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Executive Orders

ADDENDUM TO EXECUTIVE ORDER EWE-79-4 ISSUED MAY 3, 1979

BY VIRTUE of the power vested in me and acting under the authority of Article 4, Section 5(A) and (J) of the Louisiana Constitution of 1974 and the Louisiana Disaster Act of 1974, I, EDWIN EDWARDS, do hereby extend the effect of Executive Order EWE-79-4 for an indefinite period not to exceed thirty days from this date.

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 5th day of June, A.D. 1979.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-79-5

WHEREAS the Louisiana Educational Television Authority was created by Act 13 of 1971 for the purpose of making the benefits of educational and public television and radio available to and promoting their use by inhabitants of Louisiana; and

WHEREAS that Act empowers the Authority to lease, purchase, construct, own, operate, manage, and be the licensee of educational and public television and radio stations, production centers, and other related equipment and facilities for the production and/or transmission of open circuit, closed circuit, and any other transmission means necessary to achieve the purpose of the law; and

WHEREAS said stations, production centers, and transmission means, for reasons of necessity and/or convenience, are identified by various designations such as WLPB-TV, KLTM, KLTS, Louisiana Public Broadcasting, LPB, Louisiana Health Television Network, LHTN, LETA, et al.

NOW, THEREFORE, I EDWIN EDWARDS, by virtue of the authority vested in me as Governor of the State of Louisiana, do hereby authorize the Louisiana Educational Television Authority to conduct business in the name of its various existing services and/or sub-entities, whether designated by title, letter combination or acronym, as well as in the name of any future entities and/or services which may be created for the purpose of fulfilling the legislative mandate, and I hereby direct all state departments, agencies, boards, and commissions to recognize said entity and/or service designations of the Louisiana Educational Television Authority for the conduct of business both within state government and in the private sector.

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 18th day of May, A.D. 1979.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture Office of Agricultural and Environmental Sciences

It has been determined that two serious and destructive diseases of sugar cane, Sugar Cane Rust, (*Puccinia melanocephala* Syd.) and Sugar Cane Smut, (*Ustilago scitaminea* Syd.) are now present in the continental limits of the United States. These diseases are not now known to occur in Louisiana and are capable of causing severe losses to the sugar cane industry in the state if they become established.

In order to prevent the introduction and spread within the state and to eradicate these diseases if they are introduced, the Louisiana Department of Agriculture, under authority of Section 1732 of Part II of Chapter 12 of Title 3 of the Revised Statutes of 1950, does hereby promulgate the following Emergency Quarantine and Regulations declaring pests; agent or inspector; inspection; control and eradication authority; quarantine area; regulated products; conditions governing shipment control and eradication measures; penalties; revision; and effective date.

Sugar Cane Rust and Sugar Cane Smut Regulation

I. Pests: Sugar Cane Rust, *Puccinia melanocephala* Syd. and Sugar Cane Smut, *Ustilago scitaminea* Syd.

II. Agent or Inspector: An authorized representative of the Commissioner of the Louisiana Department of Agriculture.

III. Inspection, Control and Eradication Authority:

a. Agents of the Louisiana Department of Agriculture shall be allowed entrance onto any property or premise to determine if the pests exist on such and to take such action as, in the judgment of the State Entomologist, is necessary to control or eradicate the pests wherever found.

b. No person, firm or corporation shall in any way interfere with an agent of the Louisiana Department of Agriculture in carrying out the provisions of this regulation, or interfere with the application of suppressive measures for the control and eradication of the Sugar Cane Rust and/or Sugar Cane Smut should they be introduced into the State of Louisiana.

IV. Quarantined Area: Regulated area—Any area outside the State of Louisiana.

V. Regulated Products: Sugar cane plants, stalks, cuttings, seed and any other part thereof and the same products of the genus *Erianthus*.

VI. Conditions Governing Shipment of Regulated Products:

a. Regulated products from the regulated area are prohibited entry into the State of Louisiana unless each shipment is accompanied by a special permit issued by the Louisiana State Entomologist. A special permit will be issued only after regulated products are treated in a manner approved by the State Entomologist.

VII. Control and Eradication Measures: Regulated products shipped into the State of Louisiana in violation of this regulation are subject to destruction or return to the point of origin at the discretion of the State Entomologist.

VIII. Penalties: Any person, firm, or corporation found guilty of violating the provisions of this Quarantine and Regulation is subject to the penalties provided by Section 1736 of Part III of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950.

IX. Revision: This regulation may be revised or amended at any time as conditions and circumstances warrant.

X. **Effective Date:** The above regulation shall become effective on and after June 5, 1979.

Richard Carlton, State Entomologist
Office of Agricultural and
Environmental Sciences

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Management and Finance

Rules and Sliding Billing Scale for Programs Operated By The Office of Mental Health and Substance Abuse, Office of Mental Retardation, and Office of Human Development

Effective July 1, 1979, the Department of Health and Human Resources (DHHR), Office of Management and Finance, has exercised those powers conferred by the emergency provisions of the Administrative Procedures Act, R.S. 49:953B, to amend the rules and regulations previously determining the fees to be charged for residential services provided by state administered mental hospitals, schools for the retarded, and private facilities utilized by the Office of Human Development, and to include charges for evaluation services when provided by the Office of Human Development.

I. **Admissions. State Hospitals, Schools, and Private Programs Where OHD Funds are Utilized toward the Cost of Care—**Admissions for treatment shall be made available to all appropriate residents of the State of Louisiana. Residency shall be established by a permanent legal address within the state and an expressed intention to live within the state in the future when this in not in opposition to applicable state and federal regulations. Persons seeking treatment in a facility or by a program shall furnish all information requested by that program and, if different, the DHHR agency responsible for placement decisions.

II. **General Regulations.**

A. **Schedule for Charges—**Billing for services rendered will be sent at least quarterly to the client or his responsible person in accordance with the applicable fee schedule, based on the total family income and the number of dependents as defined in Section IV. There shall be adequate documentation of the information used in establishing the fee, which shall become a permanent part of the client's record.

B. **Failure to Provide Information—**A person responsible for the payment of charges for services rendered who refuses to supply the information necessary for an accurate determination of the required rate of charges for services rendered shall be presumed to be able to pay the full cost of services rendered and shall be billed accordingly. Any person who is potentially eligible for medical assistance benefits from any federal or state program who refuses to apply for and follow through with application for said benefits shall be presumed to be able to pay the full cost of services rendered and shall be billed accordingly or, in the case of voluntary, nonemergent services, may be refused DHHR assistance, dependent upon individual program policies. Updated information shall be supplied by the responsible party to DHHR of any change in income, employment, or family composition, which may result in an adjusted fee. A periodic check, no less than annually, will be made with the responsible party to make fee adjustments as necessary for continuing services to a client.

C. **Insurance—**An insurance company that the responsible party alleges has issued a policy or contract covering the charges

for treatment and services rendered shall be billed the full cost of services rendered. Billings shall be made directly to the insurer by the treating facility after securing execution of the forms necessary, including an assignment of benefits to the treatment facility, by the responsible person. The responsible party shall be billed in accordance with the applicable fee schedule up to the amount of charges not covered and paid by insurance. If the responsible person refuses to execute the forms necessary to assign the benefits under the policy alleged by him to cover the charges for treatment and services rendered and the forms necessary to file an insurance claim in accordance with that policy, that responsible party shall be presumed to be able to pay at the full cost of services rendered and shall be billed accordingly or, in the case of voluntary, non-emergent services, may be refused DHHR assistance, dependent upon individual program policies.

D. **Medical Assistance—**All persons eligible to receive medical assistance benefits from any federal or state program shall be eligible for free treatment provided the program as administered has agreed to cover the appropriate services for treatment. In the event that the program does not cover the appropriate services for treatment, the responsible party shall be charged and billed in accordance with these rules and regulations.

E. **Third Party Cases and Release of Information—**Upon receipt of a letter from an attorney or an insurance company requesting a patient's records, that attorney or company shall be sent, within thirty days from the receipt, a bill for charges applicable to that patient. At the same time as the mailing of that bill, a copy of that patient's file pertaining to charges for services and their collection, as well as a copy of the requesting letter, shall be forwarded to the Office of Central Collection of the Department of Health and Human Resources in Baton Rouge. Patient's records are not to be released until a properly executed consent by the patient, parent, or guardian is received and the fee for copies of records is paid in advance, except to any office of the Department of Health and Human Resources for the purpose of facilitating the meeting of its responsibilities.

F. **Exceptions—**The Secretary or his designee(s) will be authorized to approve exceptions to the fee schedule, for documented reasons such as other excessive emergency or medical costs, family hardships resulting in unusual and unexpected expenses, etc.

III. **Other Applicable Income, Earned and Unearned, in State Schools and Hospitals and in Private Residential Placements Receiving Financial Support from the Office of Human Development.**

A. DHHR payments shall be made to supplement the basic contribution as determined by the sliding fee schedule, plus amounts or benefits available to the client from other sources, such as social security, supplemental security income, veteran's benefits, special education, and vocational rehabilitation, as well as private insurance.

B. Upon admission to a residential facility, procedures will generally be initiated which may lead to the payment of benefits on behalf of the client directly to a DHHR program or the treating facility. Except for some portion which may be assigned to the client's account based on his identified needs, the remainder of the benefits available shall apply toward the cost of care at the facility. Any amount remaining above the cost of care shall return to the client's personal account or family.

C. A portion of the income which a client may earn while residing in the treatment facility will be applied toward the cost of care if it exceeds a basic amount which may be allowed for the client's personal expenses or savings.

D. If the income for a family, from which the contribution by the responsible party is determined according to the fee schedule, includes benefits of the client's which are applied

toward the cost of care and the client allowance, the amount of these benefits may be deducted from the income of the family. The client may still be considered a dependent when referring to the fee schedule since the responsible party will still be contributing toward the cost of care and still have some extra expenses in regard to the client.

E. If benefits from these other available sources are not able to be made directly to the DHHR program or residential facility, the recipient of the benefits may be held responsible for payment of the applicable benefits to the appropriate DHHR program.

IV. Definitions.

A. **Gross Income:** The monthly sum of income received from sources identified by the U.S. Census bureau in computing the median income and defined in the Code of Federal Regulations, Volume 45, Section 228.66.

B. **Adjusted Income:** As used herein means the gross family income during the most current calendar year, as defined above, with deductions from the total family gross income of \$1,000 for each person dependent on that income and of federal and state income taxes paid on that income.

C. **Dependent:** As used herein, means all persons dependent on the household income as accepted by the Internal Revenue Service (IRS) for federal income tax purposes. In the case of a minor not claimed as a dependent for income tax purposes, the parents are still responsible for a contribution based on the fee schedule but may increase the dependent deductions by the client(s) in question.

D. **Family:** For purposes of establishing fees under these procedures, the basic family unit is defined as consisting of one or more adults and children, if any, related by blood, marriage, or adoption, and residing in the same household. Where related adults, other than spouses, or unrelated adults reside together, each will be considered a separate family, unless they are included as part of the family unit for federal income tax reporting purposes. Children living with nonlegally responsible relatives, emancipated minors, and children living under the care of unrelated persons will be considered a member of the family, if any, that claims that child as a dependent for federal income tax purposes. In maternity homes, minors seen without the consent and knowledge of parents or legal guardians will be considered as separate family units and will be charged according to the minor's own income whether the source is allowance or earnings.

E. **Responsible Persons:** As used herein, the client's parents or guardians if the client is under the age of eighteen unless someone else claims the client as a dependent for federal income tax purposes, in which case it is that person. If the client is over eighteen, he is responsible for his contribution based on his gross family income and allowed deductions, unless he is claimed as a dependent for income tax purposes, in which case the claimant becomes responsible for the fee toward the cost of care based on the claimant's family income.

F. **DHHR Residential Facilities and Out-Of-Home Placements:** State mental hospitals and schools for the retarded, in-patient treatment facilities, and out-of-home care programs operated or partially funded by the Office of Mental Health and Substance Abuse, Office of Mental Retardation, or Office of Human Development, including foster care, group home care, and DHHR placement of delinquent children and children in need of supervision.

V. Fee Determination for DHHR Residential Facilities and Out-Of-Home Care.

The monthly fee for these services, as defined above, shall be determined according to formulas based on the Louisiana median income and applicable state and federal regulations. Families with an adjusted income of less than fifty percent of the state median income adjusted for the number of dependents will be provided with service at no charge. If the service provided is funded through Title XX, any fee determination will conform to the applicable Title XX Comprehensive Annual Services Plan for the state. DHHR will develop sliding fee schedules based on these formulas and furnish them to all appropriate agencies and persons requesting them. These schedules will be revised as the official state median income changes. Adjustments of the median income for family size shall be computed according to the method utilized for Title XX eligibility determination described in the Code of Federal Regulations, Volume 45, Section 228.60 (d)(2).

A. Public and private psychiatric hospital placements funded by DHHR shall utilize the following formula for the first sixty days of placement, not to exceed the actual cost of care. This fee will not be collected from one family for more than sixty days in any consecutive twelve-month period. In computing the fee to be charged, DHHR, will round the actual fees for these services to the nearest dollar.

Adjusted Family Income as a Percent of the State Median Income based on Family Size	Fee as a Percent of Adjusted Income
Under 50%	none
50-54.9%	10%
55-59.9%	12%
60-64.9%	14%
65-69.9%	16%
70-74.9%	18%
75-79.9%	20%
80-84.9%	22%
85-89.9%	24%
90-94.9%	26%
95-99.9%	28%
100-104.9%	30%
105-109.9%	32%
110-114.9%	34%
115-119.9%	36%
120-124.9%	38%
125-129.9%	40%
130-134.9%	42%
135-139.9%	44%
140-144.9%	46%
145-149.9%	48%
150% and over	50% of adjusted income, not to exceed cost of care

B. Out-of-home residential and treatment programs operated or partially funded by the Office of Mental Retardation and Office of Human Development, and public or private psychiatric hospital placements of more than sixty days duration in a twelve-month period which are operated or partially funded by the Office of Mental Health and Substance Abuse or the Office of Human Development, shall utilize the following formula for each family member in placement, not to exceed the cost of care and when collection of this fee is not in violation of other state or federal regulations. It is understood that this fee is assessed for care and treatment only, not an educational component that is available to all children free of charge. If the service provided is funded through Title XX, any fee determination will conform to the applicable Title XX Comprehensive Annual Services Plan for the state.

**Adjusted Family Income
as a Percent of
the State Median Income
based on Family Size**

Under 50%
50-54.9%
55-59.9%
60-64.9%
65-69.9%
70-74.9%
75-79.9%
80-84.9%
85-89.9%
90-94.9%
95-99.9%
100-104.9%
105-109.9%
110-114.9%
115-119.9%
120-124.9%
125-129.9%
130-134.9%
135-139.9%
140-144.9%
145-149.9%

150% and above

**Fee as a Percent
of Adjusted Income**

none
3%
3.35%
3.70%
4.05%
4.40%
4.75%
5.10%
5.45%
5.80%
6.15%
6.50%
6.85%
7.20%
7.55%
7.90%
8.25%
8.60%
8.95%
9.30%
9.65%
10% of adjusted family
income, not to exceed
cost of care

**Gross Family Income as a
Percent of Median Income
Adjusted for Family Size**

50-54.9%
55-59.9%
60-64.9%
65-69.9%
70-74.9%
75-79.9%
80-84.9%
85-89.9%
90-94.9%
95-99.9%
100-104.9%
105-109.9%
110-114.9%
115-119.9%
120-124.9%
125-129.9%
130-134.9%
135-139.9%
140-144.9%
145-149.9%
150% and above

**Fee as a Percent
of Cost**

4% of cost
8%
12%
16%
20%
25%
30%
35%
40%
45%
50%
55%
60%
65%
70%
75%
80%
85%
90%
95%
100%

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

Rules

RULES

Department of Commerce Racing Commission

IV. OHD Evaluation Services.

All persons provided evaluation services under the auspices of the Office of Human Development (OHD) shall be assessed a fee for each chargeable service when the family income is above fifty percent of the state median income for that family size. Chargeable services provided through the (proposed) OHD Client Evaluation Program may include various types of evaluations and treatment services necessary to determine the need for a restrictive placement or to prevent the need for a more restrictive placement. These services will be offered only when not available through another publicly funded resource. If the service is funded through Title XX, any fee assessed shall conform to the appropriate Title XX Comprehensive Annual Services Plan for the state. The cost of these services upon which the fee will be assessed will be determined by OHD as part of the project approval process when private providers submit proposals and budgets for funding consideration, and will be based upon the cost of the service computed for collections under Title XIX when that cost is available. The responsible person will be notified of the base cost and agree to their required contribution prior to the provision of the service when possible. Persons whose gross family income is less than one-half of the current state median income adjusted for family size will be eligible for services without charge. Persons whose gross family income is more than one hundred fifty percent of the current state median income adjusted for family size will be charged the full cost of services provided. Adjustment of the median income for family size shall be computed according to the method utilized for Title XX eligibility determination described in the Code of Federal Regulations, Volume 45, Section 228.60 (d)(2). In computing the fee to be charged, DHHR will round the actual fees for these services to the nearest quarter dollar. Between these two levels, fees will be adjusted in accordance with the following formula:

Delete LAC 11-6:25.7 which read, "No maiden five years old or older shall be allowed to start."

* * * *

Amend LAC 11-6:33.6 to read:

§33.6 Coupled entries are permitted in exacta races, except that entries therein having separate bona fide owners and the same trainer may be split for betting purposes, notwithstanding the provisions of LAC 11-6:25.32.

* * * *

Amend LAC 11-6:45.7 to read:

§45.7 Title to a claimed horse shall be vested in the successful claimant at the time the horse leaves the paddock. The successful claimant shall then become the owner of the horse whether he be alive or dead, sound or unsound or injured at any time after leaving the paddock, during the race or after. However, the successful claimant may request on the claim blank at the time he makes his claim that the horse be tested for the presence of equine infectious anemia via a Coggins test. Should this test prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the State of Louisiana. The expense of the Coggins test and the maintenance of the horse during the period requested for the test, shall be absorbed by the successful claimant. If such a test is requested the claimed horse will be sent to the retention barn of the Louisiana State Racing Commission where the State Veterinarian will draw a blood sample, which sample shall be sent to a laboratory approved by the Louisiana Livestock Sanitary Board for the conduct of such test.

Albert M. Stall, Chairman
Racing Commission

RULES

Board of Trustees for State Colleges and Universities

Part IX. Athletic Policies

1. Amend 9.5 A, Subsection 9 to read as follows:

9. If a student-athlete has served in the armed forces or on an official church mission for a minimum of eighteen months, the Subsection 5 of Section 9.5A of Part IX is waived for the period of service.

2. Amend 9.5 A, by adding as Subsection 17, the following:

17. A junior college graduate or a junior college transfer is eligible upon registration when he meets the National Collegiate Athletic Association (NCAA) requirements regarding the junior college rules.

3. Amend 9.7 D, to read as follows:

D. An institution shall be limited to a total of ten coaches for men's sports of football, basketball, baseball, and track; the number of part-time coaches shall not exceed the applicable national association limitations on athletic staff. The directors of athletics and athletic trainers shall not be included in this total unless they are participating in the coaching activities of those four sports. However, each institution shall be permitted to adjust its staff in terms of recruiting, coaching and other assigned duties provided that: (1) those changes do not require the additional expenditures of state funds and (2) they are within the NCAA policies as they pertain to staff limitations. If any changes are made or proposed to any staff system in the individual institutions, those changes must be presented to and approved by the Board.

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

RULES

Board of Elementary and Secondary Education

Rule 1.00.30c (Replaces existing policy)—The Board adopted additions to *Policy and Procedure Manual* relative to Board advisory councils.

Rules and Procedures for Standing Advisory Councils of the Board

Unless contrary to federal or state laws, the following rules and procedures shall apply to all advisory councils appointed by the Board.

Composition—Unless otherwise provided by law, each standing or permanent advisory council of the Board shall be created by Board policy. The policy shall determine the size of the council membership, the number of persons to be appointed by each Board member, and the persons, organizations, affiliations, or interest groups to be represented on the council.

Unless required by law, no member of the Board shall be a member of an advisory council.

Term of office; vacancies.

Terms—Members appointed to standing advisory councils shall serve two-year overlapping terms. All appointments are subject to ratification by the Board. Removals, however, are not subject to Board ratification, and a council member may be removed without cause by the Board member making the appointment.

Beginning with 1979, persons appointed to and serving on advisory councils shall begin to serve two-year staggered terms. To this effect, all Council appointments in existence as of

January 1, 1979, shall be made or reaffirmed by June 30, 1979. At that time one-half of the membership appointed to each Council shall serve one-year terms, terminating June 30, 1980; one-half of the appointed membership shall serve two-year terms, terminating June 30, 1981. Thereafter, all members appointed to advisory councils shall serve two-year overlapping terms. To initiate the staggered terms, Board members shall draw lots to determine which appointees shall serve one-year terms if each Board member has only one appointee. If each Board member has two or more appointees, then the Board member shall designate which appointees will serve one or two years.

Vacancies—A vacancy in an appointed position shall occur if an appointee, for any reason, fails to serve the full extent of his two-year term. Appointments to fill vacancies shall be considered interim appointments, and such appointments shall be for the unexpired portion of the original two-year term. Interim appointments to fill vacancies shall be ratified by the Board.

Should the term of any Board member terminate for any reason, appointments by the member to advisory councils shall also terminate; the new Board member shall then fill vacancies for any unexpired term and, thereafter, shall make appointments on a regularly scheduled basis.

Meetings—Each standing advisory council shall meet whenever necessary in order to consider referrals from the Board. Special meetings shall be on call of the Board, and emergency meetings may be called at the discretion of the staff director.

When possible, regular meeting dates shall be standardized and shall be determined by the chairperson of the council in consultation with the staff director. In January and June of each year the chairperson of each council shall present to the director a tentative schedule of meeting dates for the ensuing six months; the director shall give final approval to the schedule and shall approve all subsequent amendments. When meeting dates cannot be regularly scheduled, the chairperson of each council shall set each meeting date in consultation with the staff director.

Special meetings shall be held at such times as are named in the Board calls. The staff Director shall set the dates and times of emergency meetings.

Notices of council meetings shall be mailed to council members by the Board staff at least ten days in advance of a meeting. Minutes of each Council meeting shall be mailed to Council members within two weeks of the meeting of the Council.

Officers—Each advisory council shall select from among its membership a chairperson and a vice-chairperson. Election shall be annually and the councils shall report election results to the Board. This includes the Title IV advisory council which shall take a straw vote to select a chairperson and report the results to the Board.

Expenses—All members of the advisory councils, including salaried public employees, shall be entitled to reimbursement for actual travel expenses and may submit requests for reimbursement for such expenses in accordance with the regulations promulgated by the State Commissioner of Administration.

The Board will abide by the rules set forth by the State Ethics Commission which allows salaried public employees to receive per diem payments as long as they are on annual leave.

Proxies—Any person serving on an advisory council who cannot attend a given meeting may appoint a person to attend as his proxy. No proxy shall have voting privileges. Any council member who is absent from regular meetings for three consecutive times may not be represented by a proxy.

A proxy, in order to receive reimbursement for travel and other expenses, must present a form letter signed by the council chairman to the Board's staff director. The form letter must be one devised for that purpose by the Board staff.