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Policy and Procedure Memoranda

Office of the Governor
Division of Administration

Policy and Procedure Memorandum No. 64

Subject: Printing Procedures

Effective Date: September 8, 1978

Authorization: R.S. 43:1-31 (Act 130 of 1978 replaces R.S. 43:31)

This policy and procedure memorandum rescinds, supersedes, and cancels Policy and Procedure Memorandum No. 62 revised, including any and all previous delegation of authority pertaining to PPM No. 62.

All administrative boards, commissions, departments, agencies, institutions, and offices within the Executive Branch of State government shall purchase all requirements of printing and engraving through Central Purchasing, Division of Administration. Exceptions: Louisiana State University and Agricultural and Mechanical Colleges, the Department of Transportation and Development, and the port authorities.

All requirements for printing, engraving, and binding shall be submitted directly by the agency to Central Purchasing, Division of Administration, and shall not be handled at the agency level through the printing vendors or their representative. Certified library binding should be handled on a release order through the agency's purchasing section using the correct binding contract for certified library binding and rebinding of books.

Requisition: All items of printing, binding, or engraving shall be requisitioned on a purchase requisition (Form DA 101 or DA 101 A. If agency is on FACS, use FACS 101) and only like items shall be requisitioned on each requisition form.

Examples:

1. Printed letterheads
2. Engraved letterheads
3. Flat forms
4. Snap set (same size)
5. Continuous forms
6. Card forms

Each requisition must be accompanied by complete specifications (size, color, and kind of paper, construction, numbering information, etc.) and a sample or clean layout. The sample must be a complete original. A Xerox copy or a reference to a previous order will not be acceptable.

When preparing a requisition, the agencies must use a fourteen-digit requisition number (first three digits agency number, next five agency cost center, next five requisition number, final digit will be last number of the fiscal year money is to be encumbered), complete specifications, and include an original sample.

Any and all requisitions received by Central Purchasing, Division of Administration, not meeting the above requirements shall be returned to the agency submitting such requisitions prior to entering the job request.

Suspension

Acts 1972, Senate Concurrent Resolution No. 99 provides for suspension of all laws or parts of laws requiring printed reports by State boards, commissions, departments, or agencies as follows: "Therefore, be it resolved by the Senate of the Legislature of the State of Louisiana, the House of Representatives thereof concurring, that all laws or parts of laws that require or authorize State boards, commissions, departments, and/or agencies to prepare, print, or publish and distribute annual or biennial reports to the

Governor, the Legislature, or both of them, or for public distribution, are hereby suspended to the extent of such requirements or authorizations; provided, however, that said suspension shall not apply to any laws or portions of laws requiring or authorizing reports required by laws or regulations of the United States Government or any of its agencies in order to obtain or continue to receive Federal funds, grants, or assistance."

R.S. 43:31—Printed Matter Prohibitions; Uniform Standards; Election Material

A. No branch, department, agency, official, employee, or other entity of State government for which a budget has been approved and for which an appropriation has been made or a transfer of funds effected pursuant to law shall print or cause to be printed any bulletin, leaflet, Christmas card, or other similar communication, house organ, circular, book, report or similar publication, except those required by law. All printed matter so required shall be effected in a uniform manner as to basic content, size, quality of paper, and use of color (Note: See Standard Specifications which follow.) to be established by the Division of Administration, the legislative budgetary control council, and the judicial budgetary control council. The Division of Administration, legislative budgetary control council, and the judicial budgetary control council shall be empowered to make such exceptions affecting their respective branch of government to the provisions of this Subsection as may be in the best interests of the State of Louisiana. In addition, the provisions of this Subsection shall not be construed to prohibit the printing or publication of any printed matter required by any Federal law or regulation in order that the State or any department or agency thereof may obtain or receive Federal funds, grants, or assistance. The provisions of this Section shall apply to printed matter printed pursuant to any such Federal law or regulation to the extent that this Section does not conflict with any such law or regulation.

Explanation: Agencies seeking to print public documents not required by State or Federal law must send copies, facsimiles, or descriptions of these documents with a detailed justification of need for printing and distributing these documents to their respective Undersecretaries. The Undersecretaries with permission from their respective Cabinet Secretaries are delegated the authority to deny permission to print any public document they deem as not necessary for the fulfillment of their agency's or department's purpose or feel not to be in the best interest of the State of Louisiana.

The public document printing requests that pass the Undersecretary's screening process shall be sent (for collection purpose only) to the State Budget Office (10th Floor, State Capitol, Box 44095) along with a signed copy of the public document printing request form for Division of Administration approval. (Note: Do not send forms, letterheads, internal memorandums, etc.)

When submitting a printing request to Central Purchasing, the following information must be included on the requisition:

1. The Federal or State law that requires you to print this material.
2. Division of Administration special exception documentation.

B. All printed matter except documentation in connection with proceedings of the executive, legislative and judicial branches of State government printed or caused to be printed by any branch, department, agency, official, employee, or other entity of State government, shall contain the following statement, with required information inserted, printed on the publication adjacent to the identification of the agency responsible for publication: "This public document was published at an annual cost of \$_____, or \$_____ per copy by (name and address of person, firm, or corporation or agency which printed the material) to (statement of purpose) under authority of (citation of law requiring publication or

of special exception by Division of Administration, the legislative budgetary control council or the judicial budgetary control council as provided in Subsection A). This material was printed in accordance with the standards for printing by State agencies established pursuant to R.S. 43:31." If the printing of the material was not done by a State agency the above statement shall include the following additional language: "Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes." This statement shall be printed in the same size type as the body copy of the document and shall be set in a box composed of a one-point rule.

Explanation: 1. "All printed matter" referred to in Section B is assumed by the Division of Administration to refer to types of printing material described in Section A of Act 130.

2. The required cost statement can be placed on the title page of books. On brochures and other publications, it should be placed below the agency name.

3. When documents are printed by special permission the following statement must be substituted: "Under authority of special exception by the Division of Administration."

4. It will be the agency's option to use total cost or cost per copy.

C. The following three factors shall be utilized in computing cost data: 1) Preparation of the public document for publication; 2) printing, including all expenditures for reproduction, whether on bid or in-house; and 3) circulation, including all estimated expenditures for postage and distribution of the public document.

Explanation: The Division of Administration assumes that the intent of the Legislature was not to increase either administrative or printing costs with the passage of Act 130, therefore in computing cost data estimated costs may be used. The estimated costs should include:

1. An estimated portion of the salaries of agency personnel involved in preparing document.

2. Printing costs should be given by printer, whether in-house, administrative services, or printing contract on quantity ordered.

3. Estimated postage or freight for distribution.

D. No funds appropriated for printing purposes or otherwise shall be used to urge any elector to vote for or against any candidate or proposition on an election ballot nor shall such funds be used to lobby for or against any proposition or matter having the effect of law being considered by the Legislature or any local governing authority. This provision shall not prevent the normal dissemination of factual information relative to a proposition on any election ballot or a proposition or matter having the effect of law being considered by the Legislature or any local governing authority.

E. Any administrative head of any branch, department, agency, or entity who violates any provision of this Section and any employee who, without the authorization of his administrative superior, violates any provision of this Section shall be personally liable for the cost of any printing in violation of this Section. Any State funds expended on any printing in violation of this Section may be recovered by the State in a civil action instituted by the Attorney General or any taxpayer. In addition, any such person who violated the provisions of this Section shall be assessed a fine by the court of not more than five hundred dollars.

Standard Specifications State Publications

Size: 6 X 9, 5½ X 8½, 8½ X 11, or 9 X 12

Paper: Text 50 lb. or 60 lb. white offset, 60 or 70 lb. enamel
Cover 65 lb. No. 1 Antique cover (standard colors)
or 65 to 80 lbs. coated covers (white only)

Ink: Text one color
Cover one color

Binding: On individual basis

Copy:

1. Camera-ready

Typed, computer printout, or previously printed book, unless it has been copyrighted.

2. Set-type for 6 X 9 or 5½ X 8½

10-point on 12-point slug by 25 picas wide by 45 picas deep including folio. Agency may select type faces from those available. Smaller type may be used in tabular matter to save on the number of pages.

Set-Type for 8½ X 11

10-point on 12-point slug by 42 picas (2 columns with 2-pica gutters) wide by 56 picas deep including folio. Agency may select type face from those available. Smaller type may be used in tabular matter to save on the number of pages.

The method of printing would determine the feasibility of photographs.

Example:

Letterpress-(all type) No photographs should be used.

Offset-Photographs can be used.

Newsletters, Leaflets, Etc.

Size: 8½ X 11 or 17 X 11

Stock: 15 lb. to 20 lb. bond

60 lb. to 80 lb. text offset

60 lb. or 70 lb. enamel

Ink: One color (both sides)

Fold: 8½ X 11 size to 8½ X 5½ or to fit no. 10 envelopes

17 X 11 size to 8½ X 1 or 8½ X 5½ or to fit no. 10 envelope

Copy:

1. Camera-ready or

2. Set type-image area

8½ X 11 size—7½ X 10

17 X 11 size—16 X 10

Agency may select type face and size from those available. Size of type will depend on amount of copy and the number of photographs that will be used in the newsletter, leaflet, etc. Photographs should be held to a limited number.

Where unusual problems are encountered, and an agency considers additional delegated authority necessary, an application for this authority may be submitted to the Commissioner of Administration, or his designated representative may be empowered to make certain exceptions that may be in the best interest of the State. However, application for such exceptions must be in writing and must present detailed information in support of such request.

Classes of Printing: The State printing contract covers thirty-one categories of printing and binding. Central Purchasing, Division of Administration, reserves the right to assign each request for printing to the proper contractor, to the Administrative Services Section of the Division of Administration, or to award to a commercial printer as a result of competitive bids taken by the State Printing Agent.

In all printing contracts, the right shall be reserved for all State boards, commissions, departments, institutions, and offices to do and perform printing, mimeographing, copying, and similar work for which they have existing facilities.

R.S. 43:1B(3) Delegation of Authority: The Commissioner of Administration may delegate the purchase of printing to any instrumentality whenever the best interest of the State will be served; however, the delegation of this authority does not preclude the procurement of these items through the Purchasing Section when the Commissioner deems it more desirable or practical to do so.

Authority is delegated to all agencies covered by this Act to purchase the following items without prior approval by the printing office.

1. Prepublished items specifically limited to:

a. Technical or scientific books

b. Pamphlets, reports, maps, and charts

c. Tax and tariff schedules

- d. Subscriptions to newspapers, magazines, and periodicals.
2. Art work and similar professional services.
3. College yearbooks and student newspaper.
4. Athletic, cultural, or entertainment programs, posters, and tickets.

All purchases, whether made by the Division or by the agency under the delegated authority provision, shall be made in compliance with R.S. 43:1-31.

Forms Management: Forms that are warehoused by the State for State agencies are ordered on a warehouse requisition (DA FM 1). These requisitions are sent directly to Forms Management, 655 Choctaw Drive, Baton Rouge, Louisiana. If you do not have a forms register or the warehouse requisition, you may obtain these by calling Forms Management (342-5095).

Administrative Services: If a State agency is certain their printing will be handled by Administrative Services they can fill out an Administrative Services printing request. This form along with an original sample, may be sent directly to Administrative Services; a DA 101 does not have to be included with this request. If the State agency needs any of these request forms they may call 925-6517.

Information: All requests for information shall be directed to Division of Administration, State Printing Agent, Box 44095, Baton Rouge, Louisiana, phone 342-4475. Questions regarding specifications, deliveries, and other matters pertaining to printing jobs shall be submitted directly by the agency to the Division of Administration and shall not be handled by the agency through representatives or vendors. The facilities of the printing office are available to any agency and all requests will be handled promptly.

Charles E. Roemer, II
 Commissioner of Administration and
 Executive Assistant to the Governor

Emergency Rules

DECLARATION OF EMERGENCY

Board of Trustees for State Colleges and Universities

At its meeting on September 8, 1978, the Board of Trustees took the following emergency action, effective immediately.

The Board's *Policy and Procedures Manual*, Part VIII, Student Personnel Policies and Procedures, is amended as follows:

Delete No. 7 of Section 8.10, Paragraph A, which reads as follows:

"No student who is a recipient of other financial aid from State funds shall be eligible for one of these scholarships."

Delete Paragraph C of Section 8.10, which reads as follows:

"An academic scholarship recipient is restricted from receiving a second scholarship involving State funds, except in the case of the Louisiana High School Rally Scholarship since it is funded by the State Legislature under the provisions of a special act of the 1972 Legislature."

These sections represent Board policy on academic scholarship and other State financial assistance to students. As long as they are effective, a student receiving a State scholarship of any kind is ineligible for student employment; and in many cases, the cost per student per semester is such that the highest-paying scholarship does not cover minimum expenses. The nature of the emergency is that a large number of economically handicapped young persons would be unable to obtain sufficient financial assistance to

attend college this semester. The deletion of the above paragraphs will enable colleges and universities to offer student employment, as well as other financial aid so that these students will not be denied a higher education.

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 State
 Colleges and Universities

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its regular meeting on August 24, 1978, exercised the emergency rule-making provision of the Administrative Procedures Act, R.S. 49:953B, to adopt guidelines for the implementation of Act 718 of 1978 to extend application to those applying for tuition exemption for the 1978 Fall semester. Emergency action was necessary in order to comply with the mandates of the legislative act. Act 718 Guidelines were adopted in lieu of Act 20 Guidelines in order to include vocational-technical instructors.

Rule 5.00.80(1)

Tuition Exemption for Teachers Act 718 Guidelines (Effective August, 1978)

1. The State Department of Education shall prepare an application form for the approval of the tuition exemption. This form will be sent to local public school boards for distribution to eligible public and nonpublic teachers and vocational-technical instructors.

2. A. Teachers will make application for tuition exemption to the Louisiana college or university that they are to attend after receiving continuing education tuition exemption eligibility verification from the appropriate authority:

Public Teachers—Verification from the principal and superintendent or his designee.

Nonpublic Teachers—Verification from the principal and, in cases of parochial schools, the diocesan superintendent or his designee.

Vocational-Technical Instructors—Verification from the vocational-technical director.

B. Applications for tuition exemption should be submitted at the time of registration at the college or university in which a student wishes to enroll. Application for admission to the university must be made in compliance with university regulations and deadlines.

C. Course eligibility will be determined according to these guidelines by the college or university to which application is made.

D. All qualified applicants will be granted only the tuition exemption. Tuition exemption shall be limited to the amount of tuition assessed for on-campus courses.

E. Courses for reimbursement shall be limited to those that commence no sooner than the first day of the regular semester or quarter and/or no later than fifteen days after the beginning of the regular semester or quarter. The deadline date for submitting applications for this program shall be the fourteenth class day of the semester or quarter.

F. No student shall be allowed to pursue courses at more than one college or university simultaneously under this program.

G. No student shall be allowed to participate in this program outside the geographical boundaries of the state of Louisiana.

3. Elementary and secondary teachers: Any certified teacher teaching in, or on approved leave from, a State approved elementary or secondary school, or a degreed teacher eligible to teach in a public school and teaching in an approved nonpublic elementary or secondary school in compliance with nonpublic school standards, shall be eligible for the tuition exemption providing the teacher attends a Louisiana college or university. This tuition exemption shall not apply to those teachers holding temporary certificates but will apply to those teachers holding regular certificates with temporary certification in a particular area.

A. Interpretation of "attend": The teachers shall enroll in an on-campus course or an off-campus course for credit. Correspondence courses will not be considered.

B. Interpretation of "teacher": Any employee listed on the annual school report as a member of the faculty of an elementary or secondary school whose position requires a standard teacher certificate and who possesses such a certificate.

C. Interpretation of "approved elementary and secondary school": Any school that is involved in the day-to-day teaching of students in grades kindergarten through 12 or any combination thereof that is on the approved list of schools under the direction of the State Board of Elementary and Secondary Education. This shall include only the approved public, nonpublic, alternative, and special schools listed in Bulletin 741.

D. Only full-time teachers who are regularly employed, or those who are on approved leave, are eligible under this act. Day-to-day substitute teachers are not eligible.

4. Vocational-technical instructors: Teachers teaching in vocational-technical schools under the jurisdiction of the State Board of Elementary and Secondary Education shall be eligible for the tuition exemption, providing the instructor attends a Louisiana college or university.

A. Interpretation of "attend": The instructors shall enroll in an on-campus course or an off-campus course for credit. Correspondence courses will not be considered.

B. Interpretation of "vocational-technical instructor":

1. Any employee listed on a composite report listing instructional personnel to be submitted to the State Board of Elementary and Secondary Education by September 1, 1978.

2. All full-time instructors who are required by Bulletin 746 to earn 15 credit hours in Vocational, Technical and Industrial Education (VTIE) courses for certification, or;

3. Any degreed full-time instructor or guidance counselor who desires to further his education in his field of specialization.

C. Only full-time teachers who are regularly employed, or those who are on approved leave, are eligible under this act. Day-to-day substitute teachers are not eligible.

5. Only those courses of instruction in the teacher's field or discipline may be taken under this program. Course load for reimbursement purposes shall not exceed six semester hours per semester while teaching full-time.

6. Interpretation of "field or discipline" for elementary or secondary teachers:

A. Course work in the area of certification endorsed on the applicant's valid Louisiana Standard Teaching Certificate;

B. Methods and professional education courses that deal directly with the area of certification endorsed on the teaching certificate;

C. Course work outside the area of certification endorsed on the teacher's certificate, provided the principal recommends the area of instruction in which the teacher shall enroll. This must be attested to by the principal or immediate supervisor and the local superintendent;

D. Required course work in a Board of Regents' approved

advanced degree program in an area in which the applicant is presently teaching.

7. The State Superintendent of Education shall reimburse each Louisiana college or university for only the tuition funds lost due to this program, for applicants who are eligible according to the guidelines adopted by the State Board of Elementary and Secondary Education. The funds shall be paid from monies appropriated therefor or otherwise made available for this program.

8. Nonpublic universities included in this program are the following: Centenary College, Dillard University, Louisiana College, Loyola University, Our Lady of Holy Cross College, St. Mary's Dominican College, Tulane University, Xavier University.

A. Tuition paid to the above nonpublic universities shall be equal to but not greater than the highest tuition charged by a public college or university in Louisiana. The difference in the amount of tuition paid by the State and the amount charged by private universities shall be the obligation of the student.

B. State funds may not be used toward tuition courses in theology or divinity.

9. Appeals.

A. Any enrolled student whose tuition expense is not honored by the Department of Education shall have the right to a due process appeal to the State Board of Elementary and Secondary Education.

B. The individual should contact the Director of State Board of Elementary and Secondary Education for procedures to be followed for the appeal.

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

DECLARATION OF EMERGENCY

Office of the Governor Tax Commission

The Office of the Governor, Tax Commission has adopted the attached rules on an emergency basis under the provisions of R.S. 49:951, et seq.

The Tax Commission feels that the adoption of these rules must take place on an emergency basis to facilitate the certification of the tax rolls to the assessor on a timely basis so as to permit taxes to be collected by the sheriffs. Without proper rules, the Tax Commission would be required to postpone hearings on public service property protests until after publication on September 20, 1978.

These rules will be effective September 5, 1978, and remain in effect through September 20, 1978.

Public Service Properties Hearings

1. The Tax Commission or its designated representative as provided by law (that is a hearing officer), shall conduct hearings to consider the written protest, timely filed, of the assessed valuation of public service properties.

2. Three days prior to said hearings, the protesting party may file a signed written statement specifying each respect in which the initial determination is contested, setting forth the specific basis upon which the protest is filed together with a statement of the relief sought.

3. Every party, witness, attorney, or other representative shall conduct himself in all proceedings with proper dignity, courtesy and respect for the hearing officer or the Commission, and all other parties. Disorderly conduct will not be tolerated. Attorneys and other representatives of parties shall observe and practice the standards of ethical behavior prescribed for attorneys at law by the Louisiana Bar Association. Any party, witness, attorney, or other representative may be excluded by the hearing officer or the

Commission from any hearing for such a period and upon such conditions as are just for violation of this rule.

4. Every motion relating to a pending hearing shall, unless made during a hearing, be written, and shall set forth the relief sought and the specific reasons and ground therefor, if based upon matters which do not appear of record, and shall be supported by affidavit. Any motion not made during a hearing shall be considered filed when it is stamped received by the Commission in its office in Baton Rouge, Louisiana.

5. At the close of the time period for filing protests, the Commission shall assign each case to the docket and notify the parties of the time and place of the hearing.

6. Upon written notice by the Commission the parties or their attorneys or other representatives may be directed to meet and confer together by telephone or otherwise, before a specified time, prior to the hearing, and prior to the setting of a date for a hearing, for the purpose of formulating issues and considering:

- a. Simplification of issues.
- b. A limitation, where possible, of the number of witnesses.
- c. Possible consolidation of like protests.
- d. The time required for presentations.
- e. Such other matters as may aid in the simplification of the proceedings and the disposition of the matters in controversy.

7. Action taken at the conference shall be recorded in an appropriate statement by the parties, to be filed with the Commission before the date specified. In the event of a disagreement over the terms agreed upon at the conference, each party may file a separate statement setting forth the grounds for such disagreement.

8. A motion for consolidation of two or more protests, if made prior to hearing shall be in writing, signed by the mover, his attorney or representative, and filed with the Commission prior to the date set for hearing. No two or more protests shall be consolidated or heard jointly without the consent of all parties and by consent of the Commission, unless the Commission shall find that the two or more protests involved common questions of law and fact, and shall further find that separate hearing would result in unwarranted expense or delay or substantial injustice.

9. All hearings shall be open to the public. All hearings shall be held in Baton Rouge, Louisiana, unless the Commission shall designate another place of hearing.

10. Hearings will be conducted by a hearing officer selected and appointed by the Commission. The hearing officer shall have the authority to administer oaths, may examine witnesses in rule upon the admissibility of evidence and amendments to pleadings. The hearing officer shall have the authority to recess any hearing from day to day.

11. The hearing officer will have the responsibility and duty of assimilating testimony and evidence, compiling a written summary of the testimony and evidence and presenting a proposed order to the Commission. The proposed order shall be served upon the protesting party by certified mail, return receipt requested, upon receipt by the Commission.

12. The hearing officer shall direct all parties to enter their appearance on the record. In all proceedings, the protesting party shall open. After the protesting party has presented all its evidence, the hearing officer may call upon any party or the staff of the Commission for further material or relevant evidence upon any issue.

13. The Commission shall provide an official reporter to make and transcribe a stenographic record of the hearing and each protest and shall provide for such copies of the transcript as may be required for the purposes of the Commission.

14. Briefs shall be filed within seven days of receipt of the hearing officer's proposed order. The points involved shall be concisely stated, the evidence in support of each point shall be briefly summarized, and the argument and authorities shall be organized and directed to each point in a concise and logical manner.

15. Any evidence which would be admissible under the general statutes of the State of Louisiana, or under the rules of evidence governing proceedings in matters not involving a trial by jury in the courts of the State of Louisiana, shall be admissible before the Louisiana Tax Commission. Other evidence may be admitted by the Commission if it is at all probative and relevant provided the substantive rights of all parties are protected. The rules of evidence shall be applied liberally in any proceeding to the end that all needful and proper evidence shall be conveniently, inexpensively and speedily heard while preserving the substantive rights of the parties to the proceeding.

16. A protesting party, with leave of the hearing officer of the Commission, may present prepared testimony of a witness upon direct examination, either narrative or question and answer form, which will be incorporated in the record as if read, upon the witnesses being sworn and identifying the same. Such witness shall be subject to cross-examination. One signed original and four reproduced copies of said signed original shall be filed. Only the original of a deposition need be filed.

17. The hearing officer or Commission shall have the right in any proceeding to limit the number of witnesses whose testimony is merely cumulative.

18. Subpoenas for the attendance of witnesses from any place in the State of Louisiana, or for the production of books, papers, accounts or documents at a hearing, may be issued by the Commission upon its own motion, or upon the written motion of the parties showing that there is good cause for the issuance of same. No subpoena shall be issued until the party who wishes to subpoena the witness first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671.

19. Within thirty days following the completion of the hearing the Commission shall notify the company in writing of its final determination.

20. The word Commission as used herein refers to the Chairman and the members or their delegates appointed to conduct the hearings.

C. Gordon Johnson, Chairman
Tax Commission

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted effective October 1, 1978, policy to be utilized in assuring the provision of medically necessary nonemergency transportation to Title XIX recipients. It was necessary to adopt this by means of an emergency rule because an October 1 effective date was mandated by the federal court suit, Pitts vs. Stewart. The policy reads as follows:

1. Medically necessary nonemergency transportation: general. The term "medically necessary nonemergency transportation" means transportation provided to a Title XIX recipient to and/or from a Title XIX enrolled provider of medical service for a Title XIX covered medical service. The medically necessary nonemergency transportation program is intended to provide transportation when all other reasonable means of transportation have been explored and found to be unavailable (i.e., the client's friends, relatives, personal vehicle, or other State or Federally supported providers). The provision of nonemergency medical transportation is available on a uniform basis throughout the state, upon the recipient notifying the appropriate staff member of the need and provided at least two days advance notice is given.