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five dollars of the emergency fee will be applicable to the current year's fee.

- D. Bond in the amount of five thousand dollars must be properly executed and submitted with application.
- E. Insurance certificate certifying automobile public liability and property damage coverage in the amount of not less than ten thousand dollars for operations in Louisiana must be submitted.
- F. All trucks entering the State of Louisiana shall be inspected by a field inspector from the staff of the Commission and certified safe.
- G. Operators of the equipment must pass appropriate examination.

Section 1.1 (b) of the Rules and Regulations is hereby declared nonapplicable to the Class VII-E permit.

Lionel T. Ortego, Director
Liquefied Petroleum Gas Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries

The Louisiana Wildlife and Fisheries Commission has exercised the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to place into effect the following dates and areas for an expanded turkey hunting season:

All Louisiana land: South of U.S. Highway 80 from Tallulah to the Mississippi state line; all Louisiana land east of U.S. Highway 65 from Tallulah to State Highway 605, north and east of State Highway 605 to the junction of State Highway 608 to Point Pleasant Road, north of Point Pleasant Road to the Mississippi state line.

The season dates will be March 26 through April 10, 1977, for a sixteen-day period. Season will be for gobblers only.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Rules

RULES

Department of Agriculture Bureau of Entomology and Plant Industry

Supplement to the Sweet-potato Weevil Quarantine and Regulations

In accordance with the authority vested in the Louisiana Department of Agriculture of Part 2 of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950, the Sweet-potato Weevil Quarantine and Regulation is hereby supplemented as follows:

III. Quarantined Areas

1. In the United States
 - a. The areas hereby quarantined on account of the sweet-potato weevil shall be the portions of all states in which sweet-potato weevil infestations are known to occur, and so officially designated as quarantined or regulated areas, by the sweet potato quarantines of the states of Alabama, Florida, Georgia, Louisiana, Mississippi, Texas and South Carolina.
2. In Louisiana
 - a. Quarantined areas in Louisiana are hereby declared to be the entire parishes of Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, West Feliciana, and those parts of parishes hereinafter listed:

Bienville Parish—Ward 4; that portion consisting of a one mile radius of and including the property of Enis Lowe, Section 12, R5W, T16N, and that por-

Emergency Rules

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) on March 9, 1977, to implement that part of Public Law 94-401 (1976 Amendments to Title XX of the Social Security Act) which provides for grants to child day care providers to employ welfare recipients. Public Law 94-401 is administratively detailed in the Federal Register, Volume 42, No. 20, page 5,864—Monday, January 31, 1977. The time period for which grants may be paid to child day care providers for employment of welfare recipients dates retroactively from September 7, 1976, and continues through September 30, 1977. The limited period in which the program is operative necessitates emergency rulemaking in order to implement the program timely.

Grants will be made by the Office of Family Services (OFS) to qualified child day care providers for employment of eligible welfare recipients. A qualified child day care provider is defined as an individual in whose facility at least twenty percent of the total number of children regularly served are partly or totally funded under Title XX. In addition, the day care facility must have a day care license issued by the Office of Family Services.

An eligible welfare recipient is defined as an individual who meets the following requirements:

1. Must have been certified for Aid to Families With Dependent Children (AFDC) continuously during the ninety-day period immediately preceding the date on which the employee was hired.
2. Must have been employed by the day care provider on or after September 7, 1976.
3. Must have been a full-time employee of the center for a period in excess of thirty calendar days before the center can bill OFS for reimbursement.
4. Must not have displaced any other individual from employment in the center.

5. Is not a migrant worker.

Grants (reimbursement of expenses related to employment of AFDC recipients) may be paid to qualified public, nonprofit private, and proprietary child day care providers, through contracts with the Office of Family Services, for salaries paid to employ eligible welfare recipients, provided the grants do not exceed the following amounts:

1. Five thousand dollars to public and nonprofit private providers for each recipient per year.
2. Four thousand dollars to proprietary providers for each recipient per year.

Implementation and administration of this employment program is accorded a high priority within the Office of Family Services in order that eligible AFDC recipients may participate in the program.

William H. Stewart, M.D., Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

Liquefied Petroleum Gas Commission

The Louisiana Liquefied Petroleum Gas Commission has exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) and made effective February 25, 1977, the following Class VII-E (Emergency) permit.

Class VII-E

Holders of these permits may transport liquefied petroleum gases on the highways of Louisiana. These permits are valid only for ninety days from date of issue and may be secured from the office of the Director upon receipt of the following:

- A. Application must be submitted to the office of the Liquefied Petroleum Gas Commission.
- B. Check for filing fee in the amount of twenty-five dollars made payable to the Liquefied Petroleum Gas Commission must be submitted.
- C. Check for Emergency Permit (valid for ninety days only) made payable to Department of Revenue in the amount of one hundred dollars must be submitted. In the event the applicant desires to obtain a permanent Class VII, seventy

tion consisting of a one mile radius of and including the property of Henry Lowe, Section 13, R5W, T16N;

Caddo Parish—Wards 6 and 7; that portion consisting of a one mile radius of and including the property of Dr. Joe White, 115 Lucia Lane, Shreveport; that portion consisting of a one mile radius of and including the property of T. M. Boyter, Section 29, R14W, T18N; that portion consisting of a one mile radius of and including the property of Mrs. L. M. Laborde, Section 32, R13W, T16N and that portion consisting of a one mile radius of and including the property of Tony Scarpinato, Section 16, R13W, T16N;

Caldwell Parish—that portion consisting of a one mile radius of and including the property of Ed Hilburn, Section 28, R3N, T14N, and that portion consisting of a one mile radius of and including the property of Clifton Hilburn, Section 28, R3N, T14N;

DeSoto Parish—that portion south of T15N;

Jackson Parish—that portion consisting of a one mile radius and including the property of Loretta Denton, Section 26, R4W, T16N, and that portion consisting of a one mile radius and including the property of Lee Watkins, Section 11, R4W, T15N;

Lincoln Parish—that portion consisting of a one mile radius of and including the property of James Kay, Section 13, R3W, T17N;

Natchitoches Parish—that portion west and southwest of the Red River;

and/or such other area or areas as may hereafter be designated as quarantined areas by notice in the Louisiana Register and Official Journal of the State of Louisiana by the State Entomologist, with the approval of the Commissioner.

- b. Non-sweet potato areas shall be infested properties in the area north of Avoyelles and Rapides Parishes, east and northeast

of the Red River line at Grant Parish, northeast of the Red River in Natchitoches Parish, north of the Natchitoches Parish line west of the Red River and north of the Sabine Parish line, and such other area or areas as may hereafter be declared non-sweet potato areas by publication in the Official Journal and the Louisiana Register by the State Entomologist, with the approval of the Commissioner.

The above supplement to the Sweet-potato Weevil Quarantine and Regulation shall be revised effective on and after March 20, 1977.

Richard Carlton, State Entomologist
Bureau of Entomology and Plant Industry

RULES

Board of Elementary and Secondary Education

The Board of Elementary and Secondary Education adopted Bulletin 741, Handbook for School Administrators, Part I, Revised 1977 at its regularly scheduled meeting of February 24, 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 Handbook for School Administrators. The public may inspect these rules at the Board's office, Room 104, Education Building, 646 North Fourth Street, Baton Rouge, Louisiana.

Earl Ingram, Director
Board of Elementary and
Secondary Education

RULES

Department of Health and Human Resources Office of Family Services

Minimum Standards for Licensure of Child Day Care Centers

Introduction

Licensing Authority—The State of Louisiana, Department of Health and Human Resources, Office of Family Services, is charged with the responsibility for

developing and publishing standards for the licensing of day care centers.

The licensing authority of the Office of Family Services is established by R.S. 46:1401-1411 (Act 367 of 1956 and amended by Act 152 of 1962, Act 241 of 1968, and Act 290 of 1976) making mandatory the licensing of all child welfare agencies, including day care centers. A day care center is defined as "any place operated by a person, society, agency, corporation, institution or any other group, wherein are received five or more children under seventeen years of age who are not related to such person and whose parents or guardians are not residents in the same house, for daytime control, care and food." Daytime is interpreted to mean any part of a twenty-four hour day. The Act provides a penalty for operation of a center without a valid license. The penalty for operation without a license is a fine "of not less than twenty-five dollars nor more than two hundred dollars for each day of operation without a license." (R.S. 46:1405)

According to law, it shall be the duty of the Office of Family Services, "through its duly authorized agents, to inspect at regular intervals without previous notice all child welfare agencies as defined in R.S. 46:1410."

Licensing Procedure—Before beginning operation, it is mandatory to obtain a license from the Office of Family Services.

Application for a license shall be made by submitting Form 92 or Form 92-B to the State of Louisiana, Department of Health and Human Resources, Office of Family Services, Post Office Box 44065, Baton Rouge, Louisiana 70804. After receipt of the application, the Office of Family Services' regional licensing worker will visit the center and make a licensing study. There is no charge for the licensing service.

Centers must also meet the requirements of other offices and departments, such as health, fire, and zoning regulations where applicable.

The licensing worker's study will be referred to the operator for review in order to eliminate any inaccuracies. The study is then submitted to the Assistant Secretary, Office of Family Services, for review and decision. When it is determined that the center meets requirements, a license is issued. If it is determined that the center does not meet the minimum requirements, the license is refused.

A license is valid for the period for which it is issued but may be revoked if the practice of the day care center falls below minimum requirements. The Assistant Secre-

tary of the Office of Family Services is authorized to determine the period during which such license will be effective.

A license shall not be transferrable to another person or to another location. If there is a change in location, the license shall be returned to the Assistant Secretary of the Office of Family Services and an application made immediately for a license at the new location. The same procedure applies when there is a change in ownership.

If a director or operator thinks a particular standard is not applicable to the center's operation, a request for waiver or modification of the standard may be submitted by the licensing worker in writing to the Assistant Secretary of the Office of Family Services for consideration.

Relicensing Procedure—The relicensing study is similar to the original licensing study but may not be as detailed. Operators have an opportunity to review the study upon request before it is submitted to the Assistant Secretary, Office of Family Services. Ordinarily a license is issued for a period of one year. Before expiration of the license, re-inspections by the Office of Health and the State Fire Marshal shall be required.

If the study reveals that the center is not meeting minimum requirements, a recommendation will be made that a new license not be issued.

Appeal Procedure—If the license is refused or revoked because the center does not meet minimum requirements for licensure, the procedure is as follows:

1. The Assistant Secretary of the Office of Family Services, by registered letter, shall advise the day care center of the reasons for refusal or revocation, and its right of appeal.
2. The day care operator may appeal this decision by submitting a written request to the Assistant Secretary of Family Services. This written request must be postmarked within thirty days of the operator's receipt of the above notification.
3. The Appeal Section of the Office of Family Services shall set a hearing to be held within thirty days after receipt of such a request. The hearing shall be held in the immediate vicinity of the appellant.
4. An Appeal Hearing Officer, of the Office of Family Services shall conduct the hearing. Within ninety days after the date the appeal is filed,

the Office of Family Services shall advise the appellant by registered letter of the decision, either affirming or reversing the original decision. If the license is refused or revoked, the center shall be given thirty days to terminate operation.

5. If the center continues to operate without a license, the Office of Family Services shall give written notice of the violation to the District Attorney in the Parish in which said violation occurs.

Definitions

The following are definitions of terms used in these requirements:

“Owner” is the individual or organization that owns the center but who employs a person to be a full-time director responsible for the operation of the center.

“Operator” is the individual who owns the center and devotes full-time to being the director.

“Director” is an individual employed by the owner of the center or by a board or a church or other organization to be responsible for the operation of the day care center.

“Child care staff” is an individual directly involved in the care and supervision of the children in the center.

I. Organization and Administrative Plan

A. Application for Licensure

Application shall be in writing on the application forms furnished by the Office of Family Services and shall be submitted to the Office of Family Services.

B. Governing Body (Applicable to nonprofit organizations only)

1. There shall be a responsible governing body which shall be one of the following:
 - (a) A board of local citizens elected or appointed for that purpose.
 - (b) A board or committee comprised of members from a religious, charitable, or educational organization, etc.
 - (c) A public authority.

2. The governing body shall exercise sufficient authority so that it can be held reasonably responsible for the center’s practice.
3. The governing body shall have the power to appoint and to dismiss the director of the center.
4. The governing body shall clearly define the duties and responsibilities of the director and determine who has authority to employ and dismiss personnel.
5. The governing body shall maintain records regarding qualifications and references of the director.

C. Fund Raising

1. The responsibility of raising funds shall not interfere with the director’s administrative duties in conducting the program.
2. Children shall not be involved in campaigns or publicity efforts without the written consent of the parent.

D. Changes

The Office of Family Services shall be notified before changes are made which might have an effect upon the license, (for example, changes in age range of children to be served, changes in space).

E. Release of Children

Arrangements for the child’s return to the parent shall not include third parties or other child care facilities unless written agreement between the day care facility and the parent is on file with the center.

F. Required Records

1. Personnel records

There shall be on file at the center for each regularly employed and substitute member of the staff a record including the following information:

- (a) Name, age, address, telephone number.
- (b) Health records.
- (c) Previous work experience and training, including education.

- (d) Accidents, resulting in personal injury while on duty.
- (e) A written staff plan for the director and staff member which includes the duties to be performed, the hours of work, and the person to whom each is responsible.

Personnel records should be kept for one year after the employee leaves. Health records may be returned to the staff member upon request.

- 2. Health information regarding the persons living in a private residence, part of which is used as a day care center.
- 3. Children's records

The center shall have on file and available at all times the following records for each child in care:

- (a) All information required on the Master Card (Form 94-B). (If a center has enrollment forms which contain all the information included on the Master Card, they may be used.)
- (b) All medical information required on the Health Card (Form 94-G). (Children's health records need not be held after the date of withdrawal and should be returned to the parents.)
- 4. Current written reports from the State Fire Marshal and the Office of Health.
- 5. Occupational license (when applicable).
- 6. Certificate of occupancy (zoning requirement).
- 7. Current day care license on display.

II. Personnel

A. Qualifications

1. Director or Operator

- a. Must be a mature, competent person who can combine the duties of administration with the duties of providing an environment conducive to the physical, emotional, and social growth of children. This shall be documented by two or more unrelated

references who have knowledge of the director or operator's competence.

- b. Must be at least twenty-one years of age. During the director's absence from the center a staff member must be designated to assume the director's responsibilities. This staff member must be at least twenty-one years of age.
- c. If a director or operator or member of his immediate family has had a previous license revoked or refused, upon reapplication, applicant shall provide satisfactory evidence that the reason for such revocation no longer exists.

2. Child Care Staff

- a. Must have the skills and capability necessary to work with children in order to provide an environment conducive to the physical, emotional, and social growth of children.
- b. Should be at least eighteen years of age. Persons between the age of sixteen and eighteen enrolled in training programs approved by the Department of Education, may be employed provided the number does not exceed one-fourth of the child care staff.

3. All Center Staff (Includes the director, operator, child care staff, and any other employees of the center such as the cook, housekeeper, chauffeur.)

- a. Each staff member must be known in the community to be of good reputation.

A previous conviction of any employee of any crime of moral turpitude, felony, or any violation of a criminal statute enacted for the protection of children shall constitute sufficient reason for the denial of a license. A subsequent conviction of the employee of any of these types of offenses shall constitute sufficient reason for the immediate revocation of a license already issued, if the employee remains on the center staff. A plea of guilty to any of the above mentioned crimes shall be considered the same as a conviction.

b. Health requirements

- (1) All center staff shall be required to obtain, within two weeks before beginning work, and at least every twelve months thereafter, a written statement from a physician certifying that the individual:
 - (a) Is in good health and is physically able to care for children.
 - (b) Is free from infectious and contagious diseases.
 - (c) Has no evidence of active tuberculosis. At the time of employment, a negative skin test or a negative chest X-ray is required.
- (2) The director or operator or any center staff shall not remain at work if he has any sign of a contagious disease.
- (3) Each person living in a private residence, part of which is used as a day care facility, shall meet the same medical requirements as employed personnel and children enrolled.
- (4) Substitute workers and volunteer workers shall meet the same medical requirements as regularly employed staff.
- (5) If any staff member has been treated for a psychiatric disorder, a license shall not be granted until there is sufficient evidence that the staff person has recovered and is able to perform his duties. A written statement from the treating psychiatrist or his designated successor may be required by a licensing worker.

B. Required Child Care Staff

1. Required child care staff for centers serving ten or fewer children (including the operator's and/or staff's own preschool children):

Number	Staff
10 (if no more than two children are under age two)	1
10 (if three or more children are under age two)	2

2. Required child care staff for centers serving eleven or more children:

Children	Number	Staff
Nonwalkers and toddlers under twelve months	6	1
Toddlers (over twelve months)	8	1
Two-year olds	12	1
Three-year olds	14	1
Four-year olds	16	1
Five-year olds	20	1
School age	25	1

When the center serves children of mixed ages, excluding children under two years, an average of the staff ratio may be applied.

3. Only those staff members directly involved in child care and supervision shall be considered in assessing staff/child ratio.

C. Other Required Staff

1. When the number of children at the center exceeds ten there must be an individual immediately available in case of an emergency.
2. If the number of children exceeds forty-two, the director or operator shall give full-time to administration. The director or operator shall be on duty a minimum of eight hours a day at the center.
3. A half-time cook-housekeeper shall be required every day in centers caring for twenty-one, but less than twenty-nine children. A full-time cook-housekeeper shall be required every day in centers caring for twenty-nine or more children.
4. If day and night care are offered, there must be separate shifts.
5. If the director or operator is responsible for more than one center, there must be an individual designated as responsible for the operation of each center.
6. There shall be provisions for substitute help, if the director or any regular employee is absent from the center.

III. Plant and Equipment

A. Space Required