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# Emergency Rules

## DECLARATION OF EMERGENCY

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

Effective July 1, 1978, the Department of Health and Human Resources has adopted policy to be utilized to approve extensions beyond the maximum allowed fifteen days of hospitalization per recipient per year under the Medical Assistance Program.

The policy reads as follows:

Effective for admissions on and after July 1, 1978, the Professional Studies Activities/Length of Stay (PAS/LOS) criteria will be applied to all patient hospital stays as long as the recipient has at least one of his eligible fifteen days remaining.

The Office of Family Services is implementing this procedure for the following reasons:

1. Federal program requirements specify that payment can be made only for medically necessary hospital stays.
2. The Office of Family Services wishes to determine if it is budgetarily feasible to remove the existing fifteen day annual maximum and to pay for each admission for an eligible recipient using the PAS/LOC guidelines.

This action shall be taken pursuant to R.S. 49:953B. Copies of the emergency rule are available for public examination with the Department of Health and Human Resources, Office of Family Services, 755 Riverside North, Baton Rouge, Louisiana.

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

## DECLARATION OF EMERGENCY

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

Effective July 15, 1978, the Department of Health and Human Resources has adopted policy regarding an increase in the maximum dispensing fee for prescriptions.

The policy reads as follows:

Effective July 15, 1978, the dispensing fee allowance for prescriptions under the pharmaceutical services program of the Office of Family Services is increased to a maximum of \$2.80.

The Office of Family Services is implementing this policy for the following reasons:

1. The results of the Federally mandated survey conducted to determine the cost of dispensing a prescription in Louisiana warrants an increase in the dispensing fee for prescriptions paid by the Medical Assistance Program.
2. The required funds have become available by legislative enactment to revise payments to reflect these increased costs.

This action shall be taken pursuant to R.S. 49:953B. Copies of the emergency rulemaking are available for public examination at the Department of Health and Human Resources, Office of Family Services, 755 Riverside North, Baton Rouge, Louisiana.

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

## DECLARATION OF EMERGENCY

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

Effective June 1, 1978, the 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 the following new rates of payment to Skilled Nursing Facilities (SNF), Intermediate Care Facilities I (ICF I) and Intermediate Care Facilities II (ICF II). The rates are as follows:

New Rates	SNF	ICF-I	ICF-II
Monthly	\$717.23	\$650.92	\$465.98
Daily	\$ 23.58	\$ 21.40	\$ 15.32

These rate increases for Skilled Nursing Facilities and Intermediate Care Facilities I and II services are being implemented based on verification through cost reports of increased actual costs for providing these services and the availability of funds to revise payments to reflect increased costs.

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

# RULES

## RULE

### Board of Trustees for State Colleges and Universities

Section 8.12 Student Government Association.

#### A. Statement of Policy.

The Board recognizes the value of the Student Government Associations at the institutions under the jurisdiction of the Board and encourages the establishment of Student Government Associations which are mutually beneficial to the student body and the institutions. A Student Government Association shall operate under a constitution approved by the President of an institution. An institution is authorized to collect Student Government Association fees, approved by the Board, and to maintain them in a separate institution account. Funds may be withdrawn from a Student Government Association account by authorization of a legally constituted body of a Student Government Association with the approval of an institution's chief student personnel officer and/or his or her designated agent.

#### B. Tuition waiver and salaries for Student Government Association (SGA) Officers.

1. A waiver of tuition (as defined in Section 6.6B of Part VI of this Manual) shall be granted, by the institutions under the jurisdiction of the Board, to the top three elected SGA officers at those institutions, with the exception of Delgado Vocational-Technical Junior College, where the recipients of the tuition waivers shall be the SGA Presidents at the four Delgado College campuses. The waiver of tuition shall remain in effect for the duration of the respective terms of office.

2. A salary may be paid, with student government funds, to the president, vice president, treasurer, and/or secretary; the salary shall be determined by the Student Government Association at each institution.

3. Receipt of this tuition waiver and salary for the SGA officers shall be contingent upon performance of assigned duties and tasks as set out and defined in the respective SGA constitutions.

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

## RULES

### Board of Elementary and Secondary Education

#### Rule 5.03.31a

The Board amended the policy on out-of-state fees for students enrolled in vocational-technical schools to allow appeals in special cases by deleting the phrase "of Louisiana industry" to read as follows:

State operated trade and vocational-technical schools are not to charge this fee to permanent employees who are taking night or extension courses.

\* \* \* \*

#### Rule 3.07.10a

The Board adopted Annual Program Plan for Adult and Community Education for Fiscal Year 1979.

\* \* \* \*

#### Rule 3.05.01

The Board adopted Title I Migrant Education State Plan for Fiscal Year 1979.

The Department of the State Register has elected not to publish these two annual plans in accordance with R.S. 49:954.1C. Copies of the plans may be obtained from the Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.

\* \* \* \*

#### Rule 3.01.51i

The Board approved for final adoption an amendment to Bulletin 741, *Handbook for School Administrators*, page 32 to allow promotion from one elementary grade to another elementary grade upon removal of deficiencies during summer school.

#### Summer Schools

The following regulations govern the operation of approved summer schools:

##### Purpose

1. To enable students to schedule courses which would tend to enrich their experiences.
2. To take new subjects.
3. To enable students who have failed in subjects to remove deficiencies.

##### Administration

1. A summer school must be organized and operated under the administrative and supervisory control of the chief administrative officer of the school system.
2. Summer school must be conducted in an approved school building.
3. A parish with seven or more summer school teachers shall have at least one certified principal.

##### Application

1. All summer schools must apply to the State Department of Education for approval.
2. An application for approval of summer school offerings must be filed no later than the end of the first week after school is in session.

James V. Soileau, Director  
Board of Elementary and Secondary Education

## RULES

### Board of Regents

#### Amendment to Policy 4.1

In the section of Policy 4.1 entitled "Academic Tenure," the third paragraph will read as follows:

The uniform minimum provisions for tenure adopted by the Board of Regents shall be implemented in all public colleges and universities, including their professional schools, in Louisiana. Any higher education management board may adopt more stringent requirements for awarding tenure than those contained in this policy; however, no management board may adopt less stringent requirements for tenure than those contained herein. The following statements of the Regents define the general provisions of the uniform tenure policy which shall be administered by the respective management boards:

\* \* \* \*

#### Guidelines for Programs for Preparation of Teachers and other Professional School Personnel

All programs existing in the state as of the date of this policy which have achieved approval by their institution's management board and the Board of Regents and which meet certification requirements of the State Board of Elementary and Secondary Education will be maintained subject to the Board of Regents' ongoing academic program review.

All new programs of study and new degree programs in teacher education shall be recommended for approval by the State Department of Education to the State Board of Elementary and Secondary Education only after prior approval of the program by the institution's management board and the Board of Regents. An institution desiring to initiate a program in teacher education may, if it so desires, consult with the Department of Education at any time for review and advice on the acceptability of the program for certification purposes. As adopted by the Board of Regents, this policy applies to public institutions of higher education.

\* \* \* \*

#### Policy on Graduate Courses Offered in Louisiana by Out-of-State Institutions

Courses offered in Louisiana by out-of-state institutions shall be recognized for purposes of teacher certification and salary increments only if the following conditions are met:

1. The out-of-state institution must be registered with the Secretary of State as a bona fide business operating in the State of Louisiana for the purpose of offering teacher education courses or programs and with the Louisiana State Board of Regents as required by Act 225, 1976.
2. Any institution offering a course in Louisiana must have State approval and regional accreditation recognized by the state in which the institution is domiciled for each program from which a course is offered.
3. Course level offerings in the State of Louisiana must bear accreditation at the same level of offering in the state of domicile.
4. Post-baccalaureate courses offered in Louisiana must be applicable to the same advanced degree program at the home campus of the out-of-state institution and must carry comparable graduate credit at the home campus.

Responsibility for written verification of compliance with the above conditions lies with the applying institution prior to the first class meeting of each course.

William Arceneaux  
Commissioner of Higher Education

## RULES

### Office of the Governor Division of Administration

*(Editor's Note: The following rules will become effective on July 24, 1978.)*

#### LAC 1-3:1 Definitions

1.0 Definitions of terms: For the purposes of these rules, the following terms shall be defined as indicated:

1.1 Allocation—the assignment of an individual position to an appropriate class on the basis of its duties and responsibilities, and the knowledge, abilities and skills required of incumbents.

1.2 Appointing authority—the Commissioner or other persons delegated by him or her to appoint or remove employees of the Office of the Governor.

1.3 Certify, certification—the act of supplying a section head with a list of applicants from an eligibles register to enable him or her to fill a vacant position on the basis of merit.

1.4 Class—a position or group of positions that involve similar duties and responsibilities, require similar qualifications, are designated by a single title indicative of the kind of work, and for which the same pay range can be applied with equity.

1.5 Classification—a synonym for “allocation.”

1.6 Classified employee, classified position—an employee or position subject to the personnel rules of the Louisiana Civil Service System.

1.7 Class specification—a written statement of the duties and responsibilities characteristic of a class which also includes the knowledge, abilities, and skills required to perform the work of the class and the education and experience normally required to provide the specified knowledge, abilities, and skills.

1.8 Classification plan—the orderly arrangement into classes of all covered positions in the Office of the Governor.

1.9 Covered position—a position in the Office of the Governor included under the authority of these rules by the provisions of LAC 1-3:2.3 and any administrative determinations authorized by that rule.

1.10 Demotion—movement by an employee with permanent or probationary status in class from a permanent position in one class to a permanent position in another class which has a lower maximum salary rate.

1.11 Dismissal—a separation from service for cause.

1.12 Eligible—a person who has demonstrated in the examination process that he or she had the minimum qualifications necessary to learn the duties and responsibilities of the class within a reasonable probationary or trainee period.

1.13 Eligibles register—a ranking of all eligibles for a class according to their current examination grades.

1.14 Employee—a person occupying an allocated position in the Office of the Governor.

1.15 Examination—a test or combination of tests held by the Personnel Director to determine the relative merit of applicants for the positions in the Office of the Governor. These may consist of a written test, oral interview, evaluation of training and experience, performance test, aptitude test, or such other measures of merit as are deemed appropriate by the Personnel Director.

1.16 For cause—as in suspension for cause and dismissal for cause; a sufficient degree of substandard performance or undisciplined or insubordinate behavior on the part of an employee such that the proper functioning of the employee's work unit is impaired.

1.17 Full-time position—a position whose normal workweek is forty hours or more.

1.18 Layoff—a separation from employment made necessary by lack of work or funds, or for other reasons not related to the failure of the employee to perform up to the standards of work for the class.

1.19 Leave earned—time off with pay accumulated according to prescribed formulas.

1.20 Part-time position—a position whose normal workweek is less than forty hours.

1.21 Pay plan—a schedule of salary ranges and steps within ranges established pursuant to these rules.

1.22 Permanent position—a position budgeted with the expectation that it will be staffed for the full budget year.

1.23 Permanent status in class—the status obtained by an employee upon his or her completion of the probationary period for his or her current position.

1.24 Position—a group of current duties and responsibilities assigned or delegated by competent authority and requiring the full or part-time services of one employee.

1.25 Position control number—a number assigned by the Personnel Director to a position in order to track all changes in incumbents or class allocations. Every covered position has a unique, unchanging position control number.

1.26 Probationary period—a working test period which must be successfully completed for an employee to obtain permanent status in class.

1.27 Promotion—movement by an employee with permanent or probationary status in class from a permanent position in one class to a permanent position in another class which has a higher maximum salary rate.

1.28 Reallocation—action by the Personnel Director assigning a position to a new class because of changes in its duties and responsibilities.

1.29 Resignation—a separation from employment at the request of the employee which is not used to avoid the effect of a disciplinary order by a section head or the Personnel Committee, and which is not a retirement.

1.30 Retirement—a separation from employment at the request of the employee, after which the employee is qualified to receive retirement benefits from one or more of the official State retirement systems.

1.31 Section—a principal organizational unit within the Office of the Governor; includes agencies, authorities, or commissions established either by legislation or executive order.

1.32 Separation from service—any separation from employment; includes layoff, dismissal, resignation, retirement or death.

1.33 Sick leave—time off with pay granted an employee who is suffering with disability which prevents the performance of the employee's duties and responsibilities; or who requires medical, dental or optical consultation or treatment.

1.34 Student—a person enrolled in an accredited high school, college, or university in the State, or a person enrolled in a State-operated vocational technical school, in a sufficient number of courses and classes in such institution to be classified as full-time regular student under the criteria used by the institution in which he is enrolled; or a person enrolled in an off-campus college work-study program in a proprietary institution of higher education as defined in Section 461(b) of the Higher Education Act of 1965, as amended. A bona fide student shall not lose status as such because of vacations during the academic year or because of failure to attend summer school.

1.35 Suspension—enforced leave without pay for cause.

1.36 Temporary intersectional assignment—the movement of an employee between sections to temporarily perform the

duties and responsibilities of a vacant position for which he or she is qualified.

1.37 Temporary position—a position budgeted with the expectation that it will be staffed for less than the full budget year.

1.38 Trainee—an original appointee who is unable to fully perform the duties and responsibilities of the class because of the highly complex nature of the work. The employee requires a longer, more intensive introductory period than the ordinary probationary period is designed to provide.

1.39 Transfer—movement by an employee between positions in the same class.

1.40 Vacancy—a position in the Office of the Governor established but not occupied.

### **LAC 1-3:2 General Provisions**

2.1 Title: These rules shall be known as the Personnel Rules of the Office of the Governor.

2.2 Purpose: These rules are designed to serve as the basis for a comprehensive human resources management system, based on merit principles and to aid in the efficient management of all sections within the Office of the Governor.

2.3 Scope of rules: These rules apply to the following positions in the Office of the Governor and their incumbents.

A. All positions in the Division of Administration except the Commissioner of Administration.

B. All positions in the following sections: Contractual Review, Facility Planning and Control, and the State Register.

The Commissioner of Administration may exempt from the coverage of these rules forty policy-making and confidential positions in the sections named in A and B above.

2.4 Amendment of rules: Amendments to these rules may be proposed to the Personnel Committee by any administrator, supervisor, or employee of the Office of the Governor, or by any member of the Personnel Committee. Amendments shall be effective when approved and promulgated by the Personnel Committee.

### **LAC 1-3:3 Organization for Personnel Administration**

3.1 The Commissioner of Administration: The Commissioner of Administration shall:

3.1.1 In his capacity as appointing authority, approve all appointments, promotions, demotions, transfers, separations from service, or pay changes in accordance with these rules.

3.1.2 Appoint a Personnel Director to whom authority for the administration of the human resources management system shall be delegated.

3.2 The Personnel Director: The Personnel Director shall be responsible to the Commissioner for the administration and technical direction of the human resources management system. As secretary to the Personnel Committee he or she shall be responsible for the execution of any decisions or orders of the Committee. The Personnel Director shall:

3.2.1 Formulate and prescribe such procedures and forms as he or she may deem necessary, appropriate, or desirable to carry out the principles, policies, and rules of the human resources management system.

3.2.2 Develop, administer, and maintain the classification plan.

3.2.3 Recommend to the Personnel Committee amendments to the pay plan as necessary to maintain its competitiveness with other employers, considering both fringe benefits and immediate compensation.

3.2.4 Administer the pay plan.

3.2.5 Establish and maintain a roster of all employees in the Office of the Governor and other elements of a personnel information system.

3.2.6 Administer procedures, standards and guides for the systematic evaluation of the performance of all personnel covered by these rules.

3.2.7 Develop and administer a program of employee communications and relations.

3.2.8 Develop and administer such recruiting and examination programs as may be necessary to obtain an adequate supply of qualified employees to meet operating needs and requirements of the Office of the Governor.

3.2.9 Develop in cooperation with section heads and the Commissioner, training, educational, and safety programs for employees of the Office of the Governor covered by these rules.

3.2.10 Prepare and submit to the Commissioner budget requests covering the estimated costs of administering the human resources management system.

3.2.11 Attend all meetings of the Personnel Committee and act as its secretary and keep minutes of its proceedings.

3.2.12 Prepare an annual report to be presented to the Personnel Committee setting forth a statistical summary of the classification, allocation, pay survey, and employee relations activities of the Personnel Office.

3.3 The Personnel Committee: The Personnel Committee shall be comprised of seven members.

3.3.1 Three members shall be persons from the private sector and/or colleges and universities with professional skills in personnel management, law, or labor-management relations and shall be appointed by the Governor for staggered three year terms.

3.3.2 Two members shall be administrators or supervisors within the Office of the Governor and shall be appointed by the Commissioner.

3.3.3 Two members shall be permanent, full-time employees of the Office of the Governor, but not section heads or their principal assistants, and shall be elected by fellow employees.

3.3.4 The term for administrators, supervisors and employees of the Office of the Governor serving on the committee shall be one year.

3.3.5 Four members of the committee shall constitute a quorum for any purpose.

3.4 Delegation of duties: To enhance the efficiency and effectiveness of the administration of the human resources management system, the Commissioner and the Personnel Director may, at their discretion, delegate to subordinate employees any of their duties as set forth in these rules.

### **LAC 1-3:4 The Classification Plan**

4.1 Purpose of the classification plan: The classification plan shall provide a complete inventory of all positions in the Office of the Governor covered by these rules and accurate specifications for each class of employment. The plan shall standardize titles, each of which will be indicative of a definite range of duties and responsibilities and will have the same meaning throughout the Office of the Governor.

4.2 Composition of the classification plan: The classification plan shall consist of:

4.2.1 A grouping into classes of similar positions which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be compensated equitably within the same range of pay under similar working conditions;

4.2.2 Class titles, descriptive of the work of the class, which will identify each class;

4.2.3 Written specifications for each class of positions, containing a description of the nature of work of each class of positions; illustrative examples of work performed in the class;