

CONTENTS

I. EXECUTIVE ORDERS

DCT 82-5—Vessel Access to lower Mississippi	173
DCT 82-6—Add members to Task Force on Drinking and Driving	173

II. EMERGENCY RULES

Health and Human Resources Department:	
Board of Cosmetology—Registration and licensing	174
Board of Medical Examiners—Foreign medical graduates licensure	180 ✓
Office of Human Development—Placement policies	182 ✓
Office of Licensing and Regulation—Disposal of fetal remains	182 ✓ <i>pay option</i>
Treasury Department:	
Board of Trustees, State Employees Group Benefits Program—Major medical coverage for certain persons	183

III. RULES

Agriculture Department:	
Horticulture Commission—Rules and Regulations	183
Culture, Recreation and Tourism Department:	
Office of the State Library—Public documents depository system	187 ✓
Education Department:	
Board of Elementary and Secondary Education—Second grade skills test	188
Health and Human Resources Department:	
Board of Embalmers and Funeral Directors—Prepaid funeral services, unlawful practice	188 ✓
Office of Family Security—Cuban/Haitian program limitation	189 ✓
MAP exception to Medicare reimbursement	189 ✓
Optional state supplementation	189 ✓
Payment for abortions	189 ✓
Podiatry service implementation	190 ✓
Public Safety Department:	
Office of State Police—Hazardous materials regulations	190
Transportation and Development Department:	
Board of Registration for Professional Engineers and Land Surveyors—Rules and Regulations	190
Wildlife and Fisheries Commission:	
Wildlife and Fisheries Commission—Oyster lease applications	192

IV. NOTICES OF INTENT

Agriculture Department:	
Market Commission—Farm youth loans	193
Grading and Certification	193
Produce assembly centers	194
Commerce Department:	
Cemetery Board—Rule eight	195
Office of Commerce and Industry—Enterprise zones	195
Office of Financial Institutions—Variable rate requirements	196
Education Department:	
Board of Elementary and Secondary Education—Summer school guidelines, Nonpublic testing, others	197
Health and Human Resources Department:	
Office of Family Security—General assistance foster care requirements	202 ✓
Retrospective budgeting	202 ✓
Office of Human Development—Reimbursement of shelter costs	203 ✓
Office of the Secretary—Block grants	203 ✓

This public document was published at a cost of \$2.09 per copy, by Baton Rouge Printing Co., Inc., P. O. Box 97, Baton Rouge, La. as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:951-968. This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

Natural Resources Department:	
Office of Environmental Affairs—Construction Grants Priority System	205
Public Safety Department:	
Office of State Fire Marshal—Smoke detection systems	206
Transportation and Development Department:	
Office of the Undersecretary—Amendments to purchasing regulations	207
Urban and Community Affairs Department:	
Office of Planning and Technical Assistance—Community Development block grants	208

V. COMMITTEE REPORTS

Natural Resources Department:	
Resource Recovery and Development Authority—Meeting date approved	213

VI. POTPOURRI

Agriculture Department:	
State Entomologist—Sweet potato weevil quarantine addition	213
Education Department:	
Board of Trustees for State Colleges and Universities—Hearing postponed	214
Health and Human Resources Department:	
Office of Family Security—Food stamp hearing scheduled	214 ✓
Natural Resources Department:	
Fishermen’s Gear Compensation Fund—Claims	214
Revenue and Taxation Department:	
Tax Commission—Statewide appraisals/assessments levels	215

VII. ERRATA

Public Safety Department:	
Office of State Fire Marshal—Numbering error	217
Transportation and Development Department:	
Board of Registration for Professional Engineers and Land Surveyors—Word change	217

Executive Orders

EXECUTIVE ORDER DCT 82-5

WHEREAS, The Lower Mississippi River from Baton Rouge to the Head of Passes is one of the largest port areas in the world; and

WHEREAS, Approximately 28 percent of the nation's total waterborne commerce moves through the Lower Mississippi River; and

WHEREAS, This waterborne commerce includes major shipments of bulk commodities such as grain, coal, ore and petroleum products; and

WHEREAS, The export of grain from the Lower Mississippi River is expected to double between now and the year 2000; and

WHEREAS, The United States has approximately 28 percent of the world's recoverable reserves of coal; and

WHEREAS, The President's Interagency Coal Task Force has predicted that there will be a major growth in the export of steam coal from the United States by the year 2000; and

WHEREAS, The Lower Mississippi River is at the end of the inland waterway system which serves as a natural tributary for the water transportation of coal from the eastern and western coal regions of the United States; and

WHEREAS, Existing and planned coal terminals along the Lower Mississippi River will provide extensive coal handling capabilities; and

WHEREAS, The ability of the United States to participate in the world trade of these commodities will be dependent on our ability to remain cost competitive with other trading nations; and

WHEREAS, A major component of the cost competitiveness of the United States will be the cost of marine transportation; and

WHEREAS, The world's bulk shipping fleets are utilizing larger and deeper draft vessels to take advantage of the transportation cost savings that occur through the "economy of scale" provided by such vessels; and

WHEREAS, The Lower Mississippi River is currently dredged to a depth of 40 feet which will not allow deep draft vessels to load to their full and most efficient depths; and

WHEREAS, For the Lower Mississippi River area to capture and enjoy the economic benefits of a major share of this expanding bulk trade, it is imperative that the Mississippi River be expeditiously dredged to a depth which will accommodate deep draft vessels;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me as Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby create the Governor's Task Force on Deep Draft Vessel Access to the Lower Mississippi River. The Task Force shall be appointed by the Governor, consisting of the following:

1. The Secretary of the Department of Commerce, or his designee;
2. The Secretary of the Department of Natural Resources, or his designee;
3. The Secretary of the Department of Transportation and Development, or his designee;
4. The Director of the Office of Public Works, or his designee;

5. The Executive Secretary to the Governor, or his designee;

6. The Governor's Executive Assistant for Economic Development, or his designee;

7. The Commissioner of the Division of Administration, or his designee;

8. A representative from the Greater Baton Rouge Port Commission;

9. A representative from the South Louisiana Port Commission;

10. A representative from the Board of Commissioners of the Port of New Orleans;

11. A representative from the Plaquemines Port, Harbor and Terminal District;

12. A representative from business and industry; and

13. A representative from labor.

The Governor shall appoint a chairman and a vice-chairman.

The Task Force shall complete the following responsibilities:

1. Evaluate the anticipated growth of major bulk commodities that move through the Lower Mississippi River area;

2. Determine the proportion of these bulk commodities that will be shipped through the Lower Mississippi River;

3. Using these bulk cargo projections, evaluate the anticipated savings in the cost of transportation that would occur if the Lower Mississippi River were dredged to accommodate deep draft vessels; and

4. Carefully identify and evaluate alternative sources of funding to finance the costs of providing deep draft vessel access to the Lower Mississippi River.

The Task Force shall report its findings to the Governor not later than six months after the issuance of this Executive Order.

The appropriate departments of the State of Louisiana are hereby directed to provide the necessary technical assistance required by the Task Force to carry out its responsibilities.

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 16th day of March, A.D., 1982.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 82-6

WHEREAS, the Governor's Task Force on Drinking and Driving was created by the authority of Executive Order No. 82-2 and amended by Executive Order No. 82-3; and

WHEREAS, it is within the best interest of the people of our state that this task force recommend specific legislation to alleviate this severe problem;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby direct the Governor's Task Force on Drinking and Driving to study these problems and make specific recommendations.

The Task Force shall be under the specific jurisdiction of the

Department of Public Safety and shall be composed of 19 members rather than 17 as previously stipulated. One of the additional members shall be selected from recommendations submitted by the Louisiana Police Jury Association. The second additional member shall serve as an at-large representative.

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 23rd day of March, A.D., 1982.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY Department of Health and Human Resources Board of Cosmetology

Registration and Licensing of Estheticians,
Schools, and Beauty Shops. (Act 701)

RS: 37:492 Definition

“Esthetician” or “esthetics operator” means a person who, for compensation, whether direct or indirect, including tips, engages in any one or a combination of the following practices of esthetics: massaging the face or neck of a person, trimming eyebrows, dyeing eyelashes or eyebrows, or waxing, stimulating, cleansing, or beautifying the face, neck, arms, or legs of a person by any method with the aid of the hands or of any mechanical or electrical apparatus, or by the use of a cosmetic preparation; however, such practices of esthetics shall not include the diagnosis, treatment, or therapy of any dermatological condition.

RS: 37:502. 1 Qualification for certification as a registered esthetician.

A person is qualified to receive a certificate of registration as a registered esthetician who:

- (1) Is at least 16 years of age.
- (2) Is of good moral character and temperate habit.
- (3) Has completed and passed a course (750 hours) at a licensed school for estheticians or a licensed school teaching esthetics, approved by the Board.
- (4) Has passed satisfactorily an examination administered by the Board to determine his qualifications to receive a certificate of registration as a registered esthetician.
- (5) Has, at the time of completion of the required schooling, equivalent training as would be contemplated in the satisfactory completion of the tenth grade from an approved high school.

Number of Hours of Study Required
for Standard Esthetician Course

- I. PROFESSIONAL PRACTICES 100 hours
 - A. Bacteriology, Sterilization, and Sanitation
 1. Personal hygiene
 2. Public health
 3. Methods
 4. Procedures
 - B. Professional Ethics
 1. Personal Attitude and Image

- C. Business Practices
 1. Management practices
 2. Salon development
 3. Insurance
 4. Client records
 5. Salesmanship

- II. SCIENCES 250 hours
 - A. Histology of skin
 1. Cell
 2. Tissue
 - B. Dermatology and Physiology
 1. Structure of the skin and glands
 2. Functions of the skin and glands
 3. Conditions and disorders of the skin
 4. Characteristics of the skin
 - a. Elasticity
 - b. Color
 - c. Skin types
 5. Nutrition
 - a. Nourishment of skin
 - b. Healthful diet
 - C. Structure and Function of Human Systems
 1. Skeletal
 2. Muscular
 3. Nervous
 4. Circulatory
 - D. Cosmetic Chemistry
 - E. Anatomy
- III. FACIAL TREATMENTS 250 hours
 - A. Facial Massage
 1. Benefits
 2. Analysis
 3. Preparation
 4. Types of massage
 5. Manipulations
 6. Safety measures
 - B. Electrical Current Facial Treatments
 1. Types of current
 2. Purpose and effects
 3. Procedures
 4. Safety measures
 5. Equipment
 - C. Other Kinds of Facial Treatments
 1. Purpose and effects
 2. Types of Treatments
 3. Preparation
 4. Procedures
 5. Safety measures
- IV. HAIR REMOVAL 25 hours
 - A. Depilatories
 - B. Tweezing
 - C. Waxing
- V. MAKEUP 100 hours
 - A. Purpose and Effects
 - B. Supplies and Implements
 - C. Preparation
 - D. Procedures
 - E. Safety Measures
 - F. Physiology of Color
 - G. Morphology
- VI. BODY TREATMENT 25 hours
 - A. Massage
 - B. Wraps
 - C. Cellulite
 - D. Aromatherapy

E. Lymph Drainage

F. Reflexology

TOTAL 750 hours

RS: 37:502. 1. B Reciprocity

B. Any person who is an esthetician registered or licensed under the laws of another state or territory of the United States or of a foreign country or province may be granted a certificate of registration as a registered esthetician by the Board without an examination, upon payment of a fee, provided that he fulfill the requirements of Paragraphs (1) and (2) of Subsection A, provided the requirements for registration of license of estheticians in the state, territory, country, or province from which he moved shall have been in effect during the year preceding his application, and the state, territory, country, province has substantially equal requirements to those now in force in this state, upon a showing of active practice of esthetics in the home state, territory, country, or province of the applicant which was uninterrupted for three or more years prior to his application, he shall be deemed to have fulfilled this requirement.

GRANDFATHER CLAUSE

C. The proof of educational requirements as set forth in R.S. 37:502.1(A) (5) shall be:

(1) At least a tenth grade education or its equivalent.

(2) The determination of the Board, on examination for license, and the said level has been attained.

D. Any person who has been duly trained and qualified and who is practicing esthetics on the effective date of this Section may be granted a certificate of registration as a registered esthetician by the Board, upon application, by presenting proof of training and experience to the Board for review to determine whether or not the applicant must be examined by the Board, if the applicant fulfills the requirements of Paragraphs (1) and (2) of Subsection A of this Section.

RS: 37:503 APPROVED SCHOOLS OF COSMETIC THERAPY

E. No school of training of cosmetic therapy existing prior to or established after the effective date of this Part shall be required to establish or offer a course of esthetics other than as part of the curriculum required generally to teach cosmetology as provided in R.S. 37:492(2).

RS: 37:503. 1. APPROVED SCHOOLS OF ESTHETICS; COURSE OF STUDY

§503.1. Approved schools of esthetics; course of study required

A. No school of training of esthetics shall be approved by the Board unless:

(1) It maintains a course of practical training and technical instruction extending over a period of not less than three consecutive months and including not less than 750 hours for the basic course of esthetics. This course of study shall include lectures, discussion, instructions, and mechanical application, and shall include not less than 300 hours each of practical application and of lecture and not less than 200 hours of library study or research. The remaining hours may be made up of any combination of the above.

(2) It possesses apparatus and equipment sufficient for the ready and full teaching of its entire curriculum, as required by the Board by administrative Rule.

(3) It has not less than 3,500 square feet of floor space for a practical working area, a lecture area, a makeup area for the exclusive use of esthetics, a library, and a student lounge.

(4) It is in charge of and under the immediate supervision of a currently licensed teacher of cosmetology or esthetics in active

practice, with at least 18 months of teaching experience in an accredited school of cosmetology or esthetics approved by the Board.

(5) It maintains as teachers persons who have completed the curriculum for the teacher's training course and who are licensed currently as teachers in the active practice of cosmetology or esthetics by this Board.

(6) It keeps a daily record of the attendance of each student and a record of the progress of each student in achieving the required proficiency.

(7) It establishes grades and holds examinations before issuing diplomas.

(8) It has such other facilities as the Board may require by administrative Rule.

B. Nothing set forth in Subsection A hereof shall deprive any student of the benefit of studies made under the laws of another state, territory, foreign country, or province, or another licensed school within the state of Louisiana.

C. The Board may require existing schools of cosmetic therapy to be brought up to the standards set forth herein prior to issuance of renewal licenses to said schools for the calendar year 1982 and subsequent years, if such schools were established prior to the effective date of this Section. This provision shall affect only those schools which elect to teach a course of esthetics as required for the registration of a licensed esthetician.

D. All approved schools shall provide for a period of continuing study, (Brush Up or Advanced) including a course of not less than six weeks duration and containing not less than 200 hours of study.

§504.1. LICENSE TO CONDUCT SCHOOL

No school of esthetics shall operate within the state without a certificate of registration. Any person desiring to conduct a school of training in the vocation of esthetics shall make an application to the Board for a certificate of registration and license after such person has completed the following steps:

(1) Requests in writing to the Board for information relative to opening a new school.

(2) After receipt of the letter from the applicant, it shall be necessary for the prospective owner to select a location and request an inspection, notifying the Board of the location and the approximate floor space and type of construction. The inspection fee for the school premises shall be \$100.

(3) After the location and the floor space, ventilation, fire hazards, and the like have been checked and a report thereon has been made to the Board in an official meeting, the Board shall approve or disapprove the application, and shall notify the applicant in writing of the decision of the Board.

(4) If the location is approved, the applicant shall then be notified in writing to submit the following:

(a) A detailed floor plan of the proposed school, drawn to scale and showing the arrangement of classrooms, placement of equipment, electrical outlets, ventilating facilities, and plumbing and lighting facilities, and shall indicate that the school has an outside entrance and exit and that it contains no less than 3,500 square footage of floor space.

(b) A copy of the lease, if space is to be leased.

(c) A copy of the proposed curriculum and a daily schedule covering the entire outline of the required course of study, as determined by the Board.

(d) Letters of approval from the city fire inspector and city electrical inspector as to fire hazard requirements.

(e) Notarized statements from each of the licensed teachers to be employed, verifying their agreement to teach if the school is licensed.

(f) The applicant shall satisfy the Board of his financial

responsibility to such extent as may be determined by the Board. The Board may, at any time during the operation of licensed schools, require additional data to satisfy said Board that the licensee is financially responsible. In lieu thereof, however a surety bond executed by a licensed bonding company in the amount of \$5,000 in favor of the state of Louisiana shall be conclusive proof of economic responsibility. The beneficiaries of such bonds shall be the students, to the extent of the amount of the tuition paid by each.

(5) After all equipment has been installed, and the Board is satisfied of the financial responsibility, the applicant shall request final inspection from the Board, furnishing the Board with a new school application, properly executed, together with the fee therefor, which shall be \$300. The annual renewal certificate fee shall be \$150 and shall be payable on or before March 1 of each year. Failure to make payment prior to that date shall subject the licensee to an additional fee of \$150.

(6) The Board, or one of its agents, shall then make a final inspection to determine if the equipment and all details and requirements are met and shall report its findings to the Board.

(7) After final inspection by the Board or its agent and a report thereof has been made to the Board, the school shall be notified of its acceptance by the Board and its recognition for opening date, and the Board thereupon shall issue the license.

EQUIPMENT REQUIRED:

1. Every Esthetic school must have practical work room, equipped with not less than the following:
 - a. Four lavatory bowls
 - b. Eight facial chairs or massage cushioned tables
 - c. Four working stations or one station for each student
 - d. Manual, mechanical or electrical apparatus (at least one each of the following). Electrical heating mask, steamer, brushing, vacuum, ionization, glass electrode or high frequency, galvanic or cathodic current (prohibited faradic), decrustation machine, spray or mister, four analysis lamps.
 - e. Sufficient trays for facial supplies
 - f. One per station covered waste container
 - g. One dry sanitizer
 - h. Covered container for soiled towels or disposable towels
 - i. Locker space must be furnished each student
 - j. Sixteen desks or one per student
 - k. One properly lighted make-up area
 - l. One mannequin per student

SANITATION:

1. Esthetic schools are declared to be a business affecting the public health, public interest and public safety. The schools train our estheticians and make personal contact with the public. They help to promote health, safety, and manifest a general feeling of welfare through their teachings. It is, therefore, important that every precaution in sanitation is followed:

- a. Implements or detachable equipment must be thoroughly cleansed with soap and water, submerged in alcohol, and kept in a dry sanitizer; tongue depressants or spatulas should be of a disposable nature purchased at a surgical supply house.
- b. Lavatory bowls must be kept clean at all times.
- c. Towel used for each patron shall be clean and freshly laundered and should be kept in a closed cabinet, unless disposable towels are being used.
- d. Soiled towels should be kept in a closed cabinet.
- e. Head rest of every Esthetician shall be washed with soap and water immediately before serving each patron, unless disposal towels are being used.
- f. Hands of every Esthetician shall be washed with soap

and water immediately before serving each patron.

- g. All fluids, powders and creams must be applied to patron with the use of cotton, brushes or spatulas.
- h. Common powder puffs prohibited, sponges and make-up brushes of the washable kind are allowed.
- i. All teachers in Esthetician Schools shall be required to wear a uniform.

BOOKS:

1. The following text must be provided to each student on registration:
 - a. Standard Textbook for Professional Estheticians by My Lady Publishing Company, together with the Administrative Regulations of the Louisiana State Board of Cosmetology.
 2. Every Esthetician school must maintain a library which will be available to students.
 3. Every Esthetician school must have a classroom entirely separate from the practical work room, equipped with the following:
 - a. Modern Anatomy Charts
 - b. Blackboard
 - c. Sufficient seating with facilities for classroom work, such as taking notes
 4. My Lady Publishing Company Teacher's Manual

ALL ESTHETICIAN SCHOOLS MUST MAINTAIN A CURRICULA HEREINAFTER PRESCRIBED FOR THE FOLLOWING:

1. Esthetician's course of practical training and technical instruction extending over a period of not less than three consecutive months and including not less than 750 hours for the basic course of esthetics. This course of study shall include lectures, discussion, instructions, and mechanical application, and shall include not less than 300 hours of practical application and of lecture and not less than 200 hours of library study or research. The remaining hours may be made up of any combination of the above.

2. Instructors course covering the curricula over a period of not less than 500 hours in a three month period, (12 weeks).

3. Continuing Education for Professional Estheticians Course must consist of hours set by the school.

ADMINISTRATIVE REGULATIONS:

1. On enrolling each student, the school owner must provide the Board with the following:
 - a. The student application
 - b. Birth certificate or equivalent
 - c. Educational proof or application for equivalency test
 - d. Two photographic prints
 - e. Student license fee as set forth in RS 37:514
 - f. The Board will accept student hours certified by schools licensed by this Board (out-of-state schools). Louisiana school owners may receive transfer students (out-of-state) by examining these applicants, and securing a verification of hours from the student's original school and the state Board supervising that school. This verification should cover the number of hours and curriculum studied. The results of your examination should then be certified to the Louisiana State Board, stating the number of hours you determined the transfer student to have completed satisfactorily. This certification should be accompanied with supporting data of verification from out-of-state schools and the out-of-state Boards.
 - g. When registering alien students from foreign countries schools will be responsible for transmitting with the student registration application Immigration Form I-20 A (certificate of eligibility for nonimmigrant "F-1" student status) and form I-17 (Petition for approval of school for attendance by nonimmigrant alien students). These forms may be obtained by the schools from the

Immigration Department, Federal Building, New Orleans, Louisiana.

1. When submitting a student registration, if the \$1 fee for the Administrative Regulations Booklet is not included, please stipulate on application that the student has already received her booklet.

2. A fee of \$10 per equivalency examination will be charged for such individual examinations as have been conducted in the past. The fee of \$10 must be presented to our Board personnel at the time the equivalency test is given. In the case of a failure, an equivalency may be retaken twice with the payment of the \$10 fee being made for the initial test only.

3. Re-registration applications will not be processed unless the accompanying student certificate has the former school owner's signature affixed thereon.

4. Students who transfer, re-register or forfeit their hours will not be allowed in any beauty school until all papers are cleared, and the "RE-REGISTRATION" licenses are posted in the school. HOURS WILL BEGIN FROM THE DATE OF REGISTRATION TYPED ON CERTIFICATES.

5. NAME OF SCHOOL AS WELL AS ADDRESS MUST APPEAR ON UPPER LEFT HAND SIDE OF ENVELOPE TO EXPEDITE THE HANDLING AND PROCESSING OF ALL SCHOOL MAIL.

6. Students eligible for examination must be cleared through the Board office at least ten days prior to the scheduled examination date. Supplementary hour reports on the Saturday commencing the ten day period. Any clearance received in the Board office after the ten day deadline will be processed for the following examination and there will be no exceptions.

7. Requirements to appear for the Examination:

a. Stamped Examination Certificate

b. Dated "Authority to Take State Board Examination."

When clearing a student for examination the student certificate in its entirety must accompany the application for examination.

8. Students will be credited with hours prior to two weeks of date of registration in this office, providing the date of registration shown on the applications falls within that period of time.

a. In addition to this regulation, if a student's registration application is not processed within the two week period allowed, the school must inform the student that he will not be credited with hours nor will he be permitted to participate in the school curriculum.

9. Schools are not to advertise beauty services but may advertise for new students. Schools that advertise in the "Yellow Pages" or any other type of advertisement should present their ad layout to the Board for approval.

FEE AND REMITTANCES TO BOARD RS 37:516

National Testing Fees:

Basic Cosmetology	\$3.50
Manicurist	3.50
Esthetician	7.50
Teacher	7.50
Esthetician Teacher	7.50

RETAKE FEES

Practical retake	\$15.00
Theory retake	18.50
Theory & practical	18.50
Teacher retake (Theory)	22.50
Teacher retake (Practical)	15.00

1A. Students will be credited with hours prior to two weeks of date of registration in this office, providing the date of registration shown on the applications falls within that period of time.

1B. When enrolling transfer students the school owner must provide your Board with the following:

a. Student application stipulating on application "Re-Registration."

b. Student Registration certificate, or notarized statement in lieu of student registration.

c. Re-Registration fee as set forth on RS 37:514.

d. All students transferring (Re-Registrations) their student licensing and source of hours from one school to another are required with that transfer to submit an affidavit, clearly stating their reason for transfer. If reasons for transferring are not sound, fair, and honorable, their statement will be presented to the Board at which time the Board may see fit to call the student before the Board.

2. Esthetic Schools are required to charge a minimum of \$500 per student.

3. School owner must register hours of each student with the Board office not later than Wednesday of each week of students attendance. Owner must certify students attendance for these hours and no over time or double time shall be permitted. Only hours devoted toward the prescribed curricula shall be included. A weekly summary of accredited hours earned by each student shall be posted in every school. A student is not allowed to exceed eight hours per day, whether attending day or night classes.

a. The Weekly Hour Report submitted by the schools to the Board office must be signed by the Senior Teacher or, in the absence of that Senior Teacher, the report must be signed by the person in charge, who will designate his capacity as acting Senior Teacher.

b. All schools must send in to the Board office, quarterly, a roster of their teachers giving names, addresses and number of their active teacher's license. The first report is to be submitted no later than May 10, and then should be followed by a report on August 10, November 10, and February 10, and this practice must be continued thereafter.

4. Application for Examination, and Application for Esthetician's Certificate of Registration after Examination must be accompanied by two pictures, student registration, and \$33.50 money order, of which \$18.50 is for examination and \$15 for the first or initial license.

a. When clearing students for examination, it is imperative that the school complete the yellow and white form in its entirety. Also, in the event that an examination application is returned because of lack of hours or time, student is not eligible to appear for examination until papers have been returned and have been processed by this office.

b. No additional hours will be accepted for the student after completion of 750 hours and 18 weeks.

5. No teacher is to do professional work in a school.

a. Each school owner must furnish, at a nominal fee to the student, a mannequin in order that the student may put in 75 working hours on said mannequin before they may go on the floor to work on patrons.

6. There shall be no professional departments within the school, nor shall any school owner own or operate a professional salon in connection with schools. No members of the school staff shall practice in an adjoining salon, while school is in session. There shall be no unsealed connecting doors between schools and shops under the same roof.

7. Schools are not to advertise beauty services; but may advertise for new students.

8. All schools are required to maintain a faculty of instructors, not fewer than one per each 20 students enrolled, who have completed the curricula for teacher's training and who are licensed as teachers.

a. Each school must be in charge of and under the immediate supervision of a licensed 18 month teacher of cosmetology or Esthetics approved by the Board, one who has 18 months teaching experience in an accredited school of Cosmetology or Esthetics.

b. Esthetic school must keep the Board advised weekly, on their hour report, signed by the school licensee, of the efforts being made to employ an 18 month teacher.

c. This ruling shall be tempered only by practical consideration that all employees are subject to illnesses, entitled to vacations, and other personal needs of rare instances.

9. Teachers in training shall, during school hours, be prohibited from rendering services to the public as operators and shall further be prohibited from acting as or receiving income as instructors.

10. Schools must post a sign no smaller than six inches by ten inches, easily legible, at the entrance of each school reading, "Student work only."

11. All students registrations must be posted in conspicuous place.

12. Students are not allowed to do any professional beauty work until they have completed training, taken the State Board examination and received the initial license. Any students found violating this ruling will forfeit all hours completed in esthetic school and the school knowingly permitting the violation of this provision will place its license in jeopardy.

a. Equivalency examination to ascertain tenth grade education, must be given within the first two weeks. Hours will not be accepted until proof of education has been fulfilled.

13. Students attending esthetic schools shall not frequent or work in any licensed beauty salon or skin care salon in any capacity whatsoever. This regulation applies even though the student's immediate family or the students themselves might be owner or have an interest in the beauty salon or skin care salon in question, on jeopardy of the students losing a portion of or all of their hours.

14. Brush-up Course (This means a person with a delinquent license).

a. Minimum tuition fee \$50

b. Student registration must be sent to Board office, with two photographic prints (2x2)

c. Registration fee \$9

d. Course must consist of 200 hours over a six week period. (If student desires to remain in school for additional hours, request must be made to the Board office for additional hours; request must be made to the Board office stipulating why student desires the additional hours.)

e. Students must wear uniform

f. Student must wear badge "BRUSH-UP"

g. May take customer service

h. Brush-up students must take complete examination

15. Refresher Course (This applies to a currently licensed operator who has not practiced in several years and would like to be brought up to date with additional training).

a. Minimum tuition fee \$75

b. Student registration must be sent to the Board office with two photographic prints

c. Registration fee \$9

Accompanied with this application, must be a statement from the student as to her or his last place of employment. (This is to show proof that the operator hasn't been working and is in need of this training).

Course must consist of 200 hours over a six week period. (If student desires to remain in school for additional hours, request must be made to the Board office stipulating why student desires

the additional hours).

16. Continuing Education for Profession Esthetician

a. Minimum tuition fee, \$15 per day. Esthetician's registration must be sent to Board office, with current license or a copy thereof. Registration fee \$30. Course must consist of hours set by the school. Esthetician should be attired professionally. School must notify Board of guest teacher.

b. When submitting Esthetician's registration for the above course, please designate as "CONTINUING EDUCATION FOR PROFESSIONAL ESTHETICIAN".

RS 37:505 Requirements for certification as a beauty shop, skin care salon, requirements.

H.B. NO. 187

§505. REQUIREMENTS FOR CERTIFICATION AS A BEAUTY SHOP;SKIN CARE SALON, REQUIREMENTS.

A. No person shall operate or accept employment in a beauty shop or salon in the state of Louisiana unless the shop has been issued a current certificate of registration designating it as such by the Board.

In order to receive a certificate of registration as a beauty shop or skin care salon, the owner of such business shall:

1. Employ no unregistered person to serve in any capacity or to perform any function for which registration is required under this Part.

2. Maintain such physical, sanitary, and administrative facilities as are required by administrative regulations adopted and promulgated by the board.

3. Submit the application for license, the required shop owner's fee of \$20, plus an inspection fee of \$25. Any shop moving to a new location must be reinspected and a \$25 inspection fee will be applicable, as well as the shop owner's fee of \$20 as a license is not transferable.

B. No person shall operate or accept employment in a skin care salon or in a skin care salon located within a beauty shop or salon unless the skin care salon has a valid certificate of registration by the Board.

In order to receive a certificate of registration, the owner of the skin care salon shall:

(1) Employ only registered persons to serve in any capacity or to perform any function for which registration is required.

(2) Maintain such physical, sanitary, and administrative facilities as are required by the regulations of the Board.

C. QUARTERS: No person, firm, corporation or association of individuals shall establish or maintain a skin care salon or in connection with a business where food is handled unless a separate room is provided therefor.

(1) The owners and managers of skin care salon established in homes or in connection with places where food is handled shall permanently close all doors leading to the living quarters or place where food is handled and establish a separate outside entrance leading directly into the shop.

(2) Every skin care salon shall be well lighted, well ventilated and kept in a clean, orderly and sanitary condition at all times.

(3) The practice of Esthetics shall be carried on only in quarters especially equipped therefor and for which a shop owner's certificate has been issued.

(4) Floors, walls and fixtures must be kept in a clean and sanitary condition at all times.

(5) The owner and manager of every skin care salon shall see that it is supplied with an adequate supply of running water, both hot and cold, at all times.

D. EQUIPMENT: No person, firm, corporation or association of individuals shall open or operate a skin care salon in the practice of Esthetics until the following industrial and sanitary

products and equipment have been secured and made ready for use in said shop:

- (1) One lavatory bowl
- (2) One facial chair or cushion massage table
- (3) Covered waste container for each station
- (4) Cabinet for accessories
- (5) Cabinet for clean linens
- (6) Covered container for soiled linens
- (7) Sufficient trays for facial supplies
- (8) One dry sterilizer per each station or electric sterilizer
- (9) Soap dispenser
- (10) One each of the electrical apparatus for facial

E. Shop licensee shall be responsible for persons and actions of persons performed upon the licensed premises, as well as the individual violating these provisions.

1. Shop owners are held responsible, that all operators have identifying pictures on their license, and said licenses shall be posted in a conspicuous place.

2. Shop owners absent from their respective shops, on a regular basis, of more than two working days of every week are required to employ a manager.

3. To qualify as a manager, applicant must be a licensed Esthetician.

F. SANITATION:

1. Instruments and appliances shall be thoroughly cleansed with soap and water and then disinfected. Sponges and make-up brushes of the washable kind are allowed.

2. Facial chair and massage cushion table must be kept clean at all times.

3. Head coverings must be washed or otherwise sterilized after each separate use.

4. Towels used for each patron shall be clean and freshly laundered, unless disposable towels are being used.

5. Soiled towels should be kept in a closed container.

6. Head rest of every esthetician chair shall be protected with fresh clean paper, or cloth before its use for any patron.

7. Hands of every esthetician shall be washed with soap and fresh water immediately before serving each patron.

§506. LICENSE AS TEACHER

A. No person shall teach cosmetology, esthetics, or allied courses without a certificate. Any operator is eligible for licensing as a teacher who possesses the following qualifications:

- (1) Is a graduate of an approved senior high school
- (2) Has completed the curriculum for the teacher's training course under the supervision of a licensed teacher of beauty culture for a minimum study of 500 hours in not less than three months.

(3) Has passed such examination as the Board shall prescribe for certification as a teacher.

B. The Board may license a person as an instructor in Esthetics who has practiced Esthetics for at least five years or has taught Esthetics for at least 18 months on the effective date of this Section, and who can present proof of training, experience, or both, to the Board for review to determine whether or not the applicant must be examined by the Board, if said applicant fulfills the requirements of Paragraphs (1) and (2) of Subsection A of Section 502.1 and is a graduate of an approved senior high school.

C. ESTHETIC TEACHER CURRICULUM: OUTLINE OF CONTENT

I. THE PROFESSIONAL TEACHER 100 hours

- A. The Teacher
 1. Personality
 2. Technical Knowledge
 3. Teacher's Characteristics

4. Teachers as Professionals
- B. Preparation For Teaching
 1. Planning the Course
 2. Preparing Lesson Plans
 - a. Objectives
 - b. Outline
 - c. Student Activities
 3. Steps of Teaching
 - a. Preparation
 - b. Presentation
 - c. Application
 - d. Testing

II. STUDENT MOTIVATION AND LEARNING . . . 100 hours

- A. Laws Governing Learning Processes
- B. Student Motivation
- C. Student Participation
- D. Student Personalities
- E. Individual Differences
 1. Slow Learner
 2. Gifted Learner

III. METHODS, MANAGEMENT AND MATERIALS 200 hours

- A. Methods, Procedures, and Techniques of Teaching
 1. Lectures and Discussions
 2. Demonstrations
 3. Conducting Practice Activities
 4. Questioning Techniques
 5. Results
 6. Special Situations
- B. Classroom Management
 1. Physical Environment
 2. Administrative Duties
 3. Student Discipline
 4. Class Supervision
 5. Classroom Routine
 6. Corrective Measures
- C. Teaching Materials
 1. Audio-Visual Aids (Types)
 2. Values of Different Teaching Aids
 3. Correct Usage
 4. Miscellaneous Teaching Materials
 - a. Textbooks
 - b. Workbooks
 - c. Reference Books
 - d. Creative Aids

IV. TESTING AND EVALUATION 100 hours

- A. Testing
 1. Purpose
 2. Performance Tests
 3. Written Tests
 4. Standardized Tests
- B. Evaluation
 1. General Student Abilities
 2. Student Achievement
 3. Teacher Evaluation

THE TEACHING OF ESTHETICS AND THE ESTABLISHING OF A CONTINUING EDUCATION SEMINAR FOR TEACHERS OF COSMETOLOGY AND ESTHETICS

RS 37:503 APPROVED SCHOOLS OF COSMETIC THERAPY, COURSE OF STUDY REQUIRED.

A. No school of training of cosmetic therapy shall be approved by the board unless;

It is in charge of and under the immediate supervision of a currently licensed teacher of cosmetology or esthetics in active

practice, with at least 18 months of teaching experience in an accredited school of cosmetology or esthetics approved by the board.

It maintains as instructors persons who have completed the curriculum for the teacher's training course and who are currently licensed as teachers by the board, at least one of whom shall have been licensed as a teacher and in active practice for at least 18 months.

Teachers applying for credit on Continuing Educational Program Seminars held out of State, must submit to the Board a copy of the courses of study being offered at the seminar for approval 60 days prior to the beginning of the seminar---fee \$10. RS 37:506 1. CONTINUING EDUCATION SEMINAR REQUIREMENT, TEACHERS: LICENSE RENEWAL.

A. Those persons holding a teaching certificate for cosmetology or esthetics shall attend a seminar for continuing education, as approved by the Board, at least one time every two years in order to maintain a current teaching certificate. A continuing education seminar shall consist of at least 24 hours of training in related fields of cosmetology or esthetics, as approved by the Board.

Teacher Seminars should include the following Courses of study:

1. The Professional Teacher
2. Student Motivation and Learning
3. Methods, Management and Materials
4. Testing and Evaluation
5. Chemistry of Cosmetics
6. Chemistry of Hair and Skin
7. Communication Skills
8. Dispensary Operations and Inventory Control
9. Nutrition
10. Psychology of Human Relations
11. Record Keeping and Taxes
12. Salon Management
13. Art Theory (Principles of Line Design)
14. Professional Image
15. Public Relations
16. Salesmanship and Merchandising
17. Speech
18. Telephone Practices
19. Dollars and Sense for Hairdressers and School

Owners

B. A current teaching certificate shall be one held by a qualified person who annually renews the certificate under the requirements of this Chapter and satisfactorily attends the Board approved continuing education seminar. Any person who allows his teaching certificate to lapse and does not hold a current teaching certificate shall attend said seminar within 12 months of his return to employment as a teacher in order to teach in an approved school of cosmetology or esthetics with an approved renewed certificate.

Course must be attended in its entirety in order to qualify as a current teacher---No excuses accepted.

Proof of attendance must be submitted in the form of a sign-in sign-out book, together with an affidavit signed by the chairman of the seminar or someone so designated verifying completion of at least 24 hours of training in related fields of cosmetology or esthetics.

Students completing 1,000 hours or more must be cleared immediately for the theory part of the examination, remitting the fee of \$18.50. The student must then remain in school for the balance of 500 hours of practical work after which they will be examined in that phase.

For student cosmetologist who desire to complete their education as an esthetician, not over 250 hours satisfactorily accredited shall be transferable.

Mrs. Joel Alice Mumphrey
Chairman

DECLARATION OF EMERGENCY

Department of Health and Human Resources Board of Medical Examiners

The Louisiana State Board of Medical Examiners ("Board"), within the Department of Health and Human Resources, is constituted under the Louisiana Medical Practice Act, LSA-R.S. 37:1261-91, and charged thereunder with the responsibility, *inter alia*, of licensing physicians and surgeons to practice medicine in the state of Louisiana. Among the criteria prerequisite to licensure, the Medical Practice Act requires that an applicant be a graduate of a medical college in good standing with the Board. LSA-R.S. 37:1272(4). By longstanding regulation, the Board has uniformly approved all United States and Canadian medical schools formally accredited by the Council on Medical Education of the American Medical Association or by the Royal College of Physicians and Surgeons of Canada, respectively. With respect to foreign medical schools, however, there is no recognized, reputable and reliable accrediting agency, institution or process, nor is it practicable for the Board to assess or pass upon the adequacy of instruction and training provided by such schools. Accordingly, the Board has made special provision for the licensure of graduates of foreign medical schools.

Toward satisfying the Board that a foreign medical graduate has received appropriate and adequate formal education, existing Board Rules require that such a graduate obtain three years of postgraduate clinical training in an approved training program sponsored by an accredited American medical school or college. Such Rules also provide for the issuance of permits to authorize foreign medical graduates to participate in approved training programs sponsored by Louisiana medical schools. Current Rules provide that such training programs must be independent of postgraduate residency programs.

Experience has proven the strict segregation of foreign graduate training programs to be unworkable in practice; foreign medical graduates in such programs have largely been incorporated into residency programs involving direct patient care. At the same time, recent studies by reputable agencies have questioned the overall quality of medical education and the adequacy of clinical resources provided by a number of recently established foreign medical schools. Both circumstances compel a revision of the Board's Rules governing the licensure of graduates of foreign medical schools to ensure that such applicants are competent and qualified to engage in the practice of medicine.

The Board finds that a revision of its existing Rules respecting graduates of foreign medical schools is necessary in the interest of the public health, safety and welfare. LSA-R.S. 37:1261. The Board also finds that, given pending inquiries and applications, such revisions must be adopted forthwith. Accordingly, exercising the authority conferred on the Board by LSA-R.S. 37:1270B(6) and by the Emergency Rule provisions of the Administrative Procedure Act, LSA-R.S. 49:953B, on March 18, 1982, the Board adopted the following Rules:

Rule 1 Definitions

As used in these Rules, the following terms shall have the meanings specified:

(a) The term "applicant" means a person on whose behalf the Board has received an application for unrestricted medical licensure or for a Graduate Medical Educational Temporary Permit.

(b) The term "Board" means the Louisiana State Board of Medical Examiners.

(c) The term "ECFMG" means the Educational Council for Foreign Medical Graduates.

(d) The term "FLEX" means the Federation Licensing Examination developed and administered by the Federation of State Medical Boards of the United States.

(e) The term "foreign medical graduate" or "FMG" means a graduate of a medical school which is not located in any of the several states of the United States, in the District of Columbia, in Puerto Rico nor in Canada and which is not approved or accredited by the Council on Medical Education of the American Medical Association, or by the Royal College of Physicians and Surgeons of Canada, or their successors.

(f) The term "Secretary" means the Secretary of the Louisiana State Board of Medical Examiners.

Rule 2
Necessity for License
or Graduate Medical Educational
Temporary Permit

(a) No person may engage in the practice of medicine in the state of Louisiana unless he has in his personal possession a valid, current license issued by the Board.

(b) No foreign medical graduate may enroll or participate in any graduate or postgraduate medical educational program in the state of Louisiana unless he has in his personal possession a valid, current unrestricted license or a Graduate Medical Educational Temporary Permit issued by the Board.

Rule 3
Qualifications For
Unrestricted License

To be eligible for unrestricted medical licensure, a foreign medical graduate must:

(a) Be at least 21 years of age;

(b) Be of good moral character;

(c) If the FMG applicant is not a citizen of the United States,

(1) Possess a valid, current VISA issued by the United States government;

(2) Be otherwise lawfully entitled to maintain a residence and employment within the United States;

(d) Possess a valid diploma certifying that the foreign medical graduate is a graduate of a medical school officially recognized by its domicile country and listed by the World Health Organization;

(e) Demonstrate his or her ability to speak, understand, read and write the English language; and

(f) Demonstrate his or her academic, professional and clinical competence in the practice of medicine by presenting or causing to be presented to the Board:

(1) An original standard ECFMG certificate;

(2) Satisfactory evidence that the FMG applicant has successfully passed the FLEX examination with a weighted average of 75.0 or higher. No partial examination scores will be considered. No FMG applicant shall be considered who has failed to achieve a weighted average of 75.0 upon four or more FLEX examinations. After three successive failures of the FLEX examination, the FMG applicant shall provide satisfactory evidence of having completed an additional six months of postgraduate training prior to taking the FLEX examination a fourth time; and

(3) Satisfactory evidence that the FMG applicant has successfully completed three years of postgraduate clinical training, or the equivalent thereof, in a program or programs at a medical institution or institutions in the United States or Canada approved by the American Medical Association or the Royal College of Physicians and Surgeons of Canada, or their successors.

Rule 4
Qualifications For
Graduate Medical Educational
Temporary Permit

A foreign medical graduate who possesses all of the qualifications set forth in Rule 3, save for Section (f)(3) thereof, may be issued a Graduate Medical Educational Temporary Permit to participate in a medical training program in an institution in Louisiana for the purpose of fulfilling in whole or in part the requirements of Rule 3(f)(3), provided that:

(a) The graduate medical educational training program must be sponsored by a medical school or college of Louisiana approved by the Board;

(b) The application must be submitted through the Dean of the approved medical school or college in which the FMG applicant is to receive such training;

(c) The trainee is not permitted or authorized to sign any documents requiring unrestricted medical license; and

(d) The FMG trainee is not permitted to engage in the practice of medicine in any respect or to receive clinical training other than within the approved graduate medical educational program.

Rule 5
Application for Licensure;
Procedure

(a) Application for unrestricted licensure or for a Graduate Medical Educational Temporary Permit must be made upon forms supplied by the Board;

(b) Application for licensure or permit under these rules must include:

(1) Proof, documented in a form satisfactory to the Board as specified by the Secretary that the FMG applicant possesses the qualifications set forth in Rule 3 or in Rule 4; and such other documentation as the Board may require.

(c) All documents required to be submitted to the Board must be the original or certified copy thereof. For good cause shown, the Board may waive this requirement. All documents thus submitted which are not in the English language must be accompanied by a certified translation thereof into English.

(d) Each application submitted to the Board by an FMG applicant shall be accompanied by a nonrefundable fee of \$156.50 and, effective January 1, 1983, of \$200.

(e) The Board may reject or refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The Board may, in its discretion, require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

(f) Upon submission of a complete application form, an FMG applicant shall, by appointment, make a personal appearance before a member of the Board.

Rule 6
Issuance of Licenses, Permits

(a) If the qualifications, requirements and procedures of Rules 3 and 5 are met to the satisfaction of the Board, the Board shall issue an unrestricted license to the FMG applicant.

(b) If the qualifications, requirements and procedures of Rules 4 and 5 are met to the satisfaction of the Board, the Board shall issue a Graduate Medical Educational Temporary Permit to the FMG applicant.

Rule 7 Renewals

(a) Every license or permit issued under these Rules shall expire as of the last day of the year in which such license or permit was issued.

(b) Every license or permit issued under these Rules shall be renewed annually on or before the first day of January by submitting to the Board an application for renewal upon forms supplied by the Board. Each application for renewal shall be accompanied by a fee of \$25.

J. Morgan Lyons, M.D.
Secretary-Treasurer

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Human Development

Under the authority of Act 786 of the 1978 Louisiana Legislature, the Department of Health and Human Resources, Office of Human Development, has adopted the following procedures designed to avoid deficit expenditures in the Client Placement Program for the current fiscal year.

Except for court-ordered placements and placements in public and private long term care facilities, all placements shall be authorized by the Office of the State Placement Director.

Authorization for a placement will be given only when it can be done without exceeding available budgeted monies.

Roger P. Guissinger
Secretary

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Licensing and Regulation

The Department of Health and Human Resources, Office of Licensing and Regulation, does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective March 31, 1982, the following regulations for the disposal of fetal remains subsequent to an abortion. The regulations are being adopted in accordance with the provisions of La. R.S. 40:1299.35.14 et seq.

This will bring the State of Louisiana into full compliance with a judicial mandate requiring the adoption of these regulations by April 1, 1982.

I. Adoption of Policies and Guidelines

Each physician who performs or induces an abortion shall adopt policies and procedures which will address at a minimum the requirements contained herein. Each hospital licensed by the state of Louisiana shall be responsible for formally adopting in writing policies and procedures addressing the requirements of these regulations and applicable Louisiana law.

II. Information as to Options for Disposal

As required in La. R.S. 40:1299.35.14, the attending physician shall inform each woman upon whom he performs or induces an abortion of the provision of La. R.S. 1299.35.15 within 24 hours after the abortion is performed or induced. Such information shall include the provisions of these regulations relative to the

disposal of fetal remains.

III. Acceptable Means of Disposal

A. As provided in La. R.S. 8:651 et seq., alternative means to those provided in these regulations may be elected for the disposal of fetal remains. The right to control the disposal of these remains is provided for in La. R.S. 8:655 and vests in and devolves upon first the parents of the decedent and then the surviving brothers and sisters. It shall be the responsibility of the patient, or when appropriate, a responsible family member or legal guardian to assure that the fetal remains are removed from the premises within 24 hours after election to dispose of remains under La. R.S. 8:651 et seq.

B. If disposition of the remains is not addressed according to La. R.S. 8:651 et seq. either through failure to elect alternative disposal within 24 hours of information thereof under La. R.S. 40:1299.35.14 or upon failure to remove the remains within 24 hours after election for alternative disposal, the disposition of remains becomes the responsibility of the physician and/or hospital.

1. The preferred means of disposal is the incineration of all fetal remains. The incinerator shall be of such size and design as to have the capability of total consumption of all material processed. Processing procedures will be equivalent to those which are being utilized in hospitals which have been accredited by the Joint Commission on Accreditation of Hospitals. Disposal of remains should be accomplished within a 24-hour period subsequent to the conclusion of all medical studies and evaluations.

2. A non-preferred alternative means of disposal is available to physicians and medical facilities. This method is to be used only when the development of the fetus is of such a nature that examination by a lay person would not ascertain it to be recognizable fetal remains. Furthermore, this disposal means is applicable only to those fetuses that are a result of abortions performed during the first trimester of pregnancy. Non-preferred disposal may be accomplished using the sanitary disposal system provided by the municipality or other political subdivision and approved by the Office of Health Services and Environmental Quality of the Department of Health and Human Resources for the disposal of waste matter. Commercial facilities approved for the disposal of biological waste may also be used as a means of non-preferred disposal.

3. The disposal method outlined in III.B.1. above is the preferred disposal method for all fetal remains. All fetal remains shall be disposed of by the preferred method except in the circumstances provided in III.B.2. and as further conditioned in the following section.

IV. General Disposal Policy

A. In facilities that are equipped to dispose of tissue as per the preferred disposal methodology of III.B.1. above, all fetal remains shall be disposed of in conformity with the preferred methodology.

B. In those facilities that do not have adequate incineration equipment, the following policy shall be applicable:

1. Physicians or facilities may develop agreements with hospitals or other facilities to dispose of fetal remains in accordance with the procedures of III.B.1.

2. Under the circumstances outlined in III.B.2., and only in the event that it would be impractical or grossly uneconomical to practice disposal as per the preferred method, physicians or facilities may enter into agreements with hospitals or other facilities to perform III.B.2 non-preferred disposal or may practice such disposal in-house.

It is intended that this exception to the preferred disposal method be applicable only to licensed practitioners such as smaller clinics, physicians' offices, and ambulatory surgical centers where-

in it would be unreasonable to expect the installation of equipment necessary to conform to the preferred disposal method. Use of non-preferred disposal method is not available to hospitals licensed by the state of Louisiana.

George A. Fischer
Secretary

DECLARATION OF EMERGENCY

Department of the Treasury Board of Trustees State Employees Group Benefits Program

WHEREAS, the Board of Trustees of the State Employees Group Benefits Program, at its regular monthly meeting on February 24, 1982, voted to increase the major medical lifetime benefit limitation per person for active employees from \$100,000 to \$500,000, and for retired employees from \$50,000 to \$250,000, effective July 1, 1982; and

WHEREAS, some state employees or their dependents are now effectively without health coverage as they have already reached the major medical maximum limitation presently payable under this program:

THEREFORE, BE IT RESOLVED that the Board of Trustees of the State Employees Group Benefits Program therefore finds that there is an imminent peril to the public health, safety, and welfare which requires the amendment of this former resolution of the Board upon fewer than the 15 days notice required by the Administrative Procedure Act of the State of Louisiana. For this reason, be it further resolved by the Board that the major medical lifetime benefit be and is hereby increased from \$100,000 to \$500,000 per person for active employees and from \$50,000 to \$250,000 for retired employees effective May 1, 1982.

James D. McElveen
Executive Director

Rules

RULES

Department of Agriculture Horticulture Commission

The Louisiana Department of Agriculture, Horticulture Commission, pursuant to the authority granted under LSA 37:1961 F and in accordance with Notice of Intent published on March 20, 1982, adopted the following Rules and Regulations for administration of the Horticulture program at a public hearing held on April 5, 1982:

RULES AND REGULATIONS

Adopted Pursuant to L. R. S. 37:1961-1974

- 1.0 Administration of the affairs of the Commission
- 2.0 Enforcement
- 3.0 Qualifications for licensure or permitting
- 4.0 Procedures for application for licensure or permitting

- 5.0 Fees for license or permit and renewal thereof
- 6.0 Minimum examination performance levels required
- 7.0 Examination schedule
- 8.0 General requirements for all licenses or permittees
- 9.0 Required Standards of Practice
- 10.0 Prohibition
- 11.0 Re-issuance of suspended or revoked license or permit
- 12.0 Clarification

* * * * *

- 1.0 Administration of the affairs of the Commission
 - 1.1 In the absence of the Chairman, the Secretary shall preside at meetings of the Commission.
 - 1.2 The Chairman may designate a Hearing Officer, who may or may not be a member of the Commission, to preside at all adjudicatory proceedings of the Commission.
 - 1.3 The Commission shall serve as a Hearing Body in all adjudicatory proceedings and shall make the final decision with respect to the disposition of all matters brought to adjudication.
 - 1.4 Whenever any member of the Commission desires to be represented at any meeting of the Commission, the member must give at least five working days' prior written notice to the Secretary, naming the individual who will represent the member at the meeting of the Commission.
 - 1.5 Meetings of the Commission shall normally be held at the domicile of the Commission but may be held at other locations throughout the state upon the determination of the Chairman of the Commission.
 - 1.6 The Commission shall be convened upon the call of the Chairman.
 - 1.7 The Commission may act to expel a member under the provisions of L. R. S. 37:1961 H only after its intent to do so has been advertised to all members of the Commission by placement of the expulsion matter on the agenda for the meeting at which the vote for expulsion will be taken.
- 2.0 Enforcement

Hearings

- 2.1 Investigative hearings shall be for the purpose of investigating alleged violations of the Horticulture Laws, Rules and Regulations.
- 2.2 Investigative hearings may be held upon the call of the Commission. Such hearings may be held in any part of the state.
- 2.3 The Chairman, the Secretary, a member designated by the Chairman, or a hearing officer designated by the Commission who need not be a member of the Commission, shall preside at investigative hearings. All witnesses shall be sworn or shall make affirmation.
- 2.4 Investigative hearings conducted by the Commission shall be open to the general public.
- 2.5 If the Commission determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall afford such person, upon request, an opportunity to appear as a witness; receive and dispose of requests from such persons to subpoena additional witnesses; and afford such person, or his attorney, upon request the opportunity to examine or cross-examine witnesses.
- 2.6 The Director of the Horticulture Commission, upon approval of the Chairman or Secretary, is authorized to sign subpoenas which require the attendance and giving of testimony by persons who may possess any knowledge concerning any offense under investigation at an investigative hearing or for investigative purposes. The subpoena shall set forth reasonable grounds therefor, and shall order the person to appear at a desig-

nated time and place. The Director may also order the issuance of a subpoena duces tecum as described above.

2.7 Whenever any person summoned under this regulation neglects or refuses to obey such summons or to produce books, papers, records or other data, or to give testimony as required, the Commission may apply to the judge of the district court for the district within which the person so summoned resides or is found, for an attachment against him as for a contempt.

2.8 A subpoena may be served by any person authorized by law to serve civil process, or by any agents of the Commission, and the return made in writing by any such person shall be accepted as proof of service.

2.9 The Commission is the sole judge of the pertinency of testimony and evidence adduced at such hearings.

2.10 The attorney for the Commission and that of any public agency which may be participating in the investigation shall have the right to be present at all hearings and shall have the right to examine or cross-examine any witness.

2.11 Witnesses at investigative hearings may be accompanied by their own counsel.

2.12 A copy of this regulation shall be made available to any witness and a copy shall be delivered at the time of making service, to each person upon whom a subpoena is served; in addition thereto each person upon whom a subpoena is served shall be informed in writing that the Commission suggests that he consult his attorney and that his attorney should attend the hearing to advise him.

2.13 The Commission may, in its discretion, issue a report upon the conclusion of any such investigative hearing.

2.14 As a result of such investigations, the Commission may initiate adjudicatory proceedings against licensees, permittees, or persons engaged in any regulated profession or occupation, may refer matters to other public agencies and may take any other appropriate action.

2.15 Investigative hearings may be conducted jointly with other interested public agencies.

2.16 It shall not be necessary to publish any advance notice of any investigative hearing and it shall be necessary that subpoenas disclose the general nature of the investigation.

2.17 At all investigative hearings the testimony shall be recorded stenographically or otherwise. Upon payment of the costs thereof, and when authorized by the Commission, a witness may obtain a transcript copy of his testimony given at a public session.

Access to Premises

2.18 Any authorized representative of the Commission or of the Commissioner shall have access to, and may enter at all reasonable hours, all places of business operated by license or permit holders or persons engaged in any regulated profession or occupation or where the licensee or permittee, or persons engaged in any regulated profession or occupation maintains books, papers, accounts, records or other documents related to horticultural activities. Any information gained through utilization of the authority granted hereinabove in this section shall be treated as confidential and shall be used only for the administration of this Subpart; provided, that such information may be divulged by a person when called upon to testify in any adjudicatory proceeding before the Commission or Commissioner or in any court proceedings, and provided further, that nothing contained in this Subpart prevent the use of any information procured by the Commission or the Commissioner in the compiling and dissemination of general statistical data, containing information procured from a number of licensees or permittees, and compiled in such a manner as not to reveal individual information of any licensee or permittee.

Cease and Desist

2.19 Upon determination of violation of Law or Rules and Regulations, the Commission may issue a cease and desist order describing with particularity the violative action and ordering the immediate cessation of said violative action.

3.0 Qualifications for licensure or permitting

3.1 All applicants for licensure or permitting under the provisions of L. R. S. 1961, et seq., must have attained their eighteenth birthday.

3.2 All applicants for licensure must successfully complete the examination prescribed by the Commission for the area in the practice of horticulture for which the license is sought.

4.0 Procedures for application for licensure or permitting

4.1 Each applicant must complete the application form prescribed by the Commission for the area in the practice of horticulture for which the license or permit is sought.

Retail Florist

4.2 Applicants who desire to take the examination for retail florist must file the completed application, together with the fee required under Rule 5.1, at the Commission's State Office in Baton Rouge no later than 4:30 p.m. on the fifteenth day preceding the scheduled examination date.

4.3 Any applicant for licensure as a retail florist who successfully completes either the design phase or the written phase of the examination but does not successfully complete both phases of the examination will not be required to submit to re-examination in the phase which was successfully completed. In such cases, the applicant may apply to re-take only that portion of the examination which was not successfully completed.

4.4 Both phases of the examination for licensure as a retail florist must be successfully completed within one year after successful completion of one phase. In any case where more than one year has elapsed since the applicant successfully completed one phase of the examination, the applicant must apply, and pay the fee required under Rule 5.1 (A), to retake the entire examination.

Landscape Architect

4.5 Applicants who desire to take the examination for landscape architect must file the completed application, together with the fee required under Rule 5.2, at the Commission's State Office in Baton Rouge on or before the final date for ordering the examination materials established by the Council of Landscape Architects Registration Board, which final date will be published in a prior issue of the Louisiana Register.

4.6 Any applicant for licensure as a landscape architect who successfully completes one or more of the five phases of the examination but does not successfully complete all five phases of the examination will not be required to submit to re-examination in any phase which was successfully completed. In such cases, the applicant may apply to re-take only the phase(s) of the examination which were not successfully completed.

Wholesale Florist, Arborist,

Horticulturist, Landscape Contractor

4.7 Applicants who desire to take the examination for wholesale florist, arborist, horticulturist, or landscape contractor may apply at any time, in person or by writing, to the Commission's State Office in Baton Rouge or to any District Office of the Department of Agriculture. Applicants who apply in person, without having previously filed a written application, will be allowed, whenever feasible, to complete the written application form at the initial visit.

5.0 Fees for license or permit and renewal thereof

5.1 Retail florist

(A) The fee for examination for licensure as a retail florist shall be \$100.

(B) The fee for re-examination in the written phase of the examination shall be \$25.

(C) The fee for re-examination in the design phase of the examination shall be \$75.

5.2 Landscape architect

(A) The fee for examination for licensure as a landscape architect shall be \$150.

(B) The fee for re-examination in the various phases of the examination for landscape architect shall be as follows:

- (1) Phase A - \$15
- (2) Phase B - \$15
- (3) Phase C - \$55
- (4) Phase D - \$55
- (5) Phase E - \$10

5.3 Wholesale florist, horticulturist, arborist, and landscape contractor

(A) The fee for examination and/or re-examination for licensure as a wholesale florist, horticulturist, arborist, and landscape contractor shall be \$35.

5.4 Renewal of license

(A) The fee for renewal of the licenses enumerated in Rules 5.1, 5.2, and 5.3 above shall be \$35 each, annually.

5.5 The fee for issuance or renewal of a nursery stock dealer's permit shall be \$65 annually.

5.6 The fee for issuance or renewal of a cut flower dealer's permit shall be \$35 annually.

5.7 A late fee of \$25 shall be charged on and after the fifteenth working day after a license or permit has expired for the renewal thereof.

5.8 All fees required under this Rule must be submitted at the same time as the application; failure to submit any required fees will bar the applicant from taking the examination.

6.0 Minimum examination performance levels required

6.1 The minimum performance level for satisfactory completion of all examinations for licensure, except the examination for landscape architect, shall be 75 percent. The minimum performance level for satisfactory completion of the retail floristry exam shall be 75 percent for the written segment and 75 percent for the design segment of the examination.

6.2 The minimum performance level for satisfactory completion of the examination for landscape architect shall be the minimum performance level acceptable to the Council of Landscape Architects Registration Board.

7.0 Examination schedule

7.1 Retail florist

(A) Examinations for licensure as a retail florist shall be given by the Commission at least once during each quarter but may be given more frequently.

(B) Examinations for licensure as a retail florist shall be given from time to time in all major metropolitan areas of the state.

(C) The Commission shall publish the time and location of each examination for retail florist in the issue of the *Louisiana Register* to be published immediately prior to the examination date and shall also disseminate information concerning the scheduled examination to all interested applicants.

(D) Re-examination for the written segment of the retail floristry exam will be administered in the Commission's State Office Building in Baton Rouge and in District Offices of the Department of Agriculture upon request or at the next scheduled testing site for the retail floristry exam.

7.2 Landscape architect

(A) The examination for licensure as a landscape architect shall be given by the Commission on the date selected for administration of the examination nationally by the Council of Landscape Architects Registration Board.

(B) The Commission shall publish the time and location selected by the Council of Landscape Architects Registration

Board for administration of the examination for landscape architect in an issue of the *Louisiana Register* to be published prior to the scheduled examination date and will disseminate information concerning the scheduled examination to all interested applicants.

7.3 Wholesale florist, horticulturist, arborist, and landscape contractor

(A) Examinations for licensure as wholesale florist, horticulturist, arborist, and landscape contractor will be administered in the Commission's State Office in Baton Rouge and in District Offices of the Department of Agriculture upon request. Interested applicants may apply, in person or by writing, at the State Office or the most convenient District Office and a date for the examination will be established for each applicant.

7.4 Interim required prior to re-examination

(A) Whenever any applicant fails to successfully complete all phases of an examination for licensure, he may not apply to re-take the phase of the examination which was not successfully completed for a period of 60 days following the date of the examination which he failed.

8.0 General Requirements for all licensees or permittees

8.1 All licensees or permittees must cooperate with any representative of the Commission in any inspection of the premises and/or any other reasonable request. The giving of a false statement to any representative of the Commission by a licensee or permittee shall constitute a violation of this regulation.

8.2 The licenses of all licensees regularly assigned to work in any outlet shall be prominently displayed at all times in a location accessible to the general public or any representative of the Commission.

8.3 The permits of cut flower dealers and nursery stock dealers must be prominently displayed at all times in a location accessible to the general public or any representative of the Commission.

9.0 Required Standards of Practice

9.1 General requirements for Retail florist

(A) All flowers or greenery sold or offered for sale, whether singly, in bunches, or in designs, must be fresh and of high quality. No wilted or dead plant materials may be offered for sale to the general public, save and except when specifically requested by consumer.

(B) All nursery stock sold or offered for sale must be fresh and of high quality and free from injurious insects, diseases, and other pests. No low quality plant materials may be offered for sale to the general public.

(C) Coolers from which cut flowers or greenery are sold, or in which cut flowers or greenery are stored prior to sale, must be kept clean at all times. Water in containers must be changed regularly and kept clean at all times.

9.2 General requirements for Landscape architect

(A) Without good cause, all designs must make use of plant materials commonly found growing in Louisiana or which are suitable for growth in Louisiana's growing conditions.

(B) Licensees must meet the standards established by the Council of Landscape Architects Registration Board.

9.3 General requirements for Wholesale florist

(A) All flowers or greenery sold or offered for sale must be fresh and of high quality. No wilted or dead plant materials may be offered for sale to persons holding the proper license or permits.

(B) All nursery stock sold or offered for sale must be fresh and of high quality and free from injurious insects, diseases, and other pests. No low quality plant materials may be offered for sale.

(C) Coolers from which cut flowers or greenery are sold, or in which cut flowers or greenery are stored prior to sale, must be kept clean at all times. Water in containers must be changed

regularly and kept clean at all times.

9.4 General requirements for Horticulturist

(A) Any nursery stock leased or sold, or offered for lease or sale, must be of high quality and free from injurious insects, diseases, and other pests.

(B) Nursery stock which is leased must be maintained in high quality and free from injurious insects, diseases, and other pests.

(C) All recommendations must incorporate sound horticultural practices.

9.5 General requirements for Arborist

(A) Licensees may not use climbing irons in any trees which are not to be removed except as provided in (C) hereof.

(B) Before the Commission issues an arborist's license, the person to be licensed shall first furnish to the Commission the following:

(1) A certificate of insurance written by an insurance company authorized to do business in this state, covering the public liability of the applicant for personal injuries and property damages for not less than \$25,000 for any one person and \$50,000 for any one accident, and not less than \$2,000 for medical payment coverage; and such certificate shall further provide that advance written notification will be given the Commission in the event the insurer desires to cancel the insurance of the applicant.

(C) When the characteristics of a tree require the use of climbing irons, the licensee may use climbing irons but only with the prior written permission of the owner of the tree.

(D) Licensees shall enter into a written contract with the property owner employing him for arboricultural work, which contract must specify the services to be performed and the sum to be paid for the services. Both parties shall receive a copy of the contract.

(E) Licensees may apply pesticides only for the purposes of retarding decay or disease. See also Rule 10.1 relative to application of pesticides.

(F) Licensees engaged in the feeding of trees must follow proper fertilizer schedules and rates according to label directions. Representatives of the Commission may take a sample of the nutrients applied during any tree feeding operation for the purpose of verifying its chemical analysis.

(G) Licensees must display their license at all times in a location accessible to the general public or any representative of the Commission.

9.6 General requirements for Landscape contractor

(A) All nursery stock used in landscaping shall be of high quality and free from any injurious insects, diseases, and other pests.

(B) All plant beds must be properly prepared and must allow for proper drainage.

(C) Sod used in landscaping shall be of high quality and free from any injurious insects, diseases, and other pests.

(D) Licensees must display their license at all times in a location accessible to the general public or any representative of the Commission.

9.7 General requirements for Nursery stock dealer

(A) All nursery stock sold or offered for sale must be fresh and of high quality and must be free from injurious insects, diseases, and other pests. No low quality plant materials may be offered for sale to the general public.

(B) All indoor nursery stock offered for sale must be displayed or offered for sale under the protection of some type of covering, such as inside a building or under a carport, tent, or canopy, which will protect such plant material from exposure to sun, wind, or rain.

(C) A clean source of water must be provided at all times

when plants are offered for sale.

(D) Nursery stock dealers operating from a mobile unit shall not sell nursery stock within 300 feet of a place of business that holds a nursery stock dealer's permit, nursery certificate permit, horticulture service license, retail florist license or a wholesale florist license.

(E) The permit holder must display his permit at all times in a location accessible to the general public or any representative of the Commission.

9.8 General requirements for Cut flower dealer

(A) All flowers or greenery offered for sale must be fresh and of high quality. No wilted or dead plant materials may be offered for sale to the general public, save and except when specifically requested by consumer.

(B) A clean source of water must be provided for all flowers or greenery that are offered for sale. Water in containers must be changed regularly and kept clean at all times.

(C) The permit holder must display his decal and/or permit at all times in a location accessible to the general public or any representative of the Commission.

10.0 Prohibition

10.1 No licensee or permittee of the Commission may apply pesticides to any properties which are not owned, rented, or leased by the licensee or permittee or persons engaged in any regulated profession or occupation unless such licensee or permittee, or persons engaged in any regulated profession or occupation is properly licensed or certified under L. R. S. 3:1621-1642 by the Department of Agriculture.

10.2 Licensees, permittees, or persons engaged in any regulated profession or occupation shall not engage in any fraudulent practices.

10.3 Licensees, permittees, or persons engaged in any regulated profession or occupation shall not engage in any false advertisement of any kind.

10.4 No licensee, permittee, or persons engaged in any regulated profession or occupation of the Commission shall fail to comply with any cease and desist order directed and delivered to said licensee, permittee, or persons engaged in any regulated profession or occupation.

10.5 No person, with intent to sell or in any way dispose of merchandise, securities, service, or anything directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title, or an interest therein, shall make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly to be made, published, disseminated, circulated, or placed before the public, in this state, in a newspaper or other publications, or in the form of a book, notice, hand-bill, poster, bill, circular, pamphlet, or letter, or radio broadcasts, telecasts, wire, wireless, motion picture, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading.

11.0 Re-issuance of suspended or revoked license or permit

11.1 Whenever a license or permit is suspended by the Commission, the violations which caused the suspension must be corrected, to the satisfaction of the Commission, prior to re-issuance of the suspended license or permit.

11.2 Whenever a license or permit is suspended by the Commission, the holder of the suspended license or permit must pay the fee required under Rule 5.0 for renewal of the license or permit prior to re-issuance.

11.3 Whenever a license or permit is revoked by the Commission:

(A) The violations which caused the revocation must be corrected to the satisfaction of the Commission prior to re-issuance of the license or permit.

(B) The holder of a revoked license must apply to take and must successfully complete all phases of the examination prescribed for the license.

(C) The holder of a revoked permit must file a complete application prior to a re-issuance of the permit.

(D) The holder of a revoked license or permit who seeks re-issuance thereof must pay the fees prescribed in Rule 5.0 for the initial issuance of such license or permit.

(E) The relevant requirements of subsections (A) through (D) above must be complied with prior to re-issuance of a revoked license or permit.

12.0 Clarifications

12.1 The restriction against a cut flower dealer locating within 300 feet of an established retail florist shall not apply to cut flower dealers in permanent locations. In addition, cut flower dealers operating from a mobile unit shall not sell cut flowers, within 300 feet of a place of business that holds a cut flower dealer's permit.

Bob Odom
Commissioner

RULE

Department of Culture, Recreation and Tourism Office of the State Library

Public Document Depository System Rules and Regulations

100 General Rules

101 Authority

These rules are promulgated by the State Librarian who serves as the Assistant Secretary of Culture, Recreation and Tourism, Office of the State Library, as authorized by R.S. 25:122B and as required by the Administrative Procedure Act (R.S. 49:953).

102 Organization

The State Public Documents Depository Program is created as a unit of the State Library under the direction of the State Librarian who employs a graduate librarian to head the office.

103 Purpose

The State Librarian has the duty to establish a depository system to facilitate the accessibility and preservation of state documents for the use of the public.

104 Public Information, Submissions, or Requests

State agencies or others seeking information about these rules and regulations or wishing to make submissions or requests are invited to contact the Recorder of Documents at the following address. Recorder of Documents, Louisiana State Library, P. O. Box 131, Baton Rouge, LA 70821, Phone: (504) 342-4929, Linc 421-4929. If further clarification is needed, the State Librarian should be contacted.

105 Advisory Council

In pursuing the mission to provide citizens of the state access to state government publications, the Recorder of Documents will seek the advice of an Advisory Council. Members will be appointed by the State Librarian, and will include representatives of state agencies, state depositories, and other interested persons. Functions of the Council shall be to advise on the selection, organization, distribution, and bibliographic control of publications; to recommend policy and procedures for the effective and

efficient operation of the office of the Recorder of Documents and to provide a forum for the exchange of information and ideas.

200 Deposit of Publications

201 Agency Responsibility

State agencies as defined in R.S. 25:121.1 are required to deposit copies of their public documents with the Recorder of Documents immediately upon publication.

202 Public Documents Required to be Deposited

The public documents required to be deposited are those defined in R.S. 25:121.1. "Public Document" means informational matter, regardless of format, method of reproduction, source, or copyright, originating in or produced with the imprint of, by the authority of, or at the total or partial expense of, any state agency, including material published with federal funds or by sub-state planning districts. This definition incorporates publications released by private bodies such as research and consultant firms under a contract with and/or under the supervision of any state agency, and specifically includes reports, directories, statistical compendiums, bibliographies, laws or bills, rules, regulations, newsletters, bulletins, state plans, brochures, periodicals or magazines, committee minutes, transcripts of public hearings, journals, statutes, codes, pamphlets, lists, books, charts, maps, surveys, other printed matter, microfilm, microfiche, and all items for sale.

203 Public Documents not Required to be Deposited

Correspondence and inter-office or intra-office memoranda and records of an archival nature are excluded.

Audiovisual materials, including audiotapes, videotapes, films, filmstrips, slides, and other audiovisual materials may be excluded except that state agencies shall preserve one copy of each such public document or the liaison officer shall deposit one copy of each with the Recorder of Documents for preservation.

For the purposes of the Recorder of Documents, some informational materials may or may not fall within this definition of audiovisual materials, depending on the physical format, quantity reproduced, and purpose of the reproduction. Examples are maps, works of art, photographs, building plans and specifications, and computer produced copy of microcopy. It will be necessary for the Recorder of Documents to make a determination about such materials on an individual basis after consulting with the publishing agency.

204 Core Collection

Core collection refers to those basic public documents which all depositories shall receive.

The needs of the public will be served best by distributing to all depositories those public documents which are the most useful and essential. Fewer copies of other state agency publications may be needed to meet the needs of the depository system. Therefore, in the interest of economy and efficiency, the Recorder of Documents with the aid of the Advisory Council will identify a core collection to be deposited in all participating libraries.

205 Number of Copies to be Deposited

The Recorder of Documents and the Advisory Council will determine the appropriate number of copies of each public document not included in the Core Collection which will be required to be deposited to meet the needs of the depository program in accordance with the contract between the depository and the State Librarian.

206 Liaison Officer of Agencies

Every state agency shall designate one of its staff members as the liaison officer for the agency and shall notify the Recorder of Documents on or before the first day of July of the identity of the liaison officer, and shall immediately notify the Recorder of Documents of any new liaison officer should a change occur. The liaison officer of each state agency shall have the duty to provide the Recorder of Documents with copies of all public documents of the

La. Register of 4-20-82

agency, to compile and forward to the Recorder of Documents lists of the public documents of the agency, and to provide other related information as may be requested by the Recorder of Documents.

207 Application of Rules

If a state agency is in doubt whether a specific publication is required to be deposited as set forth in the above rules, or if the number of copies to be deposited is questioned, the liaison officer of the agency shall consult with the Recorder of Documents for assistance in interpreting the regulations. If the agency is not satisfied with the determination of the Recorder of Documents, a written request should be submitted to the State Librarian, who shall make the final ruling.

208 Noncompliance by Agency

Noncompliance of an agency will result in a written notice of the noncompliance from the State Librarian to the chief administrative officer of the agency. This notice shall state the alleged noncompliance, a specific date on which such noncompliance must be remedied, and that further noncompliance will result in a report to the Attorney General and the Governor.

209 Agency List of Publications

Every state agency shall provide to the Recorder of Documents a complete list of its public documents upon request of the Recorder of Documents.

300 Depository Library System

301 Statutory Depositories

Louisiana State Library and Louisiana State University Library at Baton Rouge are legally designated complete depository libraries. They shall be the historical depository libraries, shall receive two copies of all public documents received by the Recorder for distribution, and shall retain permanently one copy of each.

302 Other Depositories

Libraries, including those in state agencies and other institutions in Louisiana wishing to receive public documents through the depository system shall submit a written application to the State Librarian requesting designation as a Complete Depository, a Selective Depository, or a Limited Depository.

(1) Complete Depositories shall receive one copy of all public documents received by the Recorder of Documents for distribution and shall retain one copy for a minimum of six years.

(2) Selective Depositories shall receive one copy of the Core Collection and all public documents received by the Recorder for distribution in the predetermined categories they select and shall retain one copy for a minimum of six years.

(3) Limited Depositories shall receive one copy of those public documents identified in the list of Core Collection titles and shall retain the latest edition of each.

303. Designation of Depositories and Contracts

The State Librarian shall review the applications submitted, and shall grant depository status to applicants, taking into consideration user needs, geographic coverage, and level of service to be provided.

The State Librarian and the Administrator of the library/institution receiving depository status shall execute a contract which shall designate the depository status of the library/institution, the date depository status shall become effective, and shall include a statement of agreement to abide by the depository law, and the rules and regulations promulgated and adopted by the State Librarian.

304. Termination of Depository Contract

Termination of the contract between the Louisiana State Library and the depository shall be by written notice six months in advance of the proposed date of termination. The state documents received shall be retained by the depository until the normal retention date, unless otherwise advised by the Recorder of Documents.

ments.

Failure of a depository to abide by the depository law, rules and regulations and guidelines shall result in termination of depository contract by the State Librarian upon six months written notice.

305. Guidelines

The Recorder of Documents shall issue guidelines to (1) aid state agencies in complying with the Louisiana Public Documents Law and the Rules and Regulations of the State Librarian, (2) for the proper maintenance, housing, and servicing of public documents and which describe other responsibilities of the depositories, and which (3) delineate the functions and responsibilities of the Recorder of Documents.

Thomas F. Jaques
State Librarian

RULE

Board of Elementary and Secondary Education

Rule 3.01.09

The Board adopted the Performance Standards for Second Grade Skills Test to be administered in Spring of 1982 as submitted by the Department of Education and approved by BESE, October 9, 1981. The State Department of Education has recommended that a performance standard of 75 percent of 60 test items in mathematics and 75 percent of 60 test items in language arts be approved.

James V. Soileau
Executive Director

RULES

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

The Louisiana State Board of Embalmers and Funeral Directors, pursuant to authority contained in Louisiana Revised Statutes 37:840, and in accordance with the Notices of Intent published on January 20, 1982, adopted the following Rules at a public hearing on Tuesday, March 23, 1982:

RULE 16 - REPORTS ON PREPAID FUNERAL SERVICES OR MERCHANDISE

Section 1. The report required by La. R.S. 37:861 from licensed funeral establishments engaged in the selling of prepaid funeral services or merchandise is necessary only in those instances where funds have actually been paid to or received by a licensed funeral establishment for such services or merchandise. The purpose of requiring such report is to protect purchasers of prepaid funeral services or merchandise by insuring that funds, paid by a purchaser to a licensed funeral establishment, are utilized solely for his exclusive use and benefit. Prearrangements of funerals by licensed funeral establishments, where no amount is paid to or received by the licensed funeral establishment prior to the death of the person whose funeral is arranged, are not within the scope of R.S. 37:861, and, accordingly, no report is required in these instances.

Section 2. The report shall be in such form and contain such information as is prescribed by R.S. 37:861 (A) (1) and shall be filed by each licensed funeral establishment engaged in the selling of prepaid funeral services or merchandise no later than

December 31 of each year, and shall cover the period from October 1 of the previous year to and including September 30 of the year in which the report is due.

RULE 17 - UNLAWFUL PRACTICE

It shall be unlawful for a firm, partnership, corporation, an association of individuals, or anyone other than those individuals licensed under Title 37, Chapter 10, articles 831 et seq., to engage in funeral directing (as defined within article 831 (4).) which is defined as "the operation of a funeral home, or, by way of illustration and not limitation, any service whatsoever connected with the management of funerals, or the supervision of the furnishings of hearses, funeral cars, the purchase of caskets or other funeral merchandise and retail sale and display thereof, the cleaning or dressing of dead human bodies for burial, and the performance or supervision of any service or act done connected with the management of funerals from time of death until final disposition of such body or bodies by burial, cremation or in accordance with existing law, including the disinterment thereof."

Lloyd E. Eagan
Secretary

RULE

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, has adopted effective April 1, 1982, a Rule which reduces the period of eligibility of refugees and Cuban/Haitian entrants certified for cash and medical assistance in the Refugee Resettlement Program (RRP) and Cuban/Haitian Entrants Program, to 18 months from the date of entry into the United States.

Thus, any refugees and Cuban/Haitian entrants certified in the Refugee Resettlement Program or Cuban/Haitian Entrants Program who have been in the United States for 18 months or longer on or after April 1, 1982, will no longer be eligible for cash and medical assistance. These recipients are currently eligible for assistance for a period of 36 months from the date of entry into the United States.

Refugees and Cuban/Haitian entrants who meet the eligibility requirements of Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI) and Medicaid would not be affected by this proposed policy change and would continue to be eligible for such assistance for 36 months from the date of entry into the United States.

This rule change is in response to the Interim final Rule published in the March 12, 1982, issue of the Federal Register (Vol. 47, No. 49, pages 10841-10850).

Roger P. Guissing
Secretary

RULE

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, has amended the Medicaid Title XIX State Plan regarding the methods of payment for inpatient hospital services. The following exception to the Medicare Reimbursement Principles tracked by Louisiana's Medical Assistance Program (Title XIX)

for inpatient hospital services (other than those provided in an institution for Tuberculosis or mental disease) provided by hospitals also participating in the health insurance for the Aged Program under Title XVIII of the Social Security Act (Medicare) is applicable:

... Cost reimbursement principles (Medicare Principles), except the direct and indirect costs of caring for non-Medicaid indigent patients have no relationship to recipients of the Medical Assistance Program and are not allowable costs under Title XIX. For example, contractually provided non-Medicaid indigent care and any other discounts other than to actual employees cannot be allowed as a Title XIX cost of provided services. Neither can statistics used to apportion a provider's cost to the Title XIX program be adjusted for any type of non-Medicaid or discount patient care; . . .

Other provisions pertaining to Methods of Payment for In-patient Hospital Services are unchanged at this time.

Roger P. Guissing
Secretary

4-20-82

RULE

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, has increased the personal care needs allowance from \$25 to \$50 per month for those Title XIX Medical Assistance recipients in the OAA (Aged), ANB (Blind), and DA (Disabled) categories residing in Intermediate Care Facilities I, Intermediate Care Facilities II, Skilled Nursing Facilities, and Intermediate Care Facilities for the Mentally Retarded. The increase was effective March 1, 1982.

An optional state supplementation payment up to \$25 per month will be made to recipients with gross income below \$50 per month. Recipients with monthly income equal to or greater than \$50 will be allowed to retain \$50 for personal care needs.

Senate Concurrent Resolution No. 133 of the 1980 regular session of the Legislature authorized this increase and funds were subsequently appropriated in the 1981 Regular Session of the Legislature.

Roger P. Guissing
Secretary

RULE

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, amended effective March 2, 1982, the policy for payment for abortions under Title XIX, Medicaid, as follows:

Payment will be made to the attending physician for abortions only when the physician has found and certified in writing to the Office of Family Security, Medical Assistance Program, that on the basis of his professional judgment, the life of the mother would be endangered if the fetus were carried to term.

This reduction in service brings the Medical Assistance Program into full compliance with the conditions for which Federal Financial Participation is available for abortions pursuant to Public Law 97-92. Under this legislation, Federal funds are no longer

available for abortions for victims of rape and incest. Earlier compliance was delayed pending the resolution of an injunction granted November 27, 1978, which enjoined the Department of Health and Human Resources from enforcement of R.S. 40:1299.35 (now R.S. 40:1299.34.5) which limited abortions to those medically necessary to prevent the death of the mother.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, effective May 1, 1982, will cover podiatry services.

Payment will be made to podiatrists who are licensed under State law.

Payment will be made for up to three podiatrists services per recipient per calendar year. There is no provision for any additional services.

Payment will be made only for the following procedures:

Drainage of Onychia or Paronychia
Drainage of Hematoma, Simple
Removal of toenail by avulsion (temporary removal)
Removal of toenail by excision, total or both sides (permanent removal)
Partial removal of toenail by excision, one side or the middle (permanent removal)
Metatarsectomy
Excision small bones
Arthrondesis toe one or more joints
Hammer toe operation
Tenotomy single digit
Tenotomy multiple digit
Repair extensor tendon
Arthroplasty Metatarsal Phalangeal joint silver type
Arthroplasty Metatarsal Phalangeal joint McBride
Excision neuroma foot (add 10 percent each additional nerve).

Payment of Podiatry services for residents in institutions or nursing facilities are made only when documented as an order by the attending physician. The order must be on the patient's chart and must state the condition necessitating podiatry services. A copy of the attending physician's order must be attached to the claim form for payment.

Podiatry Services not covered by the Louisiana Medical Assistance Program are:

Routine foot care
Cutting and removal of corns, warts, and calluses.
Trimming of nails and other hygienic and preventive maintenance care.
Assistant surgery fees for podiatric procedures.

The Louisiana Medical Assistance Program shall reimburse providers the lower of the provider's billed amount, the provider's usual and customary fee, or the prevailing rate for that provider type and practice region.

House Concurrent Resolution 65, Regular Session 1980 authorized and directed Department of Health and Human Resources to amend and review the Medicaid Program to provide financial assistance to qualified recipients for services rendered by duly certified podiatrists.

Roger P. Guissinger
Secretary

RULE

Department of Public Safety Office of State Police

HAZARDOUS MATERIALS RULES AND REGULATIONS

The regulations governing the transportation of hazardous materials and hazardous waste consist of a hazardous materials table listing those commodities meeting the definition of a hazardous material. This hazardous materials table lists the proper shipping name, the hazard class, the I.D. number, labels and references the Section pertaining to packaging requirements for that commodity.

Part II, Section 172.200 of the Rules gives the specific requirements for shipping papers that are to be carried at all times when transporting a hazardous material and/or hazardous waste. Part II, Section 172.300 lists the marking requirements for containers of hazardous materials. This Section introduces the use of identification number markings in Part II, Section 172.332, 334, 336 and 338. Part II, Section 172.400 governs the labeling requirements for packagings of hazardous materials. Section 172.500 lists the requirements for displaying placards and the specifications pertaining to size and coloring for the various hazard classes.

Part II, Section 173 deals with the general packaging requirements for specific commodities. This Section is referenced by the Hazardous Materials Table Section 172.101. The requirements for carriage by public highway are outlined in Part II, Section 177. The remainder of the printed regulation deals with Motor Carrier Safety Regulations, Sections 390-397. These safety regulations govern the qualifications for drivers (Sec. 391), driving of motor vehicles (Sec. 392), the parts and accessories necessary for safe operation (Sec. 393), logging requirements for drivers (Sec. 395), inspection, repair and maintenance of vehicles (Sec. 396), and the driving and parking Rules for hazardous materials transportation (Sec. 397).

A printed copy of these regulations will be on permanent display at the Office of the State Register, 1500 Riverside N., and the Hazardous Materials Unit at Louisiana State Police Headquarters, 265 South Foster Drive in Baton Rouge. Copies will also be on display at each State Police Troop throughout the state. As per 32:1504, these regulations are consistent with the Code of Federal Regulations, Title 49.

Donald G. Bollinger
Secretary

RULES

Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors

In accordance with the Notice of Intent published in the August, 1981 *Louisiana Register*, the Board of Registration for Professional Engineers and Land Surveyors, the following Rules were promulgated in Volume 7, Number 12, page 643 through 649 of the *Louisiana Register*: LAC 19-3:1; LAC 19-3:2; LAC 19-3:3; LAC 19-3:5; LAC 19-3:6; LAC 19-3:7; LAC 19-3:8; LAC 19-3:9; LAC 19-3:11; LAC 19-3:12 and LAC 19-3:13.

At this time the Board hereby adopts the two remaining rules: LAC 19-3:4 Rules Governing Firms that Practice Engineering and Land Surveying, and LAC 19-3:10 Rules Governing the Use of Seals.

LAC 19-3:4 Rules Governing Firms that Practice Engineering or

Land Surveying (37:689)

4.1 General

4.1.1 The following Rules with regard to firms providing or offering to provide professional services shall apply equally to corporations, partnerships, and individual proprietorships, unless otherwise provided.

4.1.2 Unless otherwise provided, individual proprietorships which bear the name of the owner who is a registered professional are exempt from the application of LAC 19-3:4.

4.1.3 Unless otherwise provided, use of the term "professional services" in LAC 19-3:4 will refer to both professional engineering and professional land surveying services.

4.1.4 Unless otherwise provided, use of the term "registered professional" in LAC 19-3:4 will refer to either a registered professional engineer or a registered professional land surveyor.

4.1.5 Joint ventures that provide or offer to provide professional services will not be required to register as separate entities. Nevertheless, any firm (including those individual proprietorships otherwise excluded under 4.1.3) that provides or offers to provide professional services in conjunction with its participation in a joint venture can do so only if it complies with the provisions of these rules. In addition, any supervising professional who participates in a joint venture shall be responsible for assuring that all professional services performed by the joint venture are rendered in conformity with the provisions of these rules.

4.1.6 A firm may provide or offer to provide both professional engineering and professional land surveying services; provided, however, that the firm must qualify separately as an engineering firm and as a land surveying firm, and the requirements of LAC 19-3:4 will apply separately to provision of or offers to provide professional engineering services and professional land surveying services.

4.1.7 A firm may provide or offer to provide both professional services and related licensed professional services, such as architecture and landscape architecture; provided, however, that the firm must be registered under and comply with the provisions of LAC 19-3:4.

4.2 Firm Title

4.2.1 No firm shall provide or offer to provide professional services in the state of Louisiana if it has in its title the name of a living owner of an interest in the firm who is not a registered professional or a related licensed professional either in the state of Louisiana or in the state of domicile or principal place of business of such firm.

4.2.2 Subsection 4.2.1 shall apply to a firm registered only in professional engineering, except that all registered professionals listed in the title must be registered professional engineers.

4.2.3 Subsection 4.2.1 shall apply to a firm registered only in professional land surveying, except that all registered professionals listed in the title must be registered land surveyors.

4.2.4 In the case of a firm registered in both professional engineering and land surveying, Subsection 4.2.1 shall apply, except that at least one registered professional listed in the title must be a registered professional engineer, and at least one registered professional land surveyor. One person may serve as both the registered professional engineer and the registered professional land surveyor, if he is registered as both a professional engineer and a professional land surveyor.

4.3 Supervising Professional - The Designated Registered Professional

4.3.1 In the case of firms providing or offering to provide professional services in the State of Louisiana, all such professional services shall be executed by or under the direct supervision of a registered professional duly registered in this state, and designated by the firm as a supervising professional. Such registered profes-

sional shall be a full-time active employee whose primary occupation or employment is with the firm. When the work consists of plans, designs, specifications, reports or maps, such registered professional shall impress them with his seal as required by law. The appearance of a seal on a document of any type shall constitute a representation that such document was prepared by the registered professional or under his supervision.

4.3.2 Nothing in these Rules shall be construed to give a professional engineer the power to practice professional land surveying, unless that professional engineer has independently met the requirements for registration as a professional land surveyor.

4.3.3 Nothing in these Rules shall be construed to give a professional land surveyor the power to practice professional engineering, unless that professional land surveyor has independently met the requirements for registration as a professional engineer.

4.3.4 It is the intent of these Rules to guarantee that all professional work performed by a registered firm is performed under the supervision of or by a registered professional. To this end, the Board may also require a registered firm to identify those registered professionals who will be providing professional services. In addition, the Board may require the individual registrant identified by the registered firm as the responsible professional to acknowledge this responsibility, and assume the responsibility of informing the Board in the event of a change of employment. No registered professional shall be designated as a supervising professional by more than one firm. A failure to comply with any of the provisions of this regulation could subject both the registered firm and the registered professional to disciplinary action by the Board.

4.3.5 Compliance with the above Rules will not be met by a contractual relation between the firm and a registered professional or a firm of registered professionals in which such registered professional or firm of registered professionals is available on a consultative basis. Nor will it be considered compliance if a registered professional is related to the firm solely in a nominal or inactive capacity.

4.4 Professional Identification

4.4.1 Letterheads, business cards, advertisements and other similar identifying items issued by firms providing or offering to provide professional services in the State of Louisiana shall reflect clearly that such firms have full-time employees who are registered professionals in this state. In the ordinary case, the name of the Professional Engineer related to the firm should appear on business cards, letterheads, and similar material with initials P. E. following the name to indicate his professional status, or with the initials to indicate the branch in which he practices such as C. E., M. E., etc. In the ordinary case, the name of the Professional Land Surveyor related to the firm should appear on business cards, letterheads, and similar material with initials P.L.S. following the name to indicate his professional status. In the case of large firms which contain a considerable number of registered professionals, compliance with this regulation may be accomplished by the use of the registered professional's seal or by his signature with the identifying initials thereafter on correspondence or other similar materials which do not require the seal.

4.5 Enforcement

4.5.1 In the event that a firm providing or offering to provide professional services within the State of Louisiana shall fail to comply with these Rules, the Board, after investigation of the facts, will take whatever action is necessary against such firm to require compliance or to enjoin further practice or offers to practice professional engineering or professional land surveying.

4.5.2 Any firm that has qualified with the Board in accordance with the above rules shall be deemed to be a registrant and therefore shall be subject to those disciplinary provisions providing for reproof (privately or publicly), suspension or revocation of the

right to practice its profession in the State of Louisiana.

LAC 19-3:10 Rules Governing the Use of Seals (37:696)

The following Rules for the use of seals to identify work performed by a registered Professional Engineer or Professional Land Surveyor shall be binding on every registrant:

10.1 Each registrant professional engineer or professional land surveyor, upon registration, is authorized to obtain an official seal. It shall be unlawful for such registrant to affix or to permit his seal and signature to be affixed to any document after the expiration of a certificate or for the purpose of aiding or abetting any other person to evade or attempt to evade any provision of the Act.

10.2 The seal shall be of a size and design authorized by the Board. When the seal is applied, the registrant's written signature shall be signed adjacent to the seal. No further words or wording are required. A facsimile signature will not be acceptable.

10.3 The seal and signature shall be placed on specifications, reports, plats, drawings, design information and calculations, whenever presented to a client or any public or governmental agency.

10.4 The application of the registrant's seal and signature shall constitute certification that the work thereon was done by him or under his control.

10.4.1 Drawings and Plats - In case of multiple sealings, the first or title page shall be sealed and signed by the registrant or registrants involved. In addition, each sheet shall be sealed by the registrant or registrants responsible for each sheet. In the case of a firm, partnership or corporation, each sheet shall be sealed and signed by the registrant or registrants involved. The principal in responsible charge shall sign and seal the title or first sheet.

10.4.2 Specifications, reports, design calculations and information - In the case of specifications of multiple pages, the first or title page, of each document shall be sealed and signed by the registrant or registrants involved. Subsequent revisions shall be dated and initialed by the principal in responsible charge whose seal and signature appears on the first or title page. Preliminary documents, so marked, need not be so sealed and signed. In the case of a firm, partnership or corporation the principal in responsible charge shall sign and seal the title or first sheet.

10.5 The seal and signature shall be used by professional engineer or professional land surveyor registrants only when the work being sealed was performed under the registrant's complete direction and control.

10.6 In the case of a temporary permit issued to a registrant of another state, the registrant shall use his state of registration seal and shall affix his signature and temporary permit number to all his work.

10.7 In the case of an individual registrant checking the work of and taking the professional responsibility for an out of state individual registrant, the Louisiana registrant shall completely check and have complete dominion and control of the design. Such complete dominion and control shall include possession of the sealed and signed reproducible construction drawings, with complete signed and sealed design calculations indicating all changes in design.

10.8 The design of the seal as determined by the State Board shall have the following minimum information:

State of Louisiana

Registrant's Name

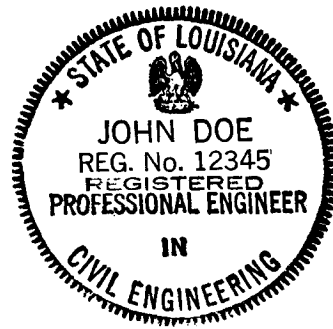
Registrant's Registration Number

Contain the words "Professional Engineer in _____ Engineering" or "Registered Professional Land Surveyor"

Indicated below is a sample of the seal design authorized by the Board. Seals of two different sizes will be acceptable, a pocket seal, the size commercially designated as 1-5/8 inch seal, or a desk

seal, commercially designated as a 2 inch seal. Rubber stamps of the same design and size are acceptable for use.

Paul L. Landry, P.E.
Executive Secretary



RULE

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

The Louisiana Wildlife and Fisheries Commission, at a special meeting held March 23, 1982 in Lake Charles, formally adopted the following Rule:

WHEREAS, the Louisiana Wildlife and Fisheries Commission during the April, 1978 meeting issued a moratorium on the taking of applications for waterbottoms to culture oysters, and

WHEREAS, there was a Wildlife and Fisheries Commission "Oyster Committee" meeting to look into this critical issue held January, 1982, and

WHEREAS, there is still a large backlog of old applications, but it is felt that the Department has the responsibility to provide a recourse for those individuals desiring to enter the fisheries,

NOW THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission proposes to make a Rule change that will conditionally lift the moratorium for those applicants who will agree they will hire a private surveyor to perform their survey, and

BE IT FURTHER RESOLVED that the applicant has six months after the time he could survey this application to do so or it will be cancelled, and

BE IT ALSO FURTHER RESOLVED that applications will be accepted on a first-come-first-served basis according to the following rules:

I. A. The Louisiana Wildlife and Fisheries, Survey Section Office, will open officially at 8:30 a.m., Monday, May 3, 1982. At that time, numbers will be issued on a first-come-first-served basis. These numbers will be issued consecutively daily, from 8:30 a.m. to 4 p.m. for a one month period beginning May 3, 1982 - June 4, 1982. These individuals will then be taken consecutively by number on an appointment basis.

B. Any bona fide resident or any corporation domiciled in or organized under the laws of this state represented by its president/chairman of the board may make an application.

II. The appointments will begin the following week on Monday, May 10, 1982, with the following Rules:

A. The applicant will be taken in five-number increments daily with the first five numbers (applicants being dispersed consecutively among the five slots mentioned above and each individual will be only allowed one hour. If the said individual misses his or her appointment, that number will be revoked. The remaining applicants will be taken consecutively in five-applicant increments until all the numbers are exhausted.

B. At the time of application, the regular application fee will be paid to the Department of Wildlife and Fisheries. This would be until completion of surveys. If survey is not completed within the allotted time, this application fee will be retained for services rendered.

C. At the time the individual obtains his number he will be issued an appointment.

D. Only the individual, unless he or she is president or chairman of the board of a corporation, is entitled to make an application in his name.

E. No power of attorneys will be honored.

Jesse J. Guidry
Secretary

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Market Commission

In accordance with the provisions of LSA 49:951, et seq., and LSA 3:543 B, as amended by Act 158 of 1981, relative to the authority of the State Market Commission in the administration of the Farm Youth Loan Program, notice is hereby given that, due to the absence of a quorum at the meetings of August 5, 1981 and December 9, 1981 when action with respect to the following matter was taken by the Commission, a public hearing will be conducted by the State Market Commission at 10:30 a.m. on Wednesday, May 19, 1982, in the Conference Room on the Twenty-first Floor of the State Capitol, Baton Rouge, LA.

The purpose of the hearing will be to consider the adoption of comprehensive Rules and Regulations for the administration of the Farm Youth Loan Program created by Senate Bill 173 of the 1981 Session of the Louisiana Legislature.

A copy of the text of the proposed Rule may be secured from Bryce Malone, Assistant Commissioner of Marketing, Box 44184, Baton Rouge, LA 70804 or at his office at 12055 Airline Highway, Baton Rouge, LA.

Written comments will be accepted by Bryce Malone up to and including May 17, 1982, or may be presented in person at the hearing.

All interested persons will be afforded an opportunity to present data, views, or arguments, orally or in writing, at the public hearing.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Farm Youth**

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

No Change in costs or savings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

No Change in revenue collections.

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

Approximately 30 farm youth loans, each in the neighborhood of \$1,500 are anticipated in the first year of the program. Therefore, approximately 30 farm teenagers will be able to conduct agriculturally-oriented projects which might otherwise not be possible.

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

No anticipated effect on competition or employment because eligible recipients will be limited to those in school.

Bryce Malone
Assistant Commissioner

Mark C. Drennan
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Agriculture Market Commission

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:405, 410-412, relative to the authority of the State Market Commission for the establishment and regulation of state grades of food products, notice is hereby given that, due to the absence of a quorum at the meeting of December 9, 1981, when action with respect to the following matters was taken by the State Market Commission, a public hearing will be conducted by the State Market Commission at 10:30 a.m. on Wednesday, May 19, 1982, in the Conference Room on the Twenty-first Floor of the State Capitol, Baton Rouge, LA.

The purpose of the hearing will be to consider the adoption of comprehensive Rules and Regulations governing the grading and certification of fish and fish products, poultry, and eggs, including but not limited to consideration of the following: establishment of official state grades, requirements for certification, time limits for issuance of certificates, waivers of specification requirements, final delivery of product, and obligations of vendors. The State Market Commission will also consider the permanent repeal of its Rule 7.4 of the Rules and Regulations governing the grading and certification of meat and meat products.

A copy of the text of the proposed Rules may be secured by writing to Bryce Malone, Assistant Commissioner for Marketing, Box 44184, Baton Rouge, LA 70804, or in person at his office at 12055 Airline Highway, Baton Rouge, LA.

Written comments will be accepted by Bryce Malone up to and including May 17, 1982, or may be presented in person at the hearing. All interested persons will be afforded an opportunity to present data, views, or arguments, orally or in writing, at the public hearing.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: G & C rules**

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

No increased costs in current fiscal year in any program. Initial State funds of \$83,887 will be required for the first full year of implementation of the fish and fish products grading and certification program (FY83). The level of state support necessary is projected to decrease to \$59,694 in FY 84 and to \$22,877 in FY 85, with the program becoming self-supporting thereafter. No increased costs are required for the rules on poultry and eggs or meat and meat products, either in FY 82, FY 83, or FY 84.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Revenues to be generated by the fish and fish product grading and certification program will be new revenues for the agency. Federal revenues are projected at approximately \$1,000 in FY 82, \$5,000 in FY 83, and \$47,000 in FY 84. Self-generated revenues are projected at approximately \$2,000 in FY 82, \$9,000 in FY 83, and \$27,000 in FY 84. Increases of \$7,000 in FY 82, \$14,000 in FY 83, and \$16,000 in FY 84 are projected to occur in the poultry and egg grading and certification program because of the increase in the required Federal hourly rate (from \$16.52 to \$18.96). There will be no increase in revenues for the meat and meat product grading and certification program as a result of adoption of the proposed amendment.

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

Vendors offering product to state or local agencies requiring grading and certification services will bear the entire costs of the increases projected above. However, it is important to note that only vendors which voluntarily elect to offer product to state or local agencies will pay the increased costs; the grading and certification of fish and fish products, poultry and eggs, and meat and meat products is not required by law.

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

No appreciable effect on competition or employment in the private sector because the rules will apply equally to all vendors voluntarily choosing to offer products for sale to agencies requiring grading and certification of product.

Bryce Malone
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Agriculture
Market Commission**

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:405, relative to the authority of the State Market Commission for administration of

produce assembly centers, notice is hereby given that, due to the absence of a quorum at the meeting of December 9, 1981, when action with respect to the following matter was taken by the State Market Commission, a public hearing will be conducted by the State Market Commission at 10:30 a.m. on Wednesday, May 19, 1982, in the Conference Room on the Twenty-first Floor of the State Capitol, Baton Rouge, LA.

The purpose of the hearing will be to consider the adoption of comprehensive Rules and Regulations for the operation of produce assembly centers, including but not limited to the following: operation of the market, requirements for produce to be marketed through the produce assembly center, consignment of produce and payment policy, marketing advisory service, and right of refusal. A full text of the proposed Rules and Regulations may be obtained by writing to Bryce Malone, Assistant Commissioner for Marketing, Box 44184, Baton Rouge, LA 70804, or by request in person at his office at 12055 Airline Highway, Baton Rouge, LA.

Written comments will be accepted by Bryce Malone up to and including May 17, 1982, or may be presented in person at the hearing. All interested persons will be afforded an opportunity to present data, views, or arguments, orally or in writing, at the public hearing.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Produce Assembly Centers**

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

Initial implementation costs will amount to \$20,000 in the first year of operation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The Department anticipates an increase of approximately \$2,500 in revenues during the first full year of operation (five percent commission on anticipated sales of \$50,000 worth of produce through the center).

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

The Department anticipates an increase in revenues for producers of approximately \$50,000 in the first year of operation.

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

Initially, no impact on competition and/or employment is anticipated. As the produce assembly center develops buyers for the produce, an increase in employment opportunities is anticipated because cultivation of produce crops is more labor-intensive.

Bryce Malone
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Commerce
Cemetery Board

La. R. S. 8:1 through 904, both inclusive

In accordance with applicable provisions of the Administrative Procedure Act, R. S. 49:951 et seq., the Louisiana Cemetery Board intends to amend and supplement its Rules and Regulations by renumbering Part 6 entitled "Construction, Divisibility," to read "8" instead of "6"; to add a new part, to be numbered Part 6 relating to cemetery care funds and in particular to implement the authority and responsibility of the Board vested in it by R. S. 8:451 through 467, both inclusive, and R. S. 8:501 through 510, both inclusive and to add a new part, to be numbered Part 7 relating to and setting forth the qualifications of applicants for a certificate of authority.

The proposed amendments will be available for public inspection between the hours of 8:30 a.m. and 5 p.m. on any working day after April 20, 1982 at the office of the Board, 210 Veterans Memorial Boulevard, Suite 103, Metairie, Louisiana 70005.

Interested persons may submit their views and opinions up to 15 days following publication of this Notice of Intent to Ms. Frances C. Mayeaux, Administrative Director, Louisiana Cemetery Board, 210 Veterans Memorial Boulevard, Suite 103, Metairie, Louisiana 70005, or in writing to her.

Ms. Frances Mayeaux
Administrative Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Eight

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

These Rules will not result in any costs or savings to the Agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

These Rules will not affect revenue collections in any manner.

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

Adoption of these Rules will incur minimal administrative costs to cemetery authorities. Cemetery authorities will be required to make quarterly deposits to the perpetual care trust funds thus enlarging the funds. Since cemetery authorities receive the earnings from fund investments, with which to maintain their cemeteries, the larger the fund becomes, the more income it will generate, to the benefit of the cemetery authority and, in turn, to the public, which has been guaranteed that the cemetery grounds will be maintained.

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

No anticipated effect on competition and/or employment among affected groups.

W. C. Raspberry, Jr.
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Commerce
Office of Commerce and Industry

The Louisiana Department of Commerce does hereby give notice in accordance with law that it intends to adopt a new Rule providing for the administration of R.S. 51:1781, et seq., the Enterprise Zone Program.

Copies of the proposed Rule may be obtained by telephoning the Department at (504) 342-5893 or by writing to Box 44185, Baton Rouge, Louisiana 70804.

The office will be open from 8 a.m. to 4:45 p.m. and interested persons may call Mrs. Nadia L. Goodman during this time, holidays and weekends excluded, for a copy of this Rule.

All interested persons may submit written comments relative to this Rule through May 4, 1982.

Mrs. Nadia L. Goodman
Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Enterprise Zones

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

Department of Commerce: \$48,591. This represents projected staff time and operating services to be used on the program.

Department of Revenue and Taxation: \$47,189. Costs reflect expenses in increased workload to process returns.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Provisions of Act 901 state that state and local sales tax will not be paid by qualifying enterprise zone establishments, on purchases of materials used in the construction of a building or any addition or improvement thereon, for housing any legitimate business enterprise, and machinery or equipment used in that enterprise. Sales tax will be paid on items not included in the above, especially if they are used on another site. Since we do not know how many firms will apply for the benefits, we cannot estimate the effect on revenue collections.

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

Since we do not know how many firms will apply for the benefits, we cannot estimate the costs and benefits to those firms.

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

Program was developed in order to employ unemployed, unemployable by traditional standards and those individuals living on public assistance programs. There is no way to estimate how many persons will be involved.

Nadia L. Goodman
Director

Mark C. Drennen
Legislative Fiscal Officer