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# Executive Orders

## EXECUTIVE ORDER EWE-77-8

WHEREAS, the Louisiana American Revolution Bicentennial Commission served the state and the nation with distinction and achievement during the official Bicentennial era; and

WHEREAS, the members of the Commission were generous and dedicated in the time and work devoted to a full participation at the community and State levels in a distinguished celebration of our country's heritage; and

WHEREAS, the work of the Commission was generally completed according to schedule to accommodate the mandate of the reorganization of the State agencies of the executive branch and to permit the Department of Urban and Community Affairs to discharge certain unfinished business of the Commission; and

WHEREAS, there exists a binding contract between the Commission and the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College with the necessary funds encumbered for the printing and publishing of a series of historical documents reflecting the heritage of Louisiana and the United States of America by reproducing the original editions no longer available to the general reading public or general circulation libraries; and

WHEREAS, although the project is near completion, there has been no provision by the general reorganization act, originally House Bill No. 750 by Mr.

Laborde and others of the 1977 Regular Session of the Louisiana Legislature, for a legal successor of the Commission to meet its obligation under the terms of this contract;

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby re-establish and continue the Louisiana American Revolution Bicentennial Commission composed of those members of the public who served pursuant to Executive Order No. 21 issued on January 12, 1973, and charge such Commission specifically to complete any pending contractual obligation between it and the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College for the publication of a historical series.

I FURTHER ORDER that the Commission, through its Chairman or its Executive Director, shall inform the Governor of the final execution of the terms of the contract, but in no case shall the Commission continue to function and discharge other powers, duties and responsibilities.

IN WITNESS WHEREOF, I have hereunto 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 28th day of June, A.D., 1977.

**EDWIN EDWARDS**

**Governor of Louisiana**

# Emergency Rules

## DECLARATION OF EMERGENCY

### Board of Trustees for Colleges and Universities

At its meeting on June 24, 1977, the Board of Trustees for State Colleges and Universities adopted the following rule to be effective immediately:

In the published Policies and Procedures Manual of the Board of Trustees for State Colleges and Universities, Section 6.6(B) of Part VI, Financial and Leave Policies and Procedures, is amended to add the following:

Part VI, Section 6.6(B)

5. Each institution shall be allowed to charge a ten dollar additional out-of-state application fee for each out-of-state application for the following allied health programs: Dental Hygiene, Occupational Therapy, Nursing, Pharmacy and Radiologic Technology.

The Board of Trustees will not meet in regular session until the end of September, 1977; and therefore this emergency rule is necessary in order to implement the application fee change prior to mid-September when registration is held at most of the institutions under the jurisdiction of the Board.

This action was taken in accordance with the emergency provisions of the Administrative Procedures Act and under the authority of Article VIII, Section 6 of the 1974 Constitution.

Bill Junkin, Executive Director  
Board of Trustees for Colleges and  
Universities

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

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*(Editor's Note: The following emergency policy was adopted by the State Board of Elementary and Secondary Education at its regular meeting on June 23, 1977, in order to relieve the local educational agencies of the hardship of financing additional staff as funds are not available for this fiscal year.)*

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### Rule 3.01.51b

Revision to Bulletin 741, 1977, page 75, Item 4, Staff Personnel, Standards for Approval of Elementary and Secondary Schools.

The Board delayed the implementation date for one year of the requirement of 450:1 pupil-counselor ratio in secondary schools.

Earl Ingram, Director  
Board of Elementary and  
Secondary Education

## DECLARATION OF EMERGENCY

### Department of Health and Human Resources Office of Family Services

The Louisiana Department of Health and Human Resources, Office of Family Services, exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to adopt, effective July 1, 1977, the following definitions for the levels of nursing care provided by a Skilled Nursing Facility (SNF), an Intermediate Care Facility I (ICF I) and an Intermediate Care Facility II (ICF II). These revisions will allow the Medical Assistance Program to comply with Federal regulations (45 CFR 245.10 (b)(4)(i) which require a common definition of skilled nursing care for the Medicare and Medicaid Programs. These regulations broaden the interpretation and application of the skilled level of care.

Skilled Nursing Facility Services Level of Care is skilled nursing and/or rehabilitation services ordered by and under the direction of a licensed physician which are needed on a daily basis and required to be provided on an inpatient basis and which can be provided only by or under the supervision of professional personnel, including registered nurse or licensed practical nurse on continuous basis over a twenty-four hour period and seven day registered nurse services and/or supervision.

Such services include specific skilled and/or rehabilitation services, skilled supervision, and management of a complicated or extensive plan of care instituted by a physician; or skilled observation, assessment, and monitoring of a complicated or unstable condition, or of the progress of a rehabilitation program; or skilled evaluation of the proper maintenance therapy for chronic on-going illnesses.

Intermediate Care Facility Services I Level of Care is basic nursing care and services ordered by and under the direction of a licensed physician which are needed in an institutional setting and which can be provided by and under the supervision of a registered nurse or licensed practical nurse on a continuous basis over a twenty-four hour period, for those individuals who do not require the degree of care and treatment provided in a skilled nursing facility.

Intermediate Care Facility Services II Level of Care is primarily supervised personal care and health related services ordered by and under the direction of a licensed physician which are required in an institutional setting and which usually can be provided by trained aides and orderlies under the supervision of a licensed practical nurse during twelve-hour daytime span with registered nurse consultation.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

## Rules

### RULE

#### Capital Area Groundwater Conservation Commission

##### Rules and Regulations for Metering and/or Recording the Yield of Water Wells

###### Authority

The rules and regulations contained herein were prepared in accordance with the provisions of R.S. 38:3076A(8) that states "...to require well owners who are users or well owners providing water to other users, at their own expense, to meter wells to permit accurate determination of rates of use. Metering may be required on a continuous or periodic basis . . ."

###### Purpose

The purpose of these regulations is to implement the above stated authorization for new wells that are drilled and installed after the effective date of these regulations. The regulations apply to wells that are not excluded herein and not otherwise excluded by R.S. 38:3071-38:3084, and are located in the parishes of East

Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana.

###### Exclusions

The following water wells are excluded from the rules and regulations stated herein: Wells with a total depth of less than four hundred feet or wells in the Mississippi River alluvial aquifer; or wells from which the production is used exclusively for bona fide agricultural or horticultural purposes; or for domestic use of persons resident upon the same premises and capable of producing not more than fifty thousand gallons per day in the aggregate; geopressure and geothermal wells, and wells producing water from formations producing oil or gas or both for commercial purposes, or wells producing salt water used for pressure maintenance; wells used in secondary recovery operations or other operations for the production of oil or gas.

###### Effective Date

The effective date of the regulations as stated herein is July 20, 1977.

###### Measuring Well Yield

The well owner shall be required to (1) install a metering device that records and "totals" the yield of the well, or (2) measure well yield or rate under normal pressure to permit the calculation of the "total" yield of the well for a given period of time, or (3) design and construct into the discharge line of water well a bypass line that can be used to periodically measure the flow of the well as the well discharges to the atmosphere, using a measuring device such as a portable or permanently installed orifice plate and manometer. If method (2) or (3) is used, an hour meter or exact records shall be used and/or maintained to record the number of hours the well is pumped for a stated period of time.

###### Records

The well owner shall be required to keep records of well yield and shall, on request, furnish data concerning such records to the representatives of the Capital Area Groundwater Conservation Commission (R.S. 38:3076A(8)).

###### Variance

Requests to vary from the rules and regulations stated herein must be sent in writing to the Capital Area Groundwater Conservation Commission, whose address is: Capital Area Groundwater Conservation Commission, P. O. Box 64526, Baton Rouge, Louisiana 70896, Telephone: (504) 924-7420. The request must show that compliance is impractical and must outline an alternative method.

Adopted by the Commission May 16, 1977.

Marie H. Wenger, Chairman  
Capital Area Groundwater  
Conservation Commission

## **RULE**

### **Department of Commerce Board of Certified Public Accountants**

The State Board of Certified Public Accountants of Louisiana has adopted the following changes to its Rules 3, 4, 5, and 6 based on Sections 87 and 88 of the Revised Statutes of 1950, Title 37, Chapter 2 as follows:

Rules will read as follows:

3. Every certified public accountant and public accountant who is registered with the Board and who is engaged in the practice of his profession on his own behalf shall file annually with the Board a certification that he is practicing as an individual and that there are no partners or associates practicing with him.
4. All firms of certified public accountants or public accountants practicing public accounting in the State of Louisiana shall file annually with the Board a certification of its members and shall promptly notify the Board of any changes in its partners.
5. Each professional accounting corporation practicing public accounting in the State of Louisiana shall, at the time of incorporation, as well as annually thereafter, file with the Board a certification of its shareholders and shall promptly notify the Board of any changes in its shareholders. In addition, such corporation shall furnish to the Board an insurance certificate evidencing that it carries professional liability insurance in the amount of \$50,000.00 for each shareholder, and for each certified public accountant in its employ to a maximum of \$2,000,000.00.
6. An original letterhead must be attached to the certification referred to in Rules 3, 4, and 5 above. Licensed employees or associates may be shown on stationery but such names shall be separated from that of the individual practitioner or those of the partners or shareholders by an appropriate line. Deceased and retired partners or shareholders shall be appropriately identified.

Lydia F. Parek, Executive Director  
Board of Certified Public Accountants

## **RULE**

### **Board of Elementary and Secondary Education**

Rule 3.07.10a

(This policy should be substituted for the 1976-77 policy in effect.)

The Board adopted the 1977-78 State Plan for Adult Education for Louisiana on June 23, 1977, to become effective on July 20, 1977. The Department of the State Register, in accordance with R.S. 49:954.1C, has exercised its privilege to omit from the Louisiana Register the text of the State Plan. The public may inspect the State Plan at the Board's office, Room 104, Education Building, 646 North Fourth Street, Baton Rouge, Louisiana.

Earl Ingram,  
Board of Elementary and  
Secondary Education

## **RULE**

### **Board of Regents**

#### 4.3 Guidelines for Statewide Articulation at the Undergraduate Level

##### Preamble

It is the aim of this policy to ensure that various transitions which students may encounter in their educational careers will be orderly and, to the extent possible, easy. Such transitions occur when students change educational program or level, and when they attend more than one type of postsecondary institution or more than one institution of the same type. The specific policy provisions below place certain responsibilities on each public higher education institution in the state. They also indicate responsibilities on a statewide level to be assumed or delegated by the Board of Regents. For the policy to accomplish its intended purpose, it is necessary, also, that students take certain responsibilities. They must seek information they require; plan, to the extent possible, for the transitions they will experience; provide institutions with necessary records and information; and, if at all possible, abide by the time framework of each institution in matters such as submitting applications and forwarding transcripts. Additionally, students must recognize the necessity for the administration of institutional procedures designed to assess the individual student's level of competence.

\* \* \* \*

#### 2.10 Reconsideration of Terminated Academic Programs

Any academic program which the Board of Regents terminates may be reconsidered under the following conditions:

1. The Commissioner of Higher Education must receive a request from the appropriate management board within ninety days of the day on which the Board of Regents votes to terminate the program.
2. The Commissioner of Higher Education will

inform the affected management board at least one month in advance of the date on which the Academic Affairs Committee will review the request. Relevant written materials, which the affected institution and/or management board wishes the Board of Regents to consider, must be submitted to the Commissioner of Higher Education at least fifteen days prior to the date for the Academic Affairs Committee's review.

3. The Board of Regents will reconsider the status of a terminated academic program only once. If the Board then reaffirms its decision to terminate the program, the affected institution and management board may reapply for the program in accordance with policies 2.2, 2.3, 2.4, of the Board of Regents pertaining to the submittal of new academic programs.

William Arceneaux, Commissioner  
of Higher Education

**RULE**

**Department of Health and Human Resources  
Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, has adopted policy changes that will allow reimbursement to hospitals when dentists admit patients for emergency and/or life threatening conditions. An "emergency and/or life threatening condition" is defined as a condition arising as a result of an injury to or disease of the teeth or supporting structures which if left untreated may endanger the life of the individual. Inpatient hospital treatment for following dental conditions are reimbursable: lacerations, fractures, foreign bodies, dislocations, hemorrhages, neoplasms, sinusitis requiring dental intervention, cysts, osteomyelitis or major acute infection. A condition not listed above or not of an emergency nature must be pre-authorized for payment.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

**RULE**

**Department of Health and Human Resources  
Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, has adopted the following policy which will permit a system of treatment passes in order to allow continuation of treatment to termination. Patients may be granted passes not to exceed seventy-two hours when the individual's treatment plan requires

a medically necessary home pass. Extensions to permit inpatient hospital treatment may be granted provided application is made to the Medical Director prior to the expiration of the fifteenth eligible day of inpatient hospital care. The medical need for the interruption of the treatment plan must be documented in the patient's hospital chart by the attending physician.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

**RULE**

**Department of Health and Human Resources  
Board of Nursing**

Unit III

3.01 Legal Standards of Nursing Practice

The Louisiana State Board of Nursing recognizes that assessment, planning, intervention, teaching, and supervision are the major responsibilities of the registered nurse in the practice of nursing. The Standards of Nursing Practice provide a means of determining the quality of care which an individual receives regardless of whether the intervention is provided solely by a registered nurse or by a registered nurse in conjunction with other licensed or unlicensed personnel.

The Standards are based on the premise that the registered nurse is responsible for and accountable to the individual for the quality of nursing care he or she receives.

The Standards of Practice shall:

1. Be considered as base line for quality nursing care.
2. Be developed in relation to the law governing nursing.
3. Apply to the registered nurse practicing in any setting.
4. Govern the practice of the licensee at all levels of practice.

3.02 Standard No. 1.

Data concerning an individual's health status must be systematically and continuously collected, recorded, and communicated in order to determine nursing care needs, according to the following criteria.

1. The format for the collection of data provides for systematic collection, frequent updating, accessibility, and appropriate confidentiality.
2. The appropriate data includes: (a) growth and development factors, (b) biophysical status, (c) emotional status, (d) cultural, religious, socioeconomic background, (e) performance of activities of daily living, (f) patterns of coping, (g) interaction patterns, (h) individ-

ual's perception of and satisfaction with his health status, (i) individual's health goals, (j) environmental factor (physical, social, emotional, ecological), and (k) available and accessible human and material resources.

3. The data is collected by: (a) interview, (b) examination, (c) observation, and (d) reading of records and reports.
4. The data is collected from: (a) the individual, (b) family members, (c) pertinent others, and (d) other health care personnel.

3.03 Standard No. 2.

Nursing care goals are derived from an analysis of the health status data, according to the following criteria.

1. The individual's health status is compared to the norm to determine if there is a deviation and the degree and direction of deviation.
2. The individual's capabilities and limitations are identified.
3. Short and long term goals are mutually set with the individual and pertinent others. These goals are: (a) congruent with other planned therapies, (b) stated in realistic and measurable terms, and (c) assigned a time period for achievement.
4. Goals are established to maximize functional capabilities and are congruent with: (a) growth and development factors, (b) biophysical status, (c) behavioral patterns, and (d) human and material resources.

3.04 Standard No. 3.

The plan for nursing care must include priorities and nursing actions to achieve the established goals, according to the following criteria.

1. The plan includes priorities for nursing action.
2. The plan includes a logical sequence of actions to attain the goals.
3. The plan is based on current scientific knowledge.
4. The plan incorporates available and appropriate resources.
5. The plan can be implemented.
6. The plan reflects consideration of the dignity of man.
7. The plan includes measures to manage specific patient problems: (a) what is to be done, (b) how to do it, (c) when to do it, (d) where to do it, and (e) who is to do it.
8. The plan is communicated to the individual, to family, to pertinent others, and to health personnel as appropriate.

3.05 Standard No. 4.

The plan for nursing care is implemented according to the following criteria.

1. Nursing action is consistent with the plan for nursing care.

2. Nursing action is documented by: (a) written records, (b) observation of nursing performance, (c) report of nursing action by the individual and/or pertinent others.

3.06 Standard No. 5.

The plan for nursing care is evaluated according to the following criteria.

1. Current data about the individual are used to measure progress toward established goals.
2. Nursing actions are analyzed for their effectiveness in achievement of established goals.
3. The individual, family, and other significant health care personnel participate in the evaluation of established goals.
4. The individual's response is compared with observable outcomes which are specified in the established goals.
5. Determination is made of the long term effects of nursing care on the individual.

3.07 Standard No. 6.

The planning for nursing care is a continuous process of reassessment and modification, according to the following criteria.

1. The input of additional data determines new or revised approaches.
2. New nursing actions are accurately and appropriately initiated.

Ms. Merlyn M. Maillian, R. N.,  
Executive Director  
Board of Nursing

## RULES

### Department of Natural Resources Office of Conservation

#### Statewide Order No. 29-M

Statewide order adopting rules and regulations pertaining to the use of salt dome cavities (i.e. storage chambers) for storage of liquid and/or gaseous hydrocarbons, including surface storage facilities incident thereto and regarding hearings to determine the suitability and feasibility of use of particular salt domes for such purposes.

Pursuant to power delegated under the laws of the State of Louisiana and particularly Title 30 of the Revised Statutes of 1950, as amended by Section 23 adopted by the Legislature as Act 641 of 1976; and after a hearing held under Docket No. SDS 77-2 in Baton Rouge, Louisiana, on May 5, 1977, following publication of notice thereof, as required by the Louisiana Administrative Procedures Act, Title 49, Sections 951

through 968 of the Revised Statutes of 1950, as amended, the following rules and regulations are promulgated by the Commissioner of Conservation as being reasonably necessary for the prevention of waste, protection of rights of the owners of liquid and/or gaseous hydrocarbons stored in a cavity or storage chamber in any salt dome and otherwise to carry out the provisions of the laws of this State. All storage cavities or chambers, regardless of location, begun after the effective date hereof shall fall within the purview of this order.

#### F i n d i n g s

The Commissioner of Conservation finds as follows:

Finding No. 1: That rules and regulations should be established governing the use and/or development of salt dome caverns for storage of liquid and/or gaseous hydrocarbons under those certain conditions as set forth herein below where it is shown that such use and/or storage will carry out the purpose and intent of the laws of this State.

Finding No. 2: That except as to liquid and/or gaseous hydrocarbon storage projects begun before October 1, 1976, no such project to develop and/or use a salt dome in the State of Louisiana for the injection, storage, and withdrawal of liquid and/or gaseous hydrocarbons shall be permitted until the Commissioner has issued an order following a public hearing after ten days notice, under the rules covering such matters, which order shall include the following findings of fact:

A. That the salt dome sought to be used for the injection, storage, and withdrawal of liquid and/or gaseous hydrocarbons is suitable and feasible for such use as to area, salt volume, depth, and other physical characteristics.

B. That the use of salt dome cavity for the storage of liquid and/or gaseous hydrocarbons will not contaminate other formations containing fresh water, oil, gas, or other commercial mineral deposits, except salt.

C. That the proposed storage, including all surface pits and surface storage facilities incidental thereto which are used in connection with the salt dome cavity storage operation, will not endanger lives or property and is environmentally compatible with existing uses of the salt dome area.

And which order shall provide that (i) liquid and/or gaseous hydrocarbons, which are injected and stored in a salt dome cavity, shall at all times be deemed the property of the injector, his successors or assigns, subject to the provisions of any contract with the affected land or mineral owners, and (ii) in no event shall the owner of the surface of the lands or water bottoms or of any mineral interest under or adjacent to which the salt dome cavity may lie, or any other person, be entitled to

any right of claim in or to such liquid and/or gaseous hydrocarbons stored unless permitted by the injector.

Finding No. 3: That in presenting evidence to the Commissioner to enable him to make the findings described in Finding No. 2, the applicant shall demonstrate that the proposed storage of liquid and/or gaseous hydrocarbons will be conducted in a manner consistent with established practices to preserve the integrity of the salt deposit and the overlying sediments. This shall include an assessment of the stability of the proposed cavity design, particularly with regard to the size, shape, and depth of cavity, the amount of separation among cavities, and the amount of separation between the outermost cavity wall and the periphery of the salt deposit.

Finding No. 4: That all projects for the storage of liquid and/or gaseous hydrocarbons approved by the Commissioner pursuant to Finding No. 2 above should be designed, located, equipped, and operated in accordance with the following standards:

#### Section I. Design of Underground Storage Chamber

ber

- A. Prior to the design and construction of an underground storage chamber, a qualified engineer and geologist shall perform an investigation to determine the feasibility of such a storage system at a particular site.
- B. The data obtained during the feasibility investigation shall be considered in the design of a solution mined underground storage system. Design shall be performed by or under the supervision of an engineer or geologist qualified for this type of work, and shall include such factors, among others, as: type of storage use, location of the cavity(ies), number of cavities, cavity capacity, and maximum development diameter of the cavity(ies). The design shall assure that project development can be conducted in a reasonable, prudent, and systematic manner; and shall stress physical and environmental safety and the prevention of waste. The design and solutioning shall be continually reviewed throughout the construction phase to take into consideration pertinent additional detailed subsurface information; and shall include provisions for protection from damage caused by hydraulic shock. The original development and operational plans shall be modified to conform with good engineering practices, if necessary.

#### Section II. Location of Underground Storage Chamber

Chamber

- A. The wellhead and borehole shall be located so that the storage chamber at maximum development diameter shall not extend closer than one hundred feet to the property of others who have not consented to subsurface storage under their land.
- B. The minimum separation of adjacent walls of