

CONTENTS

I. EMERGENCY RULES

Education Department:	
Board of Elementary and Secondary Education—Certification Program In English as a Second Language	585
Health and Human Resources Department:	
Office of Family Security—Title XIX (Medicaid) payment for abortions	585 ✕
Medical assistance for retirees	585 ✕
Assignment of health insurance benefits	585 ✕
Office of Human Development—Rate increase for foster care services	586 ✕
Rate increase for day care services	586 ✕
Subsidized Adoption Program for special needs children	586 ✕
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Iatt Lake, Grant Parish closed to commercial netting August 15, 1980 to February 1, 1981; oyster season	586

II. RULES

Education Department:	
Board of Regents—Letters of Intent; State Appropriation Formula; Guidelines for Conduct of Off-Campus Activities	588
Governor's Office:	
Commission of Law Enforcement and Administration of Criminal Justice—Jail standards	598
Health and Human Resources Department:	
Board of Examiners of Psychologists—Internship definition; Use of speciality titles	602 ✕
Office of Family Security—AFDC and GA need standards increase	603 ✕
Medically Needy Income Eligibility Standards	604 ✕
Reimbursement methodology and private nursing home rates	605 ✕
Office of Licensing and Regulation—Review of expenditures by health care facilities	605 ✕
Natural Resources Department:	
Environmental Control Commission—Radiation regulations	608
Revisions to Air Quality Regulations and approved Compliance Schedule	609

III. NOTICES OF INTENT

Agriculture Department:	
Horticulture Commission—Landscape architect examination fee schedule	610
Civil Service Department:	
Board of Ethics for Elected Officials—Adoption of administrative rules	610
Commerce Department:	
Racing Commission—Amendment of Rule LAC 11-6:25.32-coupled entries	611
Adoption of Rule LAC 11-6:33.6-coupled entries	611
Governor's Office:	
Division of Administration—PPM Number 66-Miscellaneous payroll deductions	611 ✓
Office of Telecommunications Management—Adoption of rules and regulations	612
Tax Commission and Office of Forestry (joint rule)—Stumpage market value of timber and pulpwood	613
Health and Human Resources Department:	
Board of Embalmers and Funeral Directors—Repeal of Rule 4, Section D. (2)	613 ✕
Board of Examiners for Speech Pathology and Audiology—Rules for disciplinary action	614 ✕

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Office of Family Security—Expansion of in-patient physician services	614 ^X
Board of Pharmacy—Implementation of Acts 306, 307 and 420 of 1980	
Legislative Session; continuing education regulations	614 ^X
Labor Department:	
Office of Labor—Prevailing Wage Law	617
Natural Resources Department:	
Environmental Control Commission—Revisions to Air Program’s regulations and State Implementation Plan	618
Office of Forestry—Indian Creek Recreation Area fee increase	619
Office of Forestry and Tax Commission (joint rule)—Stumpage market value of timber and pulpwood	613
Public Safety Department:	
Office of State Fire Marshal—Parking in fire lanes prohibited	619
Mattresses in prisons	620
Office of State Police—Amendment regarding chemical testing for intoxication	620
Transportation and Development Department:	
Board of Registration for Professional Engineers and Land Surveyors— Certification of engineers-in-training and land surveyors-in-training	623

IV. LEGISLATION

R.S. 49:951-966 (Amendment)—Louisiana Administrative Procedures Act	624
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V. POTPOURRI

Governor’s Office:	
Tax Commission—Notice of hearing	625
Natural Resources Department:	
Office of the Secretary—Fisherman’s Gear Compensation Fund claims	625
Treasury Department:	
State Police Retirement System—Monthly Board meeting date changed	626

VI. ERRATA

Urban and Community Affairs Department:	
Governor’s Commission on Indian Affairs	626

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its meeting on September 25, 1980, exercised those powers conferred by the emergency provisions of the Administrative Procedures Act R.S. 49:953B and adopted a Certification Program for Teachers in English as a Second Language.

The presence of non-English speakers in our Louisiana schools is emerging as a major problem for our school officials. The New Orleans area continues to receive Spanish-speakers from Latin America, and the Indochinese refugee enrollment in Louisiana has grown to over 10,000 (third largest population in the country). Although these are also concentrated in the New Orleans area, refugee children are enrolled in schools across the state.

The problem of educating the non-English speakers has grown to such proportions that special programs have been designed both in English as a second language and in bilingual education. For the 1979-80 school year, Orleans Parish has hired seventeen full-time English teachers to teach English as a second language. Other parishes are utilizing part-time ESL teachers and have set up special tutorial programs. Teachers at all levels who work with the non-English speakers share common challenges and unique difficulties in their attempt to provide academic instruction. For these students, a working command of English is an educational essential. This command must be acquired through methods which differ from those customarily employed by the teacher of English to native speakers of the language. This constitutes the case for a special pattern of preparation for teachers of English as a second language.

Certification Program in English as a Second Language

English as a Second Language would be added to the certificate of any teacher who a) holds certification in foreign languages, English, or elementary education; and b) successfully completes the following courses:

A. Methods for Teaching ESL - the theories and practical approaches and techniques for teaching ESL to elementary, secondary, and adult education students. (three semester hours).

B. An introduction to Language and Culture - the relationship of language acquisition to social and cognitive development. (three semester hours).

C. The Structure of the English Language - a study of the distinctive sound patterns and grammatical systems of American English. (three semester hours).

D. Curriculum Design for the Multicultural Classroom - adapting curricula for the multi-ethnic classroom, as well as a review of existing ESL materials (elementary, secondary, and adult education levels. (three semester hours).

Effective date of this program will be September, 1982.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

In accordance with the provisions of Louisiana R.S. 40:29, the Department of Health and Human Resources, Office of Family Security has implemented the following policy regarding Title XIX Medicaid) payment for abortions.

Effective September 19, 1980, the Louisiana Medical Assistance Program will enforce Medicaid regulations which restrict payments for abortions except when one of the two criteria outlined below is met:

1) A physician has found, and so certified in writing, that on the basis of his/her professional judgment, the life of the pregnant woman would be endangered if the fetus were carried to term.

2) A physician has obtained signed documentation from a law enforcement agency or public health service stating: (a) that the pregnant woman was reported to have been the victim of an incident of rape or incest; (b) the date of which the incident occurred; (c) the date on which the report was made, which, in the case of rape, must have been within seventy-two hours (three days) of the date on which the incident occurred; (d) the name and address of the person making the report (if different from the victim); and (e) that the report included the signature of the person who reported the incident.

This action will allow the Medical Assistance Program to be in compliance with the United States Supreme Court rulings of June 30, 1980 and September 17, 1980. Compliance with these regulations assures continued federal financial participation in Louisiana's Medical Assistance Program.

George A. Fischer, Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, will implement effective November 3, 1980, a program of state medical assistance for state and local retirees who become ineligible for Supplemental Security Income and Medicaid benefits due to cost of living increases in state or local government retirement benefits occurring on or after August 31, 1979. The medical benefits to be provided are the same as those provided through Title XIX, Medicaid, but will be funded by all state monies.

The expansion of the State Medical Assistance Program is mandated by Act 481 of the 1980 session of the Louisiana Legislature.

In determining eligibility of potential recipients, all percentage increases in state, local, and parish retirement benefits beginning in August, 1979, will be disregarded from the individual's current income. Need will be determined in accordance with Supplemental Security Income (SSI) standards. SSI resource criteria shall also be used.

For those determined eligible, medical cards will be issued for any appropriate retroactive months and for current and subsequent months.

The declaration method shall be used in redetermining eligibility annually. If the individual becomes ineligible for any reason other than the cost of living increase from state and local retirement, the case shall be closed.

George A. Fischer, Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

In accordance with provisions of Louisiana R.S. 40:29, the Department of Health and Human Resources, Office of Family Security, has implemented the following policy regarding assignment of health insurance benefits effective September 12, 1980.

By operation of law (Act 255 of the 1980 Legislature) the applicant or recipient of Medical Assistance shall be deemed to

have made an assignment to the Department of Health and Human Resources of his right to any hospitalization, medical, accident, or health benefits owed to applicant or recipient by any third party (i.e., insurance company, etc.), as well as rights to such benefits or medical support payments owed by any third party to applicant's or recipient's children or any other person for whom applicant or recipient has legal authority to execute such an assignment.

This action will allow the Medical Assistance Program to be in compliance with Act 255 of the 1980 Legislature and federal regulations 42 CFR 433.135. Compliance with these regulations assures continued federal financial participation in Louisiana's Medical Assistance Program.

George A. Fischer, Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

**Department of Health and Human Resources
Office of Human Development**

As provided for in the Appropriations Act of the 1980 Louisiana Legislature, effective July, 1980, the Department of Health and Human Resources, Office of Human Development, has adopted revisions which increases the fees or rates paid for the Foster Care services listed below. The emergency rulemaking procedure has been adopted to enable foster parents and foster children to benefit from these increased rates in the month of August, 1980.

1. Monthly board rate for a foster child in Foster Family Care under age six - \$160.00 (\$5.24 per day).
2. Monthly board rate for a foster child in Foster Family Care between the ages of six years and twelve years - \$185.00 (\$6.11 per day).
3. Monthly board rate for a foster child in Foster Family Care ages thirteen or older - \$212.00 (\$6.98 per day).
4. Foster Family Home Retainer Fee - \$15.00.
5. Initial Replacement Clothing Allowance - \$175.00.
6. Physician's fee for required annual physical examination of Foster Parent - \$25.00.
7. Monthly subsidy payment for specialized foster homes - \$700.00.
8. Special recreational expenses of foster child - \$200.00 per school year — \$200.00 per summer.

Additional copies of this material may be secured from the office of Human Development, Division of Evaluation and Services, Planning Section, Box 3318, Baton Rouge, Louisiana 70821.

Interested persons may submit written comments on the proposed policy changes through November 5, 1980 to: Mr. Arthur J. Dixon, Assistant Secretary, Office of Human Development, Box 44731, Baton Rouge, Louisiana 70821.

George A. Fischer, Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

**Department of Health and Human Resources
Office of Human Development**

With funds provided in the Appropriations Act of the 1980 Louisiana Legislature, the Department of Health and Human Resources has adopted the following increased rate schedule for the provision of Day Care services provided through vendor payments to licensed day care centers and approved family day care homes:

Licensed Day Care Centers Approved Family Day Care Homes

	Old Rate	New Rate	Old Rate	New Rate
Monthly	\$112.42	\$123.20	\$73.92	\$81.62
Daily	5.11	5.60	3.36	3.71
Hourly	.73	.80	.48	.53

The amount paid by the Office of Human Development for a child's full-time care shall be the center's regular fee for day care and transportation but shall not exceed \$123.20 per month.

In no case shall the amount of payment exceed the amount charged by a day care center to private paying clients.

George A. Fischer, Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

**Department of Health and Human Resources
Office of Human Development**

The Department of Health and Human Resources, Office of Human Development, does hereby exercise the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to adopt, effective with October 1980 payments, the following increases in the monthly maintenance subsidy rates in the Subsidized Adoption Program:

	Old Rate	New Rate
Special Needs Adoptive Child under age six	\$116.80	\$128.00
Special Needs Adoptive Child between six and twelve	\$136.00	\$148.00
Special Needs Adoptive Child ages thirteen or older	\$154.82	\$169.60

Additionally, the following revised income eligibility standard for the Adoption Subsidy Program is being adopted to reflect adjustments in the Louisiana median annual income as computed by the U.S. Bureau of the Census. The table lists, by family size, 115 percent of the Louisiana median annual income. Persons adopting special needs children in the custody of the Department of Health and Human Resources whose family income is below that listed on the table may apply for a maintenance subsidy.

Family Size	Gross Annual Income	Family Size	Gross Annual Income
2 Persons	\$14,616	9 Persons	\$30,300
3 Persons	\$18,048	10 Persons	\$30,948
4 Persons	\$21,492	11 Persons	\$31,956
5 Persons	\$24,936	12 Persons	\$32,244
6 Persons	\$28,368	13 Persons	\$32,880
7 Persons	\$29,016	14 Persons	\$33,528
8 Persons	\$29,664		

For each additional family member above fourteen, add \$648.00 to the figure shown for a fourteen member family.

George A. Fischer, Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

The Louisiana Wildlife and Fisheries Commission has adopted emergency rules in accordance with R.S. 49.953B of the Administrative Procedures Act. Said rules will become effective as stated.

1. Iatt Lake in Grant Parish has been closed to commercial netting during the draw down of water beginning August 15, 1980, until the closing of the control gates on February 1, 1981. This

would allow for the authorization of Department enforcement agents to enforce the closure. Fish population samples taken by Department biologists indicate the poundage of commercial fish in Iatt Lake is generally low and nets can jeopardize the game fish population. This action is being taken at the request of the Iatt Lake Water Conservation Committee Board which adopted a similar resolution on August 14, 1980.

2. The oyster season in Calcasieu Lake has been set to extend from one-half hour before sunrise on Saturday, November 1, 1980, through one-half hour after sunset on Tuesday, March 31, 1981, with the right being reserved to extend said season or close it sooner if biologically justifiable. Fishing will be limited to the use of tongs and to daylight hours. The open areas shall be confined to the area of Calcasieu Lake, with the exception of Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou which shall be closed. The three inch culling law shall be observed by all fishermen fishing the area and the culls shall be returned to the fishing area reefs to provide for future harvesting. All oysters shall be put into sacks before leaving the oyster fishing area in Calcasieu Lake. Oysters not in sacks leaving the fishing area in Calcasieu Lake shall be confiscated and violator subject to penalty set forth in Title 56, Section 115. The taking of oysters for commercial purposes shall be limited to fifteen sacks per boat per day. The taking of oysters for home consumption shall be limited to three bushels (two sacks) per boat per day, which need not be tagged. All commercial fishing of oysters shall be done only with proper licenses, and the sacks of oysters be properly tagged before leaving fishing vessel. All sacks entering into commerce shall be tagged. The Secretary is hereby authorized and empowered to extend or close said season, and increase or decrease the limit, when biologically justified.

The State Department of Health will examine the growing oysters of this aforementioned area and approve the waters for fishing oysters if the health standards are met.

3. WHEREAS, R.S. 56:437 has by excluding the use of undersize dredge on public oyster grounds created an injustice for a segment of the oyster fisheries, and

WHEREAS, Act 197 of the 1980 legislative session has attempted to rectify the problem in R.S. 56:437 but made the designation of the areas upon which these small dredges may be used the responsibility of the Commission, and

WHEREAS, R.S. 56:462 designates areas to be included in the "Oyster Seed Grounds," and

WHEREAS, R.S. 56:457 designates certain areas as public grounds incorporated into "Oyster Seed Reservations"; Sister Lake, Hackberry Bay, Bay Junope, Bay Gardene.

THEREFORE, BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission now designates those areas pre-designated in sections R.S. 56:462 and 457 as those areas upon which undersize dredges can be used with a special permit from the Secretary. Section 437 also requires a special permit for an undersized dredge when used on private leases and by lessee's designee.

BE IT FURTHER RESOLVED that the use on public grounds be used only as specified in Act 197 during open season.

BE IT FURTHER RESOLVED that this be an emergency action due to the season opening September 3, 1980, and the law becoming effective September 13, 1980.

Joseph V. Colson
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no implementation costs or cost savings to the agency.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The Department estimates that there will be no effect on revenue collections.

- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

The commercial and recreational activities will be curtailed during closing but yields should be significantly higher after the control gates are closed.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is very little commercial fishing in Iatt Lake due to the low poundage of commercial fish in this lake. Commercial fishing will be curtailed on the lake for a period of six months. However, yields are expected to increase by ten percent after the drawdown.

Mary Mitchell
Fiscal Officer, Wildlife and Fisheries

Mark C. Drennen
Legislative Fiscal Officer

Fiscal and Economic Impact Statement For Administrative Rules

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There will be no costs to the Department of Wildlife and Fisheries to implement the oyster season in Calcasieu Lake. Enforcement of the laws pertaining to this season fall within regular work days of Wildlife and Fisheries agents.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The Department estimates that there will be no effect on revenue collections.

- III. ESTIMATED COST AND BENEFITS TO AFFECTED GROUPS - (Summary)

The commercial and recreational activities will be curtailed during closing but yields should be significantly higher after the control gates are closed.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is very little commercial fishing in Iatt Lake due to the low poundage of commercial fish in this lake. Commercial fishing will be curtailed on the lake for a period of six months. However, yields are expected to increase by ten percent after the drawdown.

Mary Mitchell
Fiscal Officer, Wildlife and Fisheries

Mark C. Drennen
Legislative Fiscal Officer

Fiscal and Economic Impact Statement For Administrative Rules

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There will be no cost to this Department.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on the Revenue Collections of this Department.

- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There will be no estimated cost to affected groups. There have been 19 permits issued by the Department for small dredges.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There have been 19 permits issued for small dredges. We have no historical data on which to base competition and employment.

Mary Mitchell
Fiscal Officer, Wildlife and Fisheries

Mark C. Drennen
Legislative Fiscal Officer

Rules

RULE

Department of Education Board of Regents

The Louisiana Board of Regents at its meeting of September 25, 1980, amended and/or revised policies 2.2 - Letters of Intent; 3.10 - State Appropriation Formula, Revised: 1981; and 4.2 Mandatory Guidelines for the Conduct of Off-Campus Activities as follows.

Section II

Academic Affairs 2.02.01 2.2 (Rev.) Letters of Intent

The purpose of Letters of Intent is to strengthen the planning and coordination of academic programs by allowing the Board of Regents to review summaries of projected programs while they are still in the formative stage. Accordingly, institutions of higher education shall transmit Letters of Intent to the Commissioner of Higher Education for all academic programs to be proposed. A Letter of Intent must be filed separately for each program to be submitted. Each Letter of Intent should be limited to three pages or less. It should provide the title, a brief description, and purpose of the projected programs, and demonstrate that the program would:

- (1) Be within the role and scope of the institution.
- (2) Complement and strengthen existing programs at the institution.
- (3) Avoid unnecessary duplication of programs at other State-supported institutions.
- (4) Supply present and future manpower needs.
- (5) Be within the institution's anticipated resources.
 - (a) Letters of Intent have no binding qualities. Institutions may later decide to alter or cancel plans for projected programs. Letters of Intent will not affect the authority of management boards to dispense with proposed programs as they deem appropriate. Communications and deliberations pursuant to a Letter of Intent will imply neither approval nor disapproval of the subsequent program by the Board of Regents.
 - (b) Letters of Intent must be filed at least twelve months in advance for the submittal of baccalaureate, master's, specialist, and doctoral programs; and ninety days in advance for the submittal of certificate and associate programs. Under unusual circumstances, institutions may at any time request the Board of Regents to waive these requirements.
 - (c) The staff will submit periodic reports to the Board of Regents summarizing both the Letters of Intent on file and deliberations with institutions pertaining to them.
 - (d) This policy shall not be interpreted to restrict actions which the Board of Regents may take during the reviews of existing academic programs.
 - (e) A Letter of Intent is invalid three years after the date of its submittal to the Board of Regents.

3.10 - State Appropriation Formula

Revised: 1981

Section I - Authority

This formula is submitted in accordance with Article VIII, Section 5-(D)(5) of the Louisiana Constitution of 1974 which mandates the Board of Regents "to formulate and make timely revision of a master plan for higher education. As a minimum, the plan shall include a formula for equitable distribution of funds to the institutions of higher education." Additionally, there have been repeated requests in the past from the Executive and Legislative branches of state government and the institutions themselves for the development of an equitable method for determining funding levels for each institution.

Section II - Introduction

The complex character of educational institutions, combined with increasing enrollments and operational costs in the last decade, exerted a demand for a more uniform method to distribute tax-generated funds to state institutions of higher learning. These pressures resulted in the development of numerous higher education formulae in numerous states using various factors of measurements as input for calculations to derive state appropriations for public colleges and universities. The number of states adopting this approach of "formula funding" has continually increased since the early 1960's; one survey indicated that twenty-five states utilized this method in 1973, and indications are that the trend is continuing. In computing the required amount of state funding, these formulae range in complexity from those using a few factors to those using many factors.

There are inherent advantages in using the formula approach to determine state appropriations. The formula method results in the accumulation of measurable data from institutions; it permits the use of mathematical calculations that remove the necessity for subjective evaluation; and it is objective in nature and identifies the needs of all institutions in comparable terms. Primarily, the formula concept is equitable. This formula uniformly places financing on a per student credit hour basis for each institution. Equity, and not necessarily equality, is the basic objective of the formula.

The intention of this formula does not extend to the internal allocation of funds for any functional category, specific discipline, or program. The internal allocation necessary for the development of an effective program of higher education on each campus remains the prerogative of that campus administration and its governing board.

Section III

1981-82 Basic Factor Chart Value Per Student Credit Hour

Basic Factor Chart

Instruction, Research, Academic Support and all Other Support

Student Level	Lower Cost	Higher Cost
	Areas	Areas
Lower Level Undergraduate	51.12	65.02
Upper Level Undergraduate	67.11	86.64
Nursing - LLU	—	128.84
Nursing - ULU	—	162.54
Nursing - Masters	—	265.82
Masters	207.74	260.40
Specialist Professional	232.11	—
Doctorate	562.12	700.40
Law	—	139.56

Higher Cost areas are listed below. All remaining HEGIS taxonomy codes are valued at the lower cost rate.