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Executive Orders

EXECUTIVE ORDER EWE-79-7

WHEREAS, Act 38 of 1914 (now R.S. 41:98) vested the Governor of Louisiana with authority to withdraw from sale or entry any of the vacant and unappropriated public lands and lake beds or bottoms belonging to the state, whenever, in his opinion, they appear to be more valuable for mineral than for any other purpose, and to restore to sale or entry all withdrawn lands, at his discretion; and

WHEREAS, acting under the said authority, Honorable Ruffin G. Pleasant, then Governor of Louisiana, by executive order issued on March 20, 1917, withdrew from public sale and entry all state lands, except those adjudicated to the state for nonpayment of taxes; and

WHEREAS, Section 4 of Article IX of the Constitution of Louisiana of 1974 provides that in all cases the mineral rights on any and all property sold by the state shall be reserved, except where the owner or other person having the right to redeem may buy or redeem property sold or adjudicated to the state for taxes; and

WHEREAS, the Secretary of the Department of Natural Resources has recommended that the hereinafter described property be restored to sale, since the obvious and apparent motive for the withdrawal from sale or entry of the public lands was for the protection of the state in its ownership of the minerals underlying said lands, and because the Constitution now requires the reservation in all cases of the mineral rights on any and all property sold by the state, there is no longer any particular necessity why the lands hereinafter described should not be restored to sale.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of Louisiana, do hereby issue this, my executive order, restoring to sale the following described land, and directing that the same shall be sold under the provisions of Act 215 of 1908, as amended, (now R.S. 41:131 et seq.). Excepting and reserving, however, to the State of Louisiana all minerals in the land so patented, and to it, or those authorized by it, the right to prospect for, mine and remove such deposits from the same in accordance with Section 4 of Article IX of the Constitution of 1974. Excepted from the lands hereinafter described and not included in this sale, are the waters and beds of all bayous, lagoons, lakes, and other water bodies, whether navigable or nonnavigable, in conformity with the statutory law of this state dedicating such property to a public purpose; like exception and exclusion are made of the waters and beds of all inland navigable waters, as well as arms of the sea, pursuant to the statutory, codal, or constitutional law of the state, viz:

Lot One of Section Eighteen Township Nine South, Range Fourteen East, St. Helena Meridian, Parish of St. Tammany, Louisiana, containing 3.38 acres according to the survey of said lands in the State Land Office approved August 19, 1856.

I have signed this order officially and caused the Great Seal of the State of Louisiana to be affixed at Baton Rouge, this 15th day of August, 1979.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-79-8

WHEREAS, there is an ever-present concern over the scientific, technological, and environmental quality policies of this state; and

WHEREAS, it is the policy of this Administration to provide by all means possible for the positive utilization of scientific development, for technological transfer, and for the enhancement, protection, and improvement of environmental quality throughout the State of Louisiana; and

WHEREAS, in response to these concerns, the Office of Science, Technology and Environmental Policy (OSTEP) was created within the Office of the Governor by Executive Order EWE-77-18; and

WHEREAS, by Act 334 of 1978, the Department of Natural Resources was given authority to develop and administer a state hazardous waste program; and

WHEREAS, by Act 449 of 1979, the state environmental programs relating to air, water, solid waste, hazardous waste, and radiation control were consolidated within the Department of Natural Resources; and

WHEREAS, the goal of the protection and improvement of environmental quality within the State of Louisiana will best be served by the further consolidation of responsibility concerning environmental matters within the Department of Natural Resources.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the power vested in me, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby abolish the Office of Science, Technology and Environmental Policy and transfer the functions, duties and responsibilities of the Office of Science, Technology and Environmental Policy and all employees of such office to the Office of the Secretary within the Department of Natural Resources.

FURTHERMORE, all books, papers, records, money, grants, proposals for grants, actions, and other property of every kind, movable and immovable, real and personal, heretofore possessed, controlled, or used by the Office of Science, Technology and Environmental Policy are hereby transferred to the Department of Natural Resources, Office of the Secretary.

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 29th day of August, A.D. 1979.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture Office of Animal Health Services Livestock Sanitary Board

The Livestock Sanitary Board adopted at its Friday, August 10, 1979, meeting, an amendment to Regulation 2, Governing the Admittance of Livestock to Fairs, Livestock Shows, Breeders' Association Sales, Rodeos and Racetracks, Section 5.5, second paragraph to read:

Horses reacting to the Coggins test within the state will be identified by regulatory personnel by hot brand, cold brand, freeze brand, or tattoo "72A." Positive horses will be rebled upon request, by state-employed veterinarians and samples submitted to the laboratory for reconfirmation.

The Board also adopted an amendment to Regulation 28, Governing Equine Infectious Anemia, Section 1.2, third paragraph to read:

Horses reacting to the Coggins test within the state will be identified by regulatory personnel by hot brand, cold brand, freeze brand, or tattoo "72A." Positive horses will be rebled upon request, by state-employed veterinarians and samples submitted to the laboratory for reconfirmation, as required in Regulation 2, Section 5, Paragraphs 4 and 5.

Adoption of this emergency rule is necessary because of the overwhelming desire of the livestock industry as a whole to change the identification of equine positive to the Coggins test. The previous method of identification has been affecting the industry, as the Livestock Sanitary Board has been unable to control the movement of positive equidae. The Board has received numerous complaints regarding the movement of positive equidae from individuals with the Louisiana Cattlemen's Association, Auction Market Association, etc. It has also been brought to the Board's attention by a representative from Consumer Protection, Office of the Governor, that this procedure was unworkable.

Forrest E. Henderson, D.V.M.
State Veterinarian

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its meeting on August 23, 1979, exercised those powers conferred by the emergency provisions of the Administrative Procedures Act, R.S. 49:953B to adopt the following:

Rule 1.00.71

The Board amended operating procedures relative to meetings in order to comply with the open public meetings law which becomes effective September 7, 1979, as follows. (Replaces present policy.)

Frequency, Scheduling, Public Notices

1. The President of the Board shall call regular Board meetings at least four times a year to fall within calendar quarters. Regular meetings of the Board shall convene on the fourth Thursday of the month, except in November and December, unless a simple majority of Board members agree by ballot to meet on another day.

2. The chairman of each standing committee of the Board shall call regular committee meetings at such times as is necessary for consideration of items referred by the Board to the committee. Regular committee meetings shall be held on the day before the Board meeting and on the Wednesday and Thursday of the previous week. The Due Process Committee of the Board shall be regularly scheduled to meet on the Thursday preceding the Board meeting.

3. Special meetings of the Board may be held upon call of the President, and the President shall call a special meeting whenever requested to do so by a majority of the total members of the Board. (Reference: R.S. 17:3(E).)

4. Special meetings of a standing committee may be held upon call of the committee chairman, and the chairman shall call a special meeting whenever requested to do so by a majority of the total named members of the committee.

5. Public notices for regular and special meetings of the Board and its standing committees shall be made as required by the state's public meeting law. At the beginning of each calendar year the Board shall give written public notice of all regularly scheduled meetings; thereafter, a twenty-four hour written public notice shall be given of any regular, special or rescheduled meeting of the Board and its committees. The twenty-four hour public notice shall include the agenda, date, time, and place of the meeting. (Reference: R.S. 42:7)

6. Board members shall be given at their official residences a twenty-four hour written notice of all regular and special meetings of the Board and its committees. Cancellations of any Board or committee meeting shall be made only after a twenty-four hour notice to Board members, or in the event of the absence of a quorum at the scheduled time and place of the meeting.

7. All meetings of the Board, its committees and advisory councils shall be conducted according to provisions of the state's public meeting law. (See R.S. 42:4.1-12).

8. The agenda for each committee meeting shall include only those items to be discussed at the meeting. The agenda may include as an attachment a list of all other Board referrals retained in committee pending final committee action.

* * * * *

Rule 3.01.70.v(10)

The Board adopted as emergency rule adapted physical education certification requirements in order to comply with Act 754 of 1977 and Public Law 94-142. The following standards were established in order to protect welfare and provide public education for the handicapped students in Louisiana. These requirements become mandatory September 1, 1981.

Adapted Physical Education

Basic Requirements:

(1) State Certification in Physical Education (which must include Items 2, 3, and 4), 24 semester hours.

(2) Motor Development and Learning, 3 semester hours.

(3) Introduction to the Study of Exceptional Children, 3 semester hours.

(4) Test and Measurement (Physical Education or Educational or Psychological), 3 semester hours

Specialized Requirements:

(1) Introducing Physical Education for All Handicapped Children, 3 semester hours.

(2) Behavioral and Educational Impairment and Physical Education, 2 semester hours.

(2a) Practicum in Behavioral and Educational Impairment and Physical Education, 1 semester hour.

(3) Chronic Disability and Physical Education, 2 semester hours.

(3a) Practicum in Chronic Disability and Physical Education, 1 semester hour.

(4) The Physical Education Curriculum for all Handicapped Children, 3 semester hours (Prerequisite: Courses 1, 2, and 3).

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

Rules

RULES

Department of Agriculture Office of Animal Health Services Livestock Sanitary Board

The Department of Agriculture, Livestock Sanitary Board has amended the following regulations.

Regulation 3, Section 13—Equine Requirements, Paragraph “b” under “Exceptions” is amended to read: “Untested horses arriving at auction market may be sold for purposes other than slaughter if a flood sample is drawn for equine infectious anemia testing at buyer’s expense before the animal leaves the auction market. This sample must be collected by a private practitioner and submitted to an approved laboratory. If a private practitioner is not available to conduct the test, the state-employed veterinarian who is writing health certificates at the auction market, may conduct the test and shall charge a fee of ten dollars. This fee will go into the fund for state laboratories. Horses may then move from the auction market to the purchaser’s premises under quarantine issued by Livestock Sanitary Board personnel until results of the Coggins test are received. If the animal is found to be positive, it must be properly identified by a permanent identification and will remain under quarantine until sold for immediate slaughter.”

* * * *

Regulation 15, Paragraph 1 is amended to read: “A commercial dairy herd that has passed four consecutive negative milk ring tests within the last twelve months, the tests being no less than two months or more than four months apart, will be considered a negative herd and will not be required to be blood tested as long as the herd continues to have milk ring tests four times each year, the tests being no less than two months or more than four months apart, and the results of the tests remain negative.”

* * * *

Regulation 16, Section 1, Paragraph B.2 is amended to read: “A commercial dairy herd that has passed four consecutive negative milk ring tests within the last twelve months, the tests being no less than two months or more than four months apart.”

* * * *

Regulation 17, Section 1, Paragraph B.2 is amended to read: “A commercial dairy herd that has passed four consecutive negative milk ring tests within the last twelve months, the tests being no less than two months or more than four months apart.”

* * * *

Regulation 18, Section 1, Paragraph A.1 is amended to read: “A commercial dairy herd that has passed four consecutive negative milk ring tests within the last twelve months, the tests being no less than two months or more than four months apart, will be considered a negative herd and will not be required to be blood tested as long as the herd continues to have milk ring tests four times each year, the tests being no less than two months or more than four months apart, and the results of the tests remain negative.”

Forrest E. Henderson, D.V.M.
State Veterinarian

RULE

**Department of Agriculture
Dairy Stabilization Board**

Assessments

§12.9 Each processor shall pay his assessment when due under the Act. Processors who are delinquent in the payment of their assessment shall add to the amount due a sum equal to one percent of the amount due for each day of delinquency. In computing the amount of the assessment, frozen desserts shall be converted to milk equivalents as follows: Total milk solids non-fat times 5.79, plus total pounds of fat times 12.5. In the case of dairy products processed by one processor and transferred to a second processor for resale, the assessment due in connection with Class II items is to be paid by the transferor and the assessment due in connection with Class I items is to be paid by the transferee. No processor shall

be required to pay assessments on products sold outside of this state. Processors whose total annual assessments amount to less than twenty-five dollars shall be permitted to pay their assessments annually.

In the event any processor refuses or fails to obtain a license or refuses or fails to pay this assessment, the Board may collect same from the licensed buyer of said dairy products as the agent for said processors or as a user of said products.

If this provision, any part thereof, or the application thereof is held invalid, such invalidity shall not affect other parts of this provision or other provisions of these Rules and Regulations which can be given effect without this invalidated part, and to this end this provision of this Rule and these Rules and Regulations are hereby declared severable.

C. James Gelpi, Director-Attorney
Dairy Stabilization Board

RULE

**Department of Culture, Recreation and Tourism
Office of State Parks**

Rule 8.7-Glass containers of any kind are prohibited within any perimeter boundaries of pools, enclosed swimming areas, enclosed beach areas, and beach parks.

Robert Q. Hanisee, Assistant Secretary
Office of State Parks

RULE

Board of Elementary and Secondary Education

(Editor’s Note: The Department of the State Register will not publish the texts of Rule 3.01.05 and Rule 3.01.56.b described below, in accordance with R.S. 49:954.1C. Copies of these plans may be obtained from the Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.)

Rule 3.01.05

The Board adopted the *State Plan for Nutrition Education and Training Program for 1979* as presented by the Department of Education.

* * * *

Rule 3.01.56.b

(Replaces present policy) The Board adopted the *State Plan for Career Education*.

* * * *

Rule 3.01.51s

The Board amended Bulletin 741, *Handbook for School Administrators*, page 19, Industrial Arts Section to read:

One-half or one unit of credit may be given for each of the following areas:

- World of Construction
- Basic Drafting
- Architectural Drafting
- Engineering Drafting
- Basic Electricity
- Advanced Electronics
- Basic Graphic Arts
- Advanced Graphic Arts
- World of Manufacturing

- Exploratory Industrial Arts
- General Shop
- Materials and Processes
- Home Mechanics
- General Metals
- Advanced Metals
- Welding
- Power and Energy
- Small Gas Engines
- Basic Automotive Mechanics
- Advanced Automotive Mechanics
- Basic Woodworking
- Advanced Woodworking
- Industrial Crafts

A maximum of two units may be allowed in each of the subject areas recommended. However, upon application to and approval by the Vocational Division of the Louisiana State Department of Education, one additional unit may be allowed in the requested area. Revision to become effective July 1, 1980.

(The Board adopted this change as requested by the local school systems and this policy change will allow a higher degree of technical training in a specific area.)

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

RULES

**Office of the Governor
Division of Administration
Office of Contractual Review**

*2d. Reg.
V. 5, No. 9
9-20-79
p. 277*

The Office of the Governor, Division of Administration, Office of Contractual Review, has amended LAC 1-4:8.2 and 8.3 to read as follows:

Section 8.2 So that the Civil Service Commission may, by authority of its Rule 4.1(e), add the positions of independent contractors to the unclassified state service, all contracts for professional, personal, and consulting services and for provision of social services shall be submitted to the Director of State Civil Service for his review and approval or disapproval, prior to the effective date of the contract and prior to its submittal to the Office of Contractual Review.

Section 8.3 Upon receipt of written approval of a contract from the Director of State Civil Service, said contract may then be submitted to the Office of Contractual Review pursuant to the requirements of R.S.39:1481, et seq.

Paul R. Mayer, Jr., Director
Office of Contractual Review

RULES

**Department of Health and Human Resources
Board of Embalmers and Funeral Directors**

Rule 1. Application for License.

Section 1. Application for a funeral director license or a combination embalmer and funeral director license shall be made on forms as provided by the Board.

Section 2. Applications for license shall be sworn to by the applicant before a notary public and be accompanied by a fee of one hundred dollars.

Section 3. Applications shall be filed with the Secretary of the Board not less than thirty days preceding the date of the meeting at which the applicant desires to be examined for license.

(Fee change to agree with statute change)

Rule 2. Examinations.

Section 1. Examinations will be held at a location to be determined by the Board on the fourth Tuesday of March and September of each year and at such other times as the Board may deem necessary and expedient.

Section 2. Applicants for funeral director's license shall be given a written and/or oral examination on any subjects that the Board may deem necessary in keeping with the intent of the statutes.

Section 3. Applicants for a combination embalmer and funeral director license shall appear before the Board and be given a written and/or oral examination on subjects defined in courses required under R.S. 37:842 and such other subjects as the Board may deem necessary.

Section 4. Whenever an applicant shall fail to be present for examination at the time and place set by the Board, said applicant shall present a reasonable excuse for failure to attend and, by doing so, said applicant may attend the next examination held by the Board without payment of further examination fee, but shall not be entitled to further consideration in case of failure to be present at said next examination, and shall thereby forfeit the examination fee paid to the Board.

Section 5. Applicants, whose applications for examination are not accepted by this Board, shall be entitled to a return of the fee accompanying said applications.

Section 6. Any applicant for a funeral director's or embalmer and/or funeral director's license whose application has been accepted by the Board, and who shall fail in an examination shall not be entitled to the return of the examination fee, but shall be entitled to one reexamination at the next regular examination. Any applicant who shall fail the reexamination shall not be entitled to further consideration. In order to qualify for subsequent examinations, applicant must reapply as provided in R.S. 37:842. In addition, a funeral director applicant must serve one additional year of internship, and embalmer applicant must complete a three-month refresher course at an institution properly recognized by this Board and shall give proper evidence of the completion of said course.

Section 7. All questions used on examinations are the property of the Board, and must be returned by the applicants with their answers immediately upon completion of examinations.

Section 8. Any applicant found to have in his possession material of any nature which, in the opinion of the Board, may be used to assist in the examination, shall forfeit the fee paid and be ejected from the examination and shall not be entitled to any further consideration.

Section 9. When the applicant has complied with all requirements, and has received a passing mark of not less than seventy percent on the examinations for embalming and/or funeral directing, he shall be entitled to receive a license to practice the science of embalming and/or to engage in the business of funeral directing, provided the requirements of internship have been met.

Rule 3. Internship.

Section 1. Any person desiring to engage in the practice of embalming in this state shall serve as an intern in Louisiana for one year under the direct supervision of a Louisiana licensed embalmer and shall have actively assisted in the preparation of at least twenty-five dead human bodies during his internship. The internship must be served within twelve months prior to entering embalming school, or within twelve months after graduating from embalming school.

Section 2. Any person desiring to engage in the profession of funeral directing in this state shall serve as an intern, in Louisiana, under the direct supervision of a Louisiana licensed funeral director for one year. He shall have actively assisted in conducting twenty-five funerals during period of internship. Upon completion of internship, intern applicant must appear before the Board at its next regular examination meeting except when a delayed appearance for good cause acceptable to the Board is allowed.

Section 3. Each intern shall make application to the Board on prescribed forms, accompanied by a fee of \$37.50, and if found acceptable shall be registered as such and given an identification card. Registration is for one year only. At the end of this internship period, applicant must appear at the next regular Board examination provided the educational requirements have been met. The intern may appeal to the Board for an extension of his internship provided, however, that he make application before the Board for such extension and that he appear at a regular meeting to show cause for this extension. Reapplication shall be an additional \$37.50. The Board may, at its own discretion, extend an internship to any period not to exceed one year. Each intern is required to file a complete report (each category must be marked as worked on or not worked on), for each month claimed served, which report must be filed monthly in the Board's office before an applicant is considered completed and before the applicant is eligible for examination.

Section 4. When tenure of internship is completed, an affidavit by both the intern and the person under whose direct supervision he served, shall be filed not later than fifteen days with the Board. Said affidavit shall list the number of bodies embalmed and/or funerals assisted in.

Section 5. The Secretary, upon notification by the applicant, will inform the licensed person responsible for the training of the intern of the rules and regulations concerning the internship and that he will be responsible to the Board for the application and enforcement of these rules and regulations.

Credit for funeral directors and/or embalmer internship shall not be allowed to any person while he is in military service or while enrolled in a university or college or in attendance at an embalming school nor in any event unless the intern shall serve the person under whom such training is given on a bona fide full-time basis between the hours of 7:00 a.m. and 7:00 p.m., which constitutes his primary occupation. Part-time students shall be permitted only if their school training is served during hours that do not interfere with times set forth in the regulation cited above and the intern meets all other requirements of the rule.

Penalties: It shall be a requirement and responsibility of the intern to make these reports monthly and to have them in the office of the Secretary on date specified. Failure to perform as specified in this rule will mean automatic loss of that monthly credit. Failure of the licensed trainer to perform as agreed or to in any way falsify records of the internship will cause a fine to be levied in accordance with R.S. 37:850 for said violation.

Rule 4. Funeral Establishments.

Section 1. Application for a funeral establishment license shall be made upon the form provided by the Board, sworn to by applicant and accompanied by a fee of five hundred dollars. Said establishment shall meet the requirements as defined in R.S. 37:842. When an existing licensed establishment is sold, or in excess of fifty percent of the stock in a corporation holding an establishment license is sold, the purchaser must pay a fee of five hundred dollars for a new license. The seller and the purchaser are required to notify the Board within ten days from the date of the sale or sales as set forth above, providing the Board with full information as to the sale. Failure by either party to provide the

Board with notice, as herein set out, will bring about the suspension and/or revocation of the license of either or both parties.

Section 2. The license is effective for a fixed place, or establishment, and for a specific name. Whenever the location or name of the licensed establishment is changed, a new license shall be obtained and a renewal fee of two hundred dollars paid. All changes of name and/or location must be reported to the Board's Secretary without delay.

Section 3. It shall be required that a licensed funeral director and/or embalmer be in charge of each funeral establishment. No licensed funeral director shall, during a protracted absence from his business, leave his establishment in charge of any person other than a licensee holding a license issued by this Board.

Section 4. Each funeral establishment shall be subject to inspection and shall comply with the following requirements:

A. Each establishment must be provided with suitable and dignified quarters devoted to such activities incident or related to the preparation and arrangement for the burial, or other disposition, of dead human bodies from which a funeral may be conducted.

It shall be the duty of the Board or anyone designated by the Board to inspect the establishment wherein licensed embalmers or funeral directors are practicing or propose to practice, to determine if proper and adequate facilities are provided.

B. Each establishment must consist of and be inspected for an adequate building containing a display room, which must contain a minimum of six adult caskets, embalming room, office or arrangement room, rest rooms (separate for men and women), parlors or chapel. They shall also contain suitable furnishings, equipment and other facilities that meet the standards of the Fire and Sanitary Codes of the State of Louisiana.

C. The preparation or embalming room of medium size shall meet the following requirements:

(1) Floors of tile, cement, linoleum, or like composition, finished with a glazed surface.

(2) Walls and ceilings shall be finished with tile, or other material finished with enamel or other waterproof material.

(3) A sanitary embalming table of metal, glass, or porcelain top, with running water draining from the table into a drain connected with a sewer or other proper receptacle.

(4) Suitable sanitary plumbing which shall comply with the requirements of the Louisiana State Office of Health Services and Environmental Quality.

(5) Only equipment and supplies necessary for the preparation or care of dead human bodies for disposal or transportation are to be kept in the preparation room. At no time shall it be used as a storage room.

(6) The room shall be properly ventilated and comply in respect to ventilation with state and local laws or ordinances and regulations. It shall be so ventilated that no deleterious odors be permitted to enter into any other part of the establishment or adjoining premises.

(7) The embalming or preparation room shall be strictly private and no one shall be allowed therein while the body is being embalmed except the licensed embalmers and other authorized persons and officials in the discharge of their duties.

(8) There shall not be any direct connection between the preparation or embalming rooms with the living quarters of a funeral establishment or rooms where food is customarily prepared and served. Its doors shall be closed at all times and all of its windows must be screened as a safeguard to the public health.

(9) Each funeral establishment and each preparation or embalming room shall be maintained in a clean and sanit-