning agency; and

WHEREAS, the name of law enforcement planning district should be changed to reflect the creation and establishment of the Red River Delta Law Enforcement Planning Council, Inc.

NOW, THEREFORE, I, Edwin W. Edwards, Governor of the State of Louisiana, do hereby amend and

supercede specified provisions of Executive Order No. 57 issued on the 29th day of January, A.D., 1974, by providing the following:

In Article III relative to Law Enforcement Planning Districts delete the following:

* * *
Kisatchie-Delta Law Enforcement Planning District—
Avoyelles, Catahoula, Concordia, Grant, La-
Salle, Rapides, Winn and Vernon Parishes;

and insert in lieu thereof the following:

* * *
Red River Delta Law Enforcement Planning Dis-
trict—Avoyelles, Catahoula, Concordia, Grant,
LaSalle, Rapides, Winn and Vernon Parishes;
* * *

FURTHERMORE, the Red River Delta Law Enforcement Planning Council, Inc. is hereby fully recognized as the established planning agency for the Red River Delta Law Enforcement Planning District as provided in this executive order, and expressly replaces and supercedes the Kisatchie-Delta Economic Development District Council, Inc. for the former Kisatchie-Delta Law Enforcement Planning District provided for by the sixth unnumbered agency in Section A on Delineation of Article IV, relative to Law Enforcement Planning Agencies, of Executive Order No. 30 issued on the 30th day of February, A.D., 1973.

IN WITNESS WHEREOF, I have here-
unto set my hand officially and caused to
be affixed the Great Seal of the State of
Louisiana, at the Capitol, in the City of
Baton Rouge, on this the 24th day of
March, 1976.

EDWIN EDWARDS

Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Dairy Stabilization Board

*(Editor's Note: The following rule was adopted on
March 17, 1976.)*

In accordance with the provisions of R.S. 49:953, the Louisiana Dairy Stabilization Board hereby finds that an imminent peril to the public health, safety, and welfare requires the adoption of an emergency rule upon fewer than fifteen days notice and that it is necessary to proceed without prior notice or hearing for the following reasons:

WHEREAS, the Louisiana dairy industry contributes more than 250 million dollars per year to the economy of this State and

WHEREAS, the Louisiana dairy industry furnishes a livelihood for approximately 35,000 families of the State, and,

WHEREAS, the Division of Health of the Louisiana Health and Human Resources Administration has issued a permit to an out-of-state dairy products processor and, as a result, thousands of gallons of processed milk from the State of Mississippi are being sold daily in the City of New Orleans, and

WHEREAS, the Division of Health now has multiple applications from processing plants from surrounding states including the states of Texas, Arkansas, and Mississippi, and

WHEREAS, we have been reliably informed that the Division of Health plans to automatically grant these permits on certifications from the various out-of-state Boards of Health without Louisiana Health inspectors ascertaining that these plants do, in fact, meet the rigid sanitation standards as Louisiana plants must meet, and

WHEREAS, the mass flow of processed milk from other states into Louisiana will rob the Louisiana dairy farmers and Louisiana processors of their traditional markets and destroy a great and valuable industry of this State to the detriment of all our citizens, and

WHEREAS, the Louisiana Dairy Stabilization Board feels that Louisiana dairy farmers and Louisiana dairy products processors should be given every opportunity to protect and preserve the markets that they have developed in this State, and

WHEREAS, Act 31 of 1974 empowers this Board to take such steps as are required in order to enable licensees to meet legal competition;

NOW, THEREFORE BE IT RESOLVED THAT the Dairy Stabilization Board establish an experimental system of dock pricing and back-door delivery for a period of one hundred and twenty days commencing at

12:01 a.m., Tuesday, March 23, 1976, or for such shorter period of time as the Board may hereafter determine, the prices to be established by the individual processors and further that the Chairman appoint a committee immediately to report back to the Board before March 22, on the proper method to administer this system.

BE IT FURTHER RESOLVED THAT the Dairy Stabilization Board formally request of Governor Edwin W. Edwards and the Louisiana Legislature that Act 31 of 1974 be amended to provide that the Dairy Stabilization Board determine dairy products costs as provided for in the Act and that the Dairy Stabilization Board no longer fix wholesale prices of dairy products but that the processors and distributors be prohibited from selling dairy products below the established costs.

Done on this 17th day of March, 1976, at Baton Rouge, Louisiana.

Jesse H. Cutrer, Jr.
Director

DECLARATION OF EMERGENCY

Livestock Sanitary Board

The Livestock Sanitary Board on March 12, 1976, took emergency action, as provided for in R.S. 49:953B, to amend its rules relative to testing horses offered for sale at Louisiana auction markets for equine infectious anemia, and to impose a fee of not more than \$3.00 for administering such tests.

The text of the amended rule follows:

Regulation 3—Governing the Operation of Livestock Auction Markets

Section 13. Equine Requirements

- A. All horses offered for sale at Louisiana auction markets must be accompanied by record of negative test for equine infectious anemia (Coggins test) conducted by an approved laboratory within six months of date of sale.

Exceptions:

- a. Horses consigned for immediate slaughter and re-consigned from auction market on VS 1-27 to an approved slaughtering establishment.

- b. Horses consigned for slaughter and purchased by individual must have blood sample drawn by an accredited veterinarian and submitted to an approved laboratory. Horses may then move to purchaser's premises under quarantine until results of Coggins test are received. If animal is found to be positive, it must be properly identified and will remain under quarantine until sold for immediate slaughter. Owner may request confirmation test of positive animal(s) at time of identification and blood sample will be collected by a State veterinarian and forwarded to an approved laboratory for confirmation.

Forrest E. Henderson, D.V.M.
State Veterinarian

DECLARATION OF EMERGENCY

Wildlife and Fisheries Commission

The Louisiana and Wildlife and Fisheries Commission on March 23, 1976, took emergency action as authorized by R.S. 49:953B to extend for thirty days the oyster harvesting season in a certain area east of the Mississippi River and in Bay Junop in Terrebonne Parish. The text of the Commission's resolution follows:

Whereas, Act 616, adopted during the Regular Session of the 1974 Legislature, authorized the Louisiana Wildlife and Fisheries Commission to regulate the size limit and area closures after January 1 of each year on State-controlled oyster seed grounds, and

Whereas, Commission biologists checked the oyster seed grounds east of the Mississippi River, as well as Bay Junop in Terrebonne Parish, and found the outer reefs to have from 15,000 to 20,000 sacks of large oysters which could be harvested by the oyster fishermen rather than to have these oysters lost to predators and/or high salinity.

Now, therefore, be it resolved that the Louisiana Wildlife and Fisheries Commission does hereby authorize and empower the Director to extend the oyster season in a certain area located east of the Mississippi River until May 15, 1976, with said extension being thirty days after the previously established closing date. The oyster seed grounds excluded from this season is that area west of a line that runs as follows:

Beginning at a point of land known as California Point. Thence N 18° W, 15,000' to a point known as Pelican Point. Thence N. 38° E, 6,000' to a point of

land known as Telegraph Point. Thence N 50° W, 6,000' to a point of land (this point being located S 58° E, 3,500' from U.S.C. & G.S. Triangulation Station Iron). Thence N 20° E, 4,500' to a point of land, this point being located N 70° E, 4,000' from U.S.C. & G.S. Triangulation Station Iron). Thence N 11° W, 13,000' to the most easterly point of land on Stone Island. Thence N 32° E, 21,000' to a point of land known as Mozambique Point.

Be it further resolved that the aforementioned extension of oyster season shall also apply to the Bay Junop oyster seed grounds in Terrebonne Parish.

Now, therefore, be it further resolved that only three-inch or larger oysters can be harvested and those harvested smaller in size shall be culled back into the reefs. The extended season after April 15, 1976, can be closed on a twenty-four hour notice by the Director of the Commission for biological purposes or for reasons of difficulty to enforce the three-inch law or oyster fishermen harvesting in closed areas.

J. Burton Angelle
Director

Rules

RULES

Department of Corrections

(Editor's Note: The following rules were adopted on April 5, 1976.)

Department Regulation No. 10-11

Records of Adult Offenders and Ex-Offenders

1. Purpose. To establish a formal policy regarding access to records of offenders and ex-offenders.
2. To Whom This Regulation Applies. This regulation is applicable to all persons employed by the Department of Corrections.
3. Department's Access to Information and Records of Other Agencies:
 - A. R.S. 15:840.0 provides that during the course

of any investigation which the department is authorized by law to conduct, or which is necessary for the rehabilitation of persons in the custody of the department, the department shall have access to information and records under the control of any state or local agency which is reasonably related to the rehabilitation of the individual.

B. All information obtained on an offender shall be confidential and shall not be disclosed to anyone except in accordance with this regulation.

4. General. Before the release of any information in department records, it is necessary to first determine whether the individual or agency has a right to know the information and also whether they have a need to know. The following paragraphs of this regulation spell out who has a right to know the information contained in department files and the extent of that right. In determining whether an individual or agency has a need to know the information requested, the request should be examined to see if the request is legitimately and properly related to the individual's or agency's responsibilities and whether the information will be used for the purpose intended.

Examples:

1. A secretary working for the Department of Corrections has a right to know information contained in department files [see 6(a)(7) below], however, if she wishes to examine these records for personal reasons, she would not have a legitimate need to know, because her requested access is not related to the purpose of her employment.

2. A state senator has a right to read department records relating to the discharge of his duties as a state official [see 6(c)(2), below]. If, however, he made the request in his role as a private attorney, he would not have a legitimate need to know under this section.

5. Form of Requests. Requests for information may be made verbally except where otherwise noted. However, any request for the ongoing furnishings of records or the furnishing of large masses of records to a particular agency or individual must be submitted in writing to the Director for approval. The requesting individual or agency must certify that they will not release the information to any other individual or agency.

6. Release of Non-medical Information and Records:

A. Information on a particular individual may be released without special authorization to the following:

- (1) Board of Parole;
- (2) Board of Pardons;
- (3) Governor;
- (4) Sentencing Judge;
- (5) District Attorneys;

* (6) Publically funded law enforcement agencies;

(7) Personnel of the Department of Corrections, including legal representatives and student workers;

(8) Court officers with subpoenas specifying the information desired.

B. Fingerprints, photographs, and information pertaining to arrests and disposition of criminal charges may be released to local, state, or federal criminal justice agencies* without special authorization.

C. Upon approval by the Director or his designated representative, information may be read, but not copied, by the following, under certain conditions as set forth in R.S. 15:574.12:

(1) Social service agencies assisting in the treatment of the offender or ex-offender;

(2) Appropriate governmental agencies or officials.

(3) Approved researchers.

D. The Director or his designated representative may also, under certain conditions, approve the selective reading of information to private citizens or organizations aiding in rehabilitation or directly involved in hiring of the offender or ex-offender.

E. Statistical information and information of a general nature (age, physical characteristics, offense, date of conviction, length of sentence and discharge date) requested on a specifically named offender or ex-offender may be released to the general public, including members of the press at any time.

7. Release of Medical Records (R.S. 44:7)

A. Medical charts, records, reports, documents, and other memoranda prepared by physicians, surgeons, psychiatrists, nurses, and employees of the department may be released to the following when they are legitimately and properly interested in the disease or in the condition of the patient, without consent of the patient:

- (1) Board of Parole;
- (2) Board of Pardons;
- (3) Governor;
- (4) Personnel of the Department of Corrections, including legal representatives and student workers;
- (5) Doctors;
- (6) Hospitals, clinics and nursing homes;
- (7) Courts, whenever the past or present condition is at issue or relevant in any judicial proceeding.

B. Medical records, except psychiatric reports, shall be available to anyone having a legitimate interest, provided the patient or, in case of his death, his legal heir or next of kin has consented in writing to their release.

8. Subpoenaed Records (R.S. 15:574.12).

A. Whenever any record covered by this section is subpoenaed (except in the case of medical records for which a release has been obtained), the pertinent records shall be submitted to the appropriate court for a ruling as to whether the information should be made available to the person who caused the subpoena to be issued.

B. The court shall examine the information in private and shall withhold the information should it find;

- (1) That the information is not relevant to the proceedings, or
- (2) That the information was derived from communications which were obviously made in the confidence that they would not be disclosed, or
- (3) That confidentiality is essential to future useful relations between the source and the recorder of the information.

9. Fees. All persons or organizations, except state or federal agencies or officials, requesting copies of records, shall be charged fifty cents for each page copied.

10. Penalties Failure to abide by this regulation may result in dismissal from the Department of Correc-

tions or in refusal to comply with future requests for information.

*Includes all state police, Sheriff Offices, Police Departments, Departments of Correction, the U.S. Attorney and Attorneys General, and the Federal Bureau of Investigation. Any other agency wishing to qualify under these sections must request in writing that the department make a finding of their eligibility for access.

C. Paul Phelps
Director

RULES

Board of Elementary and Secondary Education

(Editor's Note: The following rules were adopted on March 25, 1976.)

(1) A new edition of Bulletin 741, Handbook for School Administrators wherein are contained requirements for high school graduation as follows:

English	3 units
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Must be any three of the four courses, English I, II, III, IV. (A course in basic reading will be available as an elective course to enable students who need it to take the three English units required.)

Health and Physical Education	2 units
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Each required unit must include 30 hours of health instruction.

Mathematics	2 units
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Science	2 units
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Social Studies	2 units
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Two units in social studies shall be required. One unit must be in American History (including six weeks of instruction in Americanism vs. Communism); and one unit must be civics or an equivalent course in citizenship education as approved by the State Department of Education.

Total Required	11 units
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Electives	9 units
Total required for graduation	20 units

These requirements are effective as per the following:

Regulations in Bulletin 741 will become effective with the beginning of the 1976-77 school year, except that the graduation requirements will become effective with the incoming freshmen of the 1976-77 school year. Students enrolled in high school prior to the effective date of the graduation requirements shall be permitted to graduate in accordance with the requirements in effect at the time of their enrollment.

Other sections of the new version of Bulletin 741 shall be published in future editions of the Register. These policies shall be listed under 3.01.50 of the Policy and Procedure Manual.

(2) 3.01.84 Guidelines for the Adoption of Textbooks

1. A textbook is a tool which should enable a teacher to achieve the objectives of a course of study.
2. Textbooks should not contain material that promotes, as opposed to objectively presenting, a partisan or sectarian viewpoint.
3. Textbooks should objectively present concepts of citizenship, democracy, authority, freedom of expression, and free enterprise.
4. Violence, civil disorder, and social strife should be treated as to cause and consequences.
5. Blatant sensationalism is sufficient cause to disapprove a textbook.
6. Textbooks shall not contain language or illustrations which are obscene.
7. Recognizing the First Amendment rights of every citizen of the United States, textbooks shall clearly recognize that cultural, religious, social, ethnic, and sexual differences can be utilized to promote successful learning.
8. Textbooks shall not promote discrimination on the basis of sex.
9. Textbooks should promote concepts in harmony with the work ethic of our society.

10. Textbooks should do nothing to undermine the sanctity of the home or the individual right to privacy.

11. The content of history texts shall reflect true scholarship evidencing familiarity with primary sources.

12. It is the function of textbooks to promote the proper use of the English language.

(3) 3.01.81 Time schedule for Textbook Adoptions (Five Year Cycle of Adoptions)

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

The adoption schedule is as follows:

- | | |
|---------|---|
| 1976-77 | Aerospace Education
Reading, grade K-8
Elementary & High School Science
Health, Safety Education & First Aid
Driver Education
Physical Education
Health—Elementary & High School |
| 1977-78 | High School Mathematics
Elementary Mathematics
Special Education
Handwriting
Trade & Industrial Arts
Guidance
Art—Elementary & High School |
| 1978-79 | Foreign Language—Elementary & High School
Music—Elementary & High School
Distributive Education
Home Economics
Agriculture
Career Education—Elementary & High School
Music—Instrumental & Vocal
Business Education |
| 1979-80 | Social Studies—Elementary & High School
Louisiana Studies
Black Studies
Dictionaries
Drug Abuse Education |
| 1980-81 | English Literature, grade 7-12
Language & Composition |

Literature
Spelling—Elementary & High School
English—9-12
Journalism
Speech

- (4) Deletion of Policy and Procedure Manual Rule number: 3.01.82.

Textbook Labels, as follows: Rule No. 7 of the rules and regulations for state owned (free) textbooks is amended to change the word "pasted" to the word "printed" in that sentence referring to the ownership label. The labels recommended by the National Association of State Textbook Directors are officially adopted. (1083:9:12-9-66)

- (5) The fixing of the following limit on the adoption of textbooks:

Textbooks shall be limited to a maximum of eight books per skill area of discipline. Justification must be given the Board for those adoptions exceeding this number.

Earl Ingram
Director

RULES

Health and Human Resources Administration

Division of Family Services

(Editor's Note: These regulations were adopted in order to comply with Act 551 of the 1975 Regular Session of the Louisiana Legislature. They have been in effect as an emergency measure since April 1, 1976, and become permanent rules with this publication.)

The Louisiana Health and Human Resources Administration, Division of Family Services, has adopted in the Louisiana Medical Assistance Program a policy for payment of chiropractor services.

Payment will be made to chiropractors for their services under the following conditions:

1. Payment will be made to chiropractors who are licensed by the State and who are certified by the Licensing and Certification Section for participation in Medicare (Title XVIII).

2. Payment will be made only for chiropractic treatment by means of manual manipulation of the spine (to correct a subluxation demonstrated by X-ray to exist) which the chiropractor is legally authorized to perform by the State. (Current Procedural Terminology Code 9485.) The restriction of payment for services to treatment by manual manipulation precludes payment for diagnostic X-rays taken by chiropractors.
3. Payment will be made for up to three chiropractic visits per calendar year. There is no provision for any additional visits.

All persons eligible for the medical assistance program are eligible for payment in their behalf to chiropractors for services, and these persons may be identified by a medical eligibility card which they receive monthly.

William H. Stewart, M.D.
Commissioner

RULE

Health and Human Resources Administration Division of Family Services

The Louisiana Health and Human Resources Administration, Division of Family Services in accordance with the Administrative Procedures Act of 1974 is deleting from its manual of policies and procedures the regulation that provides when an AFDC (Aid to Families With Dependent Children) recipient receives a foster care payment for a child in his care, the portion of the foster care payment for shelter and services to this child is counted as cash income. Effective May 1, 1976, and no later than the date of next redetermination of eligibility for AFDC, thereafter no part of a foster care payment will be counted as income in determining the amount of the AFDC grant.

William H. Stewart, M.D.
Commissioner

RULES

Health and Human Resources Administration Division of Youth Services

Amendments to the State Plan for Child Support Enforcement and Establishment of Paternity

(Editor's Note: Sections 2.11-1 and 3.5-1 of the

State Plan for Child Support Enforcement and Establishment of Paternity under Title IV-D of the Social Security Act were adopted by the Health and Human Resources Administration, Division of Youth Services, in compliance with Federal regulations as promulgated in the Federal Register, Vol. 40, No. 217, Monday, November 10, 1975, p. 52376. In addition, Section 2.6-1 was amended. The State Plan, as amended, may be reviewed at the offices of the Division of Youth Services from 8:30 a.m. through 4:00 p.m., Monday through Friday.)

() No.

(X) Yes. Until December 31, 1975, with respect to those recipients of assistance who continue to be eligible for assistance in the absence of an assignment in accordance with 45 CFR 232.11(a)(4), the provisions of 45 CFR 302.31, 302.32, 302.51 and 302.52 (as implemented by sections 2.1, 2.4 and 2.5 of this plan) will be applied as if there were an assignment in effect pursuant to 45 CFR 232.11.

* * * *

2.6 Individuals Not Otherwise Eligible for Paternity and Child Support Services

1. The child support collection or paternity determination services established under this plan are made available to any individual not otherwise eligible for such services upon application filed by such individual with the IV-D agency.

2. An application fee is charged each individual who applies for services under this section.

(X) No

() Yes, the fee is established in accordance with 45 CFR 302.33 and detailed in Attachment 2.6A.

3. An application fee is charged and any actual costs, in excess of the application fee, incurred in the determination of paternity and collection of child support in a particular case, are deducted from the amount of such recovery.

(X) No

() Yes; the individual for whom child support collection services are provided will be informed of this. In some cases the IV-D agency may pro rate deductions over a period of months to recover the large initial costs of establishing paternity or collecting child support.

* * * *

2.11 Child Support Activities with Respect to Recipients who have not Assigned Support Rights

The law of the State on August 1, 1975, met the requirements of 45 CFR 232.11(a)(1).

3.5 Safeguarding Information

The State provides safeguards pursuant to State statute imposing legal sanctions which restrict the use of disclosure of information concerning applicants and recipients to purposes directly connected with:

1. the administration of this plan, the State plans or programs under Title IV-A, IV-B, IV-C, I, X, XIV, and XVI, (AABD), XIX, or XX, or Title XVI (SSI) of the Act;

2. any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any such plans or programs; and

3. the administration of any other Federal or federally assisted program which provides assistance, in cash or in-kind, or services, directly to individuals on the basis of need.

Under this provision, disclosure to any committee or legislative body (Federal, State, or local) of any information that identifies by name or address any such applicant or recipient is prohibited.

Attachment 35A sets forth the legal basis in the State statute and the criteria for the types of information to be safeguarded.

William H. Stewart, M.D.
Commissioner