

CONTENTS

I. EXECUTIVE ORDERS

DCT 82-10—Amend Task Force on Drinking and Driving	269 ✓
--	-------

II. EMERGENCY RULES

Education Department: Board of Elementary and Secondary Education — Foreign language substitute requirement	269
--	-----

III. RULES

Agriculture Department:	
Market Commission — Certification of meat and meat products	269
Farm youth loans	269
Grades of poultry and poultry products	271
Produce assembly centers	272
Livestock Sanitary Board — Brucellosis-EIA regulations	273
Coggins test fees	273
State Entomologist — Apiary rules	274
Corrections Department:	
Office of the Secretary — Assignment of inmates	274
Furloughs and temporary releases	274
Inmate rules and regulations	275
Internal assignment and review board	275
Parole hearings	276
Student rules and regulations	276
Education Department:	
Board of Elementary and Secondary Education — Summer school, GED rules	276
Board of Supervisors, Louisiana State University — University regulations	277
Governor's Office:	
Property Control Section — Regulation revision	277 ✓
Health and Human Resources Department:	
Office of Human Development — Client placement rules	277 ✓
Office of Licensing and Regulation — Disposal of fetal remains	278 ✓
Office of the Secretary — Block grants	278 ✓
Civil Rights Bureau complaint procedure	279 ✓
Gary W. Project policies	280 ✓
Natural Resources Department:	
Office of Forestry — Revise seedling prices	285
Treasury Department:	
Board of Trustees, State Employees Group Benefits Program — Amendment	285
Major medical coverage for certain persons	285
Resolution on billing	285

IV. NOTICES OF INTENT

Agriculture Department:	
State Entomologist — Nursery fees	286
Commerce Department:	
Board of Commerce and Industry — Tax exemption	287
Cemetery Board — Cemetery care funds	288
Office of Financial Institutions — Conversion from mutual to stock	288
Service corporation rule	289
Education Department:	
Board of Elementary and Secondary Education — Standards for compliance and accreditation	290

This public document was published at a cost of \$2.21 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.

Board of Trustees for State Colleges and Universities — Minimum class attendance	291
Governor's Office:	
Division of Administration — Conduct of hearing	291 ✓
Purchasing rules	293 ✓
Health and Human Resources Department:	
Office of Family Security — AFDC incapacity reporting	307 ✓
Delete cataract eyeglasses	307 ✓
GA resource policy change	308 ✓
MAP reimbursement for services	308 ✓
Mentally retarded facility rates	308 ✓
Monthly reporting requirements	309 ✓
Retrospective budgeting	309 ✓
Office of Health Services and Environmental Quality — Increase operator exam fee	310 •
Office of Licensing and Regulation — Board of Nursing fees	311 •
Insurance Department:	
Life and Health Division — Medicare supplement insurance regulations	311
Natural Resources Department:	
Office of Environmental Affairs — Air quality changes	315
Public Safety Department:	
Office of Alcoholic Beverage Control — Repeal rule	315
Office of State Fire Marshal — Require insurance for unattended gas stations	316

V. COMMITTEE REPORTS

Commerce Department:	
Racing Commission — Conflict of interest	316
Exclusion and ejection	317
Natural Resources Department:	
Office of Forestry — Seedling price revision	318
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission — Hunting seasons, Lake Claiborne	318

VI. POTPOURRI

Natural Resources Department:	
Fisherman's Gear Compensation Fund — Claims	318
Office of Conservation — Salt water well hearing	319

Because July 10 falls on a Saturday, copy deadline for the *Louisiana Register* for July will be 12 noon, Friday, July 9.

Executive Orders

EXECUTIVE ORDER DCT 82-10

WHEREAS, the Governor's Task Force on Drinking and Driving was created by the authority of Executive Order 82-2 and amended by Executive Orders 82-3 and 82-6; 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; and

WHEREAS, the participation of a municipal chief of police in the work of this commission would add immeasurably to the composition and overall expertise of the commission;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the powers vested in me as Governor, pursuant to the constitution and the 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 continue under the jurisdiction of the Department of Public Safety and shall be composed of 20 members rather than the 19 as previously stipulated. The additional member shall be a municipal police chief.

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 13th day of May, A.D., 1982.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of May 27, 1982, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following as an Emergency Rule:

An amendment to Bulletin 741, Page 14 to allow foreign languages as one of the substitutes for the fourth English requirement.

This emergency is necessary because the Department of Education, in conjunction with the parishes of Orleans, Jefferson and St. Bernard, is in the process of establishing a Foreign Language and International Studies Alternative School at the Interna-

tional Trade Mart to serve these parishes. The high school principals and potential students must be notified prior to the beginning of the 1982-83 school year so that schedule changes can be made for these students. This amendment is also needed in order to establish foreign language programs in the areas of tourism, hotel management and food services at the Regional Vocational Center on the Delgado Campus for high school students as well as post-secondary students.

James V. Soileau
Executive Director

Rules

RULE

Department of Agriculture Market Commission

The Department of Agriculture, State Market Commission, pursuant to the authority contained in LSA 3:405, 410-412 and in accordance with Notice of Intent published April 20, 1982, repealed Rule 7.4 of the Commission's Rules and Regulations Governing the Certification of Meat and Meat Products at a public hearing conducted on May 19, 1982.

Bob Odom
Commissioner of Agriculture

RULE

Department of Agriculture Market Commission

The Department of Agriculture, State Market Commission, pursuant to the authority contained in LSA 3:543 B and in accordance with Notice of Intent published April 20, 1982, adopted the following Procedures for Authorization and Administration of Farm Youth Loans and Loan Guarantees at a public hearing conducted on May 19, 1982:

PROCEDURES FOR AUTHORIZATION AND ADMINISTRATION OF FARM YOUTH LOANS AND LOAN GUARANTEES

1.0 Definitions

1.1 "Applicant" means a natural person applying for a Farm Youth Loan or for a Farm Youth Loan Guarantee who is a resident of Louisiana and between 10 and 20 years of age.

1.2 "Borrower" means anyone who is granted a Farm Youth Loan.

1.3 "Commission" means the State Market Commission.

1.4 "Commissioner" means the Commissioner of Agriculture.

1.5 "Department" means the Department of Agriculture.

1.6 "Farm Youth Loan" means a loan which shall be used for the purpose of raising, growing, and selling of livestock, poultry,

eggs, or agronomic, horticultural, silvacultural, or aquacultural crops.

1.7 "Farm Youth Loan Guarantee" means an agreement that, in the event of default, the state shall pay the Lender 75 percent of the principal and interest due and payable under a Farm Youth Loan secured by a chattel mortgage, crop lien or other security.

1.8 "Lender" means any bank, financial institution or federal agency making loans to any borrower who is eligible for a Farm Youth Loan Guarantee.

1.9 "Supervisor" means any vocational agriculture teacher, home economics teacher, county agent, home demonstration agent or any other person who has responsibility for direct supervision of the project for which the loan funds are used.

1.10 "Compromise Agreement" means any agreement between the borrower and the Commission or Lender, in the case of a guaranteed loan, to satisfy the loan obligation incurred by the borrower.

2.0 Applicant Eligibility Requirements

2.1 The applicant must be a resident of Louisiana and between 10 and 20 years of age, i.e., already having had a tenth birthday but not yet having a twentieth birthday.

2.2 The applicant must be a member in good standing of any 4-H Club, Future Farmers of America, Future Homemakers of America organization, or any other farm youth organization functioning within the state school system.

2.3 The applicant must present a signed statement from the recommending supervisor of the project and/or the school principal, that the applicant's scholastic work is satisfactory.

2.4 The applicant must present a signed statement by the recommending supervisor of the project that in his opinion the applicant has a need for the loan.

2.5 The applicant must present a signed statement by the recommending supervisor that he is a member in good standing of a farm youth organization recognized by the Commission and that (1) the project for which the loan will be used will be closely supervised by the recommending supervisor; (2) the applicant is eligible for the loan; and (3) the loan is recommended.

2.6 The applicant must present a signed statement by his parents or guardian that they approve of his participation in the farm youth loan program and will fully cooperate with the supervisor of the project and the Market Commission.

2.7 The applicant must clearly demonstrate to the Commission that the project for which the loan will be used will generate adequate funds to pay back the loan according to the terms of the loan.

2.8 The applicant must establish a checking or savings account at a bank of his choice for the purpose of receiving and disbursing loan funds to be used for the purposes of the loan.

2.9 The checking or savings account must require joint signatures of the applicant and project supervisor or parent/guardian for the withdrawal of funds to be used to pay expenses incurred by the project.

3.0 Time and Manner of Filing Application

3.1 Applications may be filed at any time throughout the year and may be personally delivered to the State Market Commission office in Baton Rouge or forwarded through the U.S. mail.

3.2 An application will be considered filed only upon provision of all information required in Rule 4.0.

3.3 A complete application must be physically on hand in the State Market Commission office at least 10 working days prior to the meeting at which the application will be considered by the Commission.

3.4 In the case of an application for a loan guaranty, the application must be jointly executed by the applicant and the Lender on forms provided by the Commission.

4.0 Contents of the Application

4.1 Name and addresses of the applicant and applicant's parents or guardian.

4.2 Name and address of recommending supervisor of the project.

4.3 Personal financial statement of the applicant, signed by the applicant and parents or guardian, on forms provided by the Commission.

4.4 A budget reflecting estimated expenses, income and repayment of the loan for the term of the loan.

4.5 Signed statements requested of the recommending supervisor and parents or guardian as required in Rule 2.0.

4.6 The name of the bank and the account number to which loan funds shall be deposited and authorized signatures for the withdrawal of funds.

5.0 Conditions for Approval of Application for Farm Youth Loans and Loan Guarantees

5.1 The applicant must meet all criteria for eligibility set forth in Rule 2.0.

5.2 The loan shall have a maximum term of five years.

5.3 The loan shall not exceed a maximum of \$3,000.

5.4 In the case of a guaranteed loan, the guarantee shall not exceed 75 percent of the sums, in principal and interest, due and payable under the mortgage or crop lien securing the loan.

5.5 The interest rate on any direct loan shall not exceed the interest rate charged by the Farmer's Home Administration on youth project loans.

5.6 The interest rate on any guaranteed loan shall not exceed the average prevailing rate of interest on farm loans made by banks, financial institutions or federal agencies in the community where the loan is made.

6.0 Procedures for Approval or Denial of Loan Applications and Notification of Commission Action

6.1 An application for a Farm Youth Loan or Loan Guarantee shall be submitted for Market Commission consideration at the first Commission meeting occurring at least 10 working days following submission of the completed application.

6.2 The Commission shall approve/deny such application in accordance with the criteria set forth in applicant eligibility requirements, time and manner of filing applications, contents of application, and conditions for approval of applications for loans and loan guarantees.

6.3 Upon approval of an application for a direct loan, the Commission shall immediately notify the applicant by letter of the approval along with procedures for disbursement of funds to the applicant.

6.4 Upon approval of an application for a guaranteed loan, the Commission shall immediately notify the Lender and applicant by letter of the approval along with procedures for execution of the Loan Guarantee Agreement.

6.5 Upon denial of an application for a direct loan or loan guarantee the Commission shall immediately notify the applicant, and Lender if applicable, by letter stating the reason(s) for such disapproval by the Commission.

7.0 Re-application; Review of Determination

7.1 An applicant whose application has been denied by the Commission may re-apply at any time whenever his circumstances change whereby the reasons for denial have been corrected.

8.0 Conditions for Disbursement of Loan Proceeds to the Borrower

8.1 Prior to disbursement of loan funds all legal instruments must be examined and approved by the Department Attorney.

8.2 On the date of disbursement of loan proceeds the borrower must execute a note secured by a chattel mortgage or crop lien payable to the Market Commission setting forth the terms

and conditions under which the loan will be repaid.

8.3 On the date of disbursement of loan proceeds the borrower must execute a chattel mortgage or corp lien payable to the Market Commission, which instrument shall contain, but not be limited to, the following:

- (a) The amount loaned
- (b) The rate of interest
- (c) The repayment schedule
- (d) Description of items offered as security
- (e) Provision for executory process
- (f) Provision for payment of all costs of foreclosure, including attorney's fees at 25 percent of the principal balance and interest accrued at foreclosure.

8.4 The Commissioner of Agriculture or his designee, as official representative of the State Market Commission, shall execute all necessary legal instruments at the time of the disbursement of loan proceeds.

8.5 The disbursement of loan proceeds shall be by check and shall be deposited into the bank account number on behalf of the borrower as designated on the loan application.

8.6 No loan for the purchase of livestock shall be funded until issuance of a health certificate from a licensed veterinarian certifying that the livestock to be purchased is sound, healthy, and free from all diseases.

9.0 Conditions for Concurrence in Loan Guarantees

9.1 The borrower must provide for the Market Commission file record a copy of the note and the chattel mortgage or corp lien payable to the Lender and any other data deemed necessary by the Market Commission staff.

9.2 The Loan Guaranty Agreement shall be executed by the borrower, the Lender, and the Commissioner of Agriculture, or his designee, as official representative for the State Market Commission.

10.0 Procedure Upon Default for Non-Payment

10.1 The Commission shall send written notice within 30 days to any borrower of a direct loan after any default on any payment of principal and/or interest and shall request an explanation or reason for delinquency of payment.

10.2 Within 60 days of default to any payment of principal and/or interest on a direct loan the Commission shall enter into such compromise agreements as it deems necessary to recover the sums due and payable on the loan unless prior arrangements have been made with the borrower to fulfill his loan obligation.

10.3 Any Lender who receives a loan guarantee from the Commission on a farm youth loan shall notify the borrower and the Commission by letter within 30 days of any default on any payment of principal and/or interest and shall request of the borrower an explanation or reason for delinquency of payment.

10.4 Within 60 days of default of any payment of principal and/or interest on a guaranteed loan, the Lender shall notify the Commission by registered letter of any compromise agreement entered into between the borrower and the Lender to recover the sums due and payable on the loan or of arrangements made between the borrower and Lender to fulfill his loan obligation.

10.5 The Commission may, by formal vote, offer to pay off the mortgage or the interest of the Lender on any defaulted loan covered by a loan guaranty agreement and become subrogated to the interest of the lending agency if the Commission determines that this action will protect the interest of the State in any property mortgaged to secure the loan guarantee.

Bob Odom
Commissioner of Agriculture

RULE

**Department of Agriculture
Market Commission**

The Department of Agriculture, State Market Commission, pursuant to the authority contained in LSA 3:405, 410-412, and in accordance with Notice of Intent published on April 20, 1982, adopted the following Rules and Regulations governing the Certification of Official State Grades of Poultry, Poultry Products, and Shell Eggs at a public hearing conducted on May 19, 1982:

Market Commission

**Regulations Governing the Certification of
Official State Grades of Poultry,
Poultry Products, and Shell Eggs**

- 1.0 Establishment of Official State Grades of Poultry, Poultry Products, and Shell Eggs
- 2.0 Requirements for Certification of Poultry, Poultry Products, and Shell Eggs
- 3.0 Time Limitation for Issuance of Certificate
- 4.0 Waiver of Specification Requirements
- 5.0 Final Delivery of Product
- 6.0 Vendor's Obligations

* * * * *

1.0 Establishment of Official State Grades of Poultry, Poultry Products, and Shell Eggs

1.1 Standards established in "Regulations Governing the Voluntary Grading of Poultry Products and Rabbit Products and U. S. Classes, Standards, and Grades with Respect Thereto" (7 CFR Part 2870) shall apply to all Louisiana State grades for poultry and poultry products.

1.2 Standards established in "Regulations Governing the Grading of Shell Eggs and U. S. Standards, Grades, and Weight Classes for Shell Eggs" (7 CFR Part 2856) shall apply to all Louisiana grades for shell eggs.

2.0 Requirement for Certification of Poultry, Poultry Products, and Shell Eggs

2.1 The examination, acceptance and certification of poultry, poultry products, and shell eggs shall be in accordance with U. S. Department of Agriculture, AMS, Poultry Grading Branch poultry and egg grading and inspection requirements.

2.2 Each master or shipping container of poultry and egg products shall be legibly labeled to show the contract number, net weight, U. S. grade, inspection mark, plant name and address, kind, class, and weight range.

2.3 An official U. S. Poultry Products Grading Certificate (PY-210) certifying compliance with specifications must accompany each delivery of product. A PY-210 covering poultry and eggs must be issued no more than five days prior to delivery. The certificate must contain the purchase order number of the purchasing agency.

2.4 A Louisiana certificate of condition examination and origin must be issued no more than seventy-two hours prior to delivery and must accompany each delivery of product to a state agency or political subdivision of the state. The certificate of condition examination and origin must contain:

- a) the origin of the product, except as provided in Rule 2.5 below
- b) the purchase order number of the purchasing agency
- c) verification of (i) wholesomeness of the product, i.e., no change in the product since initial inspection, and (ii) compliance with the specifications of the purchase order

2.5 The purchase order of the purchasing agency must indicate whether or not the vendor has claimed a preference based on provision of Louisiana agricultural products. When the purchase order of the purchasing agency does not indicate that the

vendor has claimed a Louisiana agricultural products preference, no certification as to origin of the product will be made.

2.6 Each master or shipping container of poultry, poultry products, and shell eggs meeting the specifications of the purchase order shall be stripped on the outside of the container with non glossy filament tape or equivalent. All tape used for sealing purposes must be approved by the State Department of Agriculture. The tape shall be placed so that it must be torn to open the container.

2.7 Each master or shipping container must be stamped with the USDA contract compliance stamp and certificate number. The stamp imprint must be legible and placed partially on the container and partially on the tape on the end of the container.

2.8 All containers of Louisiana agricultural products must be stamped with a Louisiana agricultural products stamp.

3.0 Time Limitation for Issuance of Certificate

3.1 A State of Louisiana condition examination and origin certificate must be issued not more than 72 hours prior to the scheduled delivery of the product to the purchasing agency.

4.0 Waiver of Specification Requirements

4.1 The purchasing agency may waive the requirements for sealing of the container when the contents are ice-packed rather than frozen, but may do so only at purchasing agency's risk. When the purchasing agency waives the requirement for sealing of the container, a written statement of waiver must be provided to the Department of Agriculture.

4.2 Waivers and amendments to specification requirements may be made only with concurrence of the purchasing agency and the vendor.

4.3 A written statement of the precise nature of the changes in the specifications must be provided to the Louisiana Department of Agriculture representative prior to any examination of the product.

4.4 Failure to include information concerning the Louisiana agricultural products preference of the vendor on the purchase order shall constitute a waiver of the vendor's right for a certificate of origin.

5.0 Final Delivery of Product

5.1 Final acceptance of the product will be the responsibility of the purchasing agency.

5.2 Products may be rejected for the following reasons:

- a) No certificate affixed;
- b) Sealing tape on container broken;
- c) No official stamp affixed;
- d) Obvious deviations from specification requirements

without appropriate written notice of changes in specification requirements

5.3 Purchasing agency may accept product with minor deviations from specification requirements without written statement of agreed-upon changes, but shall do so at purchasing agency's risk.

6.0 Contractor's Obligations

6.1 Vendors requesting certification services under these regulations must provide such assistance as may be necessary to expedite the examination and certification of products and the taping of containers, including provision of the necessary tape.

6.2 Vendors desiring certification services must notify the Department of Agriculture at least 24 hours in advance of need. Vendors who fail to give at least 24 hours advance notice of need will be subject to a penalty of fifty dollars, regardless of the time required for the services or the fees assessed.

6.3 The costs of all examination and certification services shall be paid by the vendor at the rate of \$18.96 per hour (\$4.74 per quarter hour) required to conduct the examination, provided that no specific charge shall be made for certification of product when inspection is simultaneously performed.

6.4 Vendor must reimburse the Department of Agriculture for travel expenses of the inspector providing services, at the rate specified in State Travel Regulations.

Bob Odom
Commissioner of Agriculture

RULE

Department of Agriculture Market Commission

The Department of Agriculture, State Market Commission, pursuant to the authority contained in LSA 3:405 and in accordance with Notice of Intent published on April 20, 1982, adopted the following Rules and Regulations Governing Operations of Produce Assembly Centers at a public hearing conducted on May 19, 1982:

MARKET COMMISSION

Rules and Regulations

Governing Operations of Produce Assembly Centers

1.0 Operation of center

1.1 The produce assembly center will be operated by the Louisiana Department of Agriculture; the center manager will be a state employee.

1.2 Only produce for consignment will be marketed through the produce assembly center.

1.3 Official grading services will be available through the produce assembly center.

1.4 The produce assembly center will arrange for transportation of the produce from the produce assembly center.

1.5 The produce assembly center will not operate during months when no produce is available for consignment. At least 15 days' advance notice of closure of the center will be given by publication in a newspaper of general circulation in the area in which the produce assembly center is located.

2.0 Requirements for produce to be marketed through the produce assembly center

2.1 All produce must be graded by official graders at the produce assembly center.

2.2 Only USDA #1 and USDA #2 grades will be accepted for consignment.

2.3 All produce must be packaged in containers which are acceptable in the produce trade. Containers will be available at cost at the produce assembly center.

3.0 Consignment of produce and payment policy

3.1 A commission of five percent of the selling price will be charged on all produce marketed through the produce assembly center. Fees will be used to defray the operating expenses of the center.

3.2 The five percent commission will be due and payable upon receipt by the seller of the purchase price of the produce.

3.3 The produce assembly center manager will deduct the commission of five percent from the sales revenues received from the buyer and pay over the remainder to the seller.

3.4 The revenues from sales of produce will be paid over to the seller by the produce assembly center manager immediately upon receipt of the sales revenues from the buyer, but no later than 30 days after delivery of the produce to the produce assembly center.

3.5 In any circumstances where the sales revenues are not received by the produce assembly center manager within 30 days after delivery of the produce to the center, the produce assembly center reserves the right to pay over only 75 percent of the agreed-upon selling price, subject to correction upon receipt of

revenues from the sale of the produce.

3.6 Separate accounting records will be maintained on transactions for each seller, and any seller may examine the accounting records for his account at any time during regular business hours.

4.0 Marketing advisory service

4.1 The produce assembly center manager will establish and maintain contact with major produce buyers throughout the country to determine the most advantageous crops for marketing.

4.2 Results of the produce assembly center manager's surveys of produce buyers will be posted at the center and will be made available to producers in the area.

4.3 At least once each year, prior to planting season, the State Department of Agriculture and the Cooperative Extension Service will conduct an informational forum to disseminate information on potential markets for produce. General information meetings may be held at other times throughout the year as deemed appropriate by the Department of Agriculture.

5.0 Right of Refusal

5.1 The produce assembly center will not accept any produce for consignment which does not meet USDA #1 or USDA #2 grade standards, according to the findings of official graders.

5.2 The produce assembly center will not accept any produce for which no markets are available.

Bob Odom
Commissioner of Agriculture

RULE

Department of Agriculture Livestock Sanitary Board

The Department of Agriculture, Livestock Sanitary Board, pursuant to the authority contained in LSA 3:2223, relative to the authority of the Board to enact regulations for eradication of the disease of brucellosis in cattle, and in accordance with Notice of Intent published on May 20, 1982, adopted the following amendments to its Rules and Regulations at a public hearing conducted on June 10, 1982:

Regulation 1, Section 2, Paragraph 5 was amended to read as follows:

(5) As of January 1, 1982, all female calves and cows born after January 1, 1982, that are over four months of age or older must be officially calthood vaccinated for brucellosis to be brought into Louisiana for breeding purposes.

Regulation 3, Section 3, Paragraph B, Part 1 was amended to read as follows:

(1) Adequate and sanitary housing for use by State-Federal personnel to conduct tests, including the Rivanol test for brucellosis. This will include running water, adequate lighting, sanitary plumbing facilities, heating and cooling when necessary, and refrigeration for biologics if the quantity to be kept on hand will warrant it. Otherwise, State-Federal personnel will furnish his own portable refrigeration.

Regulation 3, Section 6, Paragraph I was amended to read as follows:

I. The auction veterinarian and/or State-Federal personnel may determine the age of cattle tested for brucellosis and sold through livestock auctions and auction market personnel will indicate by paint mark on the hip, as follows:

- (a) 1 through 5
- (b) F (Full mouth) or FM
- (c) S (Smooth mouth)
- (d) O (Broken mouth)

A new Subsection 2 of Section 7 of Regulation 8, reading as follows, was adopted:

2. Guidelines to conduct a referendum which would make brucellosis testing and brucellosis vaccination of all adult cows mandatory on a parishwide basis:

(a) The referendum shall be conducted by the Livestock Sanitary Board in conjunction with the cattle producers' organizations. The referendum will be held within 90 days after issuance of the call for the referendum. All producers of cattle in the affected area shall be eligible to participate in the referendum.

(b) At the referendum, the question of total mandatory vaccination of all adult cattle in the area along with brucellosis testing requirements of the cattle shall be submitted to a vote of all producers of cattle in the area.

(c) If a majority of the eligible cattle producers vote in favor of mandatory vaccination of all adult cattle in the area, all producers of cattle in the area shall be required to test and vaccinate all adult cattle.

(d) The following herds could be exempt from adult vaccination requirements at the owner's request, should the referendum be held and the cattle producers vote in favor of it:

1. Certified brucellosis free herds
2. Herds that test negative for brucellosis and all the cows in the herd are official calthood vaccinates
3. Herds of registered cattle
4. Dairy herds identified as having negative ring test

Regulation 16, Section 1, Part B, Paragraph 6, and Part C, Paragraph 1 were amended to read as follows:

6. An exposed herd which on initial test reveals no reactors and where there has been no direct contact (including across-fence contact) with the infected herd within 120 days. If contact has occurred within 120 days of the negative test (including across-fence contact), such herd must pass a second negative test no less than 90 days from the date of the first negative herd test.

C. EXPOSED HERD

1. A herd that has intermingled with or otherwise been exposed to brucellosis infected animals

2. Cattle separated only by a single fence or cattle where there is direct drainage from brucellosis quarantined premises, or herds in common range with brucellosis infected herds

3. All herds other than dairies negative to the BRT and Certified Brucellosis Free Herds tested within the past 12 months, owned by an individual, partnership, corporation, or association that are within 50 miles of an infected herd owned by such individual, partnership, corporation, or association.

Subsection B (3) of Section 3 of Regulation 18 was amended to read as follows:

(3) If a majority of the eligible cattle producers vote in favor of mandatory vaccination of all adult cattle in the area, all producers of cattle in the area shall be required to test and vaccinate all adult cattle.

Bob Odom
Commissioner of Agriculture

RULE

Department of Agriculture Livestock Sanitary Board

The Department of Agriculture, Livestock Sanitary Board, pursuant to the authority contained in LSA 3:2095 and in accordance with Notice of Intent published on May 20, 1982, adopted the following amendment to its Rules and Regulations at a public hearing conducted on June 10, 1982:

Regulation 28, Section 3, Paragraph 4 was amended to

read as follows:

4. A fee of \$3 shall be charged to accredited veterinarians for conducting Coggins test at state laboratories. Invoices will be forwarded to the veterinarian monthly for these charges.

Bob Odom
Commissioner of Agriculture

RULE

Department of Agriculture State Entomologist

The Commissioner of Agriculture, pursuant to the authority contained in LSA 3:2302 and in accordance with Notice of Intent published May 20, 1982, has adopted the following amendments to the Rules and Regulations governing the Apiary Program: Rule 1.20 has been amended to read as follows:

Super - A standard frame hive body (all depths) Rule 9.1 has been amended to read as follows:

All colonies of bees infected with American Foulbrood shall be destroyed by burning the frames, bees and combs in the presence of or by an inspector. Hive bodies, top and bottom boards saved from infected colonies shall be moved from the yard during the burning process and are to be scorched or properly treated to remove possible sources of re-infestation before re-use.

Bob Odom
Commissioner of Agriculture

RULE

Department of Corrections Office of the Secretary

Assignment of Inmates Outside Institutions
Department Regulation No. 10-15 dated 30 July 1973, is hereby rescinded, effective immediately.

This Regulation is superceded by Department Regulation Nos. 30-14 and 30-14(A) dated 1 January 1979.

John T. King
Secretary

RULE

Department of Corrections Office of the Secretary

Adult Services

Adult Offender Furlough and Temporary Releases

1. **PURPOSE.** The purpose of this regulation is to establish the adult offender furlough and temporary release policy of the Department of Corrections.

2. **RESPONSIBILITY.** Wardens and Correctional Treatment Administrations of each adult correctional institution and the Office of Adult Services and directors of work release programs are responsible for implementing this regulation and advising all adult offenders and affected employees of its contents.

3. **LEGAL AUTHORITY.** R.S. 15:811(C), 15:831 and 15:833.

4. **GENERAL.** Adult offender furloughs or temporary releases from any adult correctional facility of the Department of Corrections may be granted only by the Secretary and shall be

approved by him before they begin and he reserves sole discretion in determining eligibility. The period during which the adult offender will be on furlough or temporary release will be clearly indicated in the approval.

5. DEFINITIONS.

a) **FURLOUGH** - A release from incarceration without security supervision for the purpose of maintaining family ties or for needed medical care.

b) **TEMPORARY RELEASE** - A release from incarceration without security supervision because of death or serious illness of a close family member or for an interview with a prospective employer.

c) **CLOSE FAMILY MEMBER** - Means the father, mother, wife, husband and children of the inmate and, when recommended by the warden, the grandparents, legal guardians, brothers, or sisters.

d) **FURLOUGH VIOLATION** - Includes the commission of new offenses as well as any misconduct resulting in any disciplinary action while on furlough or temporary release.

6. PROCEDURES.

a) Furlough and temporary release requests should be reviewed by the head of the unit to which the adult offender is assigned to determine that the application is justified and is not in contravention of this regulation.

b) Necessary verification of furlough plans, transportation, coordination with family or medical facility are the responsibility of the warden recommending the furlough or temporary release.

c) Requests are to be forwarded to the Office of Adult Services where it shall be determined whether the sheriff, and if specifically requested, the district attorney and/or the chief of police of the locality where the adult offender is going objects. The Office of Adult Services will notify the warden at the originating institution of the Secretary's decision regarding the furlough.

d) When a request is received from a sheriff or warden of a non-departmental facility, the Office of Adult Services shall certify to the Secretary that the adult offender meets the same eligibility standards as those required of inmates in the custody of the Department.

e) Furlough requests for adult offenders on work release or maintenance status may be processed and approved for up to one year at a time.

f) All incidences of furlough violations by participating adult offenders shall be reported to the Office of Adult Services which shall compile a yearly report on or before April 1, of each year, indicating the nature of the incident, age of offender, original offense, length of sentence, prior criminal record and other characteristics found to be predictive of success or failure. The Office of Adult Services will include in the report any suggested changes in eligibility standards dictated by the experiences of the previous year.

7. **ELIGIBILITY.** Adult offenders must meet the following criteria in order to be eligible for a furlough or temporary release:

a) Must have been in custody for a period of not less than one year for the current offense and at least three months of the year must have been in a Department of Corrections' facility, or have been approved by the sheriff, if in the sheriff's custody.

*b) Must not be serving a sentence for any of the following crimes:

- 1) First or second degree murder or attempted murder;
- 2) Aggravated or attempted aggravated rape;
- 3) Forcible rape;
- 4) Aggravated kidnapping;
- 5) Aggravated arson;
- 6) Armed robbery;
- 7) Attempted armed robbery;
- 8) Producing, manufacturing, distributing or dispensing or

possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance classified in Schedule I or Schedule II of R.S. 40:964;

9) Sentenced as a habitual offender under R.S. 15:529.

Note: Subsection (b) does not apply to adult offenders within the last six months of their term of incarceration (earliest release date) or to adult offenders assigned to the Governor's mansion crew.

c) Must be free of detainers except for court costs or misdemeanors.

d) Must not have been found guilty by a court or Department of Corrections' disciplinary board of escape or attempted escape during the preceding three years.

e) Must be of minimum security status and have exhibited exemplary behavior.

f) Must submit a furlough or temporary release plan, stating the purpose of the furlough, the destination and the name of the person with whom the adult offender will stay. A responsible member of the adult offender's family or some other previously approved person must sign a statement agreeing to be responsible for the adult offender and shall insure that transportation is provided for the adult offender. A copy of the plan must be forwarded with the request to the Office of Adult Services. In cases of extreme emergency, portions of this requirement may be waived by the Secretary.

8. LENGTH AND FREQUENCY OF FURLOUGHS.

a) Furloughs and temporary releases will be approved for a definite period, not to exceed five days, except medical furloughs which shall be for such period as deemed necessary by the Secretary and appropriate medical personnel.

b) Adult offenders on maintenance status may be recommended by the appropriate warden for a regular furlough each quarter of a calendar year, not to exceed a total of 48 hours in duration.

c) Adult offenders on work release may be recommended for regular monthly furloughs of no more than 48 hours each during the final six months of their confinement. These furloughs will serve as an aid to reintegration into society.

d) In lieu of a regular furlough, adult offenders on work release or maintenance status may be granted two special holiday furloughs of up to five days coinciding with Christmas, Easter or Independence Day (July 4); the exact dates to be determined each year by the Secretary.

e) Adult offenders other than those on work release or maintenance status may not be granted more than two furloughs (normally at Christmas, Easter or Independence Day) each calendar year. There is no limit on the number of temporary releases which may be granted.

9. ADMINISTRATIVE REQUIREMENTS.

a) Request for furloughs should be submitted at least 30 days prior to the beginning date of the requested furlough or 30 days prior to the period in which the furloughs for work release and maintenance adult offenders are to be granted.

b) Furloughs should not be requested for adult offenders even though they meet criteria established herein when it is known to the warden or responsible official that the inmate might present a danger to himself or to the public, should he be released from direct custody.

c) Furloughs may be approved by telecopied communication should the appropriate warden feel that the situation is of such an emergency nature that this procedure is justified.

10. EFFECTIVE DATE AND CANCELLATION. The effective date of this regulation is June 20, 1982. This regulation supercedes Department Regulation 30-7 dated December 20, 1978.

John T. King
Secretary

RULE

Department of Corrections Office of the Secretary

Inmate Rules and Regulations

Department Regulation No. 10-17 dated 21 April 1976, is hereby rescinded, effective immediately.

This Regulation is superceded by the Disciplinary Rules and Procedures for Adult Prisoners dated 15 March 1981.

John T. King
Secretary

RULE

Department of Corrections Office of the Secretary

Adult Services

Classification, Initial Classification and Reclassification Board

1. PURPOSE. The purpose of this regulation is to establish uniformity in the initial classification and reclassification of prisoners.

2. RESPONSIBILITY. It is the responsibility of wardens to implement this regulation at their respective institutions and to convey its contents to the inmate population and all affected employees.

3. DEFINITIONS.

a) CLASSIFICATIONS - A process by which prisoners are subdivided into groups, based on a variety of considerations which include:

1. Determination by and assignment to appropriated-custody status;

2. Program placement based on inmate needs and available services - medical, mental health, vocational, educational and work;

3. Designation to proper housing assignment within the institution;

4. Schedule review of assignments to a prisoner's needs and progress.

b) INITIAL CLASSIFICATION - The first assignment of a prisoner to custody status, quarters and job assignments, after he has been designated an institution to serve his/her sentence based on Department of Corrections Regulation 30-14.

c) RECLASSIFICATION - Scheduled, systematic review of classification status in programming, custody, quarters and job assignment. Includes interim information on institutional behavior and program participation and permits changes that may be warranted in custody, quarters and job assignments.

d) CUSTODY STATUS - The degree of staff supervision appropriated to monitor a prisoner's behavior.

4. PROCEDURES.

a) Each warden shall establish an Initial Classification and Reclassification Board (hereinafter referred to as Board) composed of the following officials:

1. Academic or vocational representative,
2. Security representative (Captain or higher),
3. A ranking classification officer.

NOTE: Other persons may be assigned to assist the Board but shall not be voting members. More than one Board may be established if necessary. The warden will appoint a chairperson for each board established.

b) A majority vote shall carry. Two members will suffice for a quorum when compelling reasons prevent the third member

from attending, however, a unanimous vote will be necessary in any finding. If a split vote should occur, the decision shall be delayed pending the next regular meeting when all three members are present.

c) The Board shall meet weekly or at least bi-weekly at a time and location designated by the warden.

d) The Board is expected to use the following variables in deliberations concerning assignments and classifications:

1. Time in facility (new assignments)
2. Institutional security (paramount)
3. Mental health
4. Conduct record
5. Facility needs (special skills)
6. Job availability
7. Emergency
8. Tenure in one job
9. Custody status
10. Crime
11. Previous work experience
12. Physical health
13. Education

e) After the initial orientation period, a prisoner may apply through his/her institution classification officer for a change in custody and job assignment. An inmate's request should not normally be honored until he/she has completed 90 days of disciplinary free time in current assignment and has not appeared before a previous reclassification Board within a 90 day period.

f) A reassignment/reclassification may be requested by:

1. Inmate
2. Job supervisor
3. Administrative request
4. Academic/vocational request.

g) New arrivals will ordinarily be assigned as field hands, to kitchen duties or any routine job where continued vacancies exist.

h) Where no opening exists in a requested job when the request is approved by the Board, the request shall be placed in a backlog file. Assignment, when an opening occurs, shall be by seniority on the list. No inmate can be on more than one backlog list at one time. The inmate's name can be removed for misconduct or by subsequent Board action. The inmate may request that his name be removed, however, actual removal must be by subsequent Board action and must be in the best interest of the institution.

i) Emergency assignments/classifications may be made by the Warden, or his designee, at any time if it is in the best interest of the institution. When the cause of the emergency assignment/classifications no longer exists, the Board will consider the inmate for reclassification at the earliest opportunity.

j) All reclassification requests should be processed and prisoners determined ineligible should be notified in writing as to the reasons for their ineligibility. Those prisoners determined eligible should be notified at least 48 hours prior to the next regular Board meeting.

k) All Board results are subject to the review and approval of the Warden of the concerned institution.

l) All classifications and reclassifications shall be recorded on the location sheet in the prison record. The results of each Board meeting shall be maintained in such a manner that they can be readily retrieved for inspection.

This regulation supercedes Department Regulation 30-16 dated March 17, 1970.

John T. King
Secretary

RULE

Department of Corrections Office of the Secretary

Parole Hearings

Department Regulation No. 10-9 dated 25 September 1969, is hereby rescinded, effective immediately.

This Regulation is superceded by the Rules, Regulations, Procedures, Criteria, Policies, and Guidelines of the Louisiana Board of Parole.

John T. King
Secretary

RULE

Department of Corrections Office of the Secretary

Student Rules and Regulations

Department Regulation No. 10-17 (a) dated 7 February 1977, is hereby rescinded, effective immediately.

This Regulation is superceded by Juvenile Disciplinary Rules dated 1 May 1979.

John T. King
Secretary

RULES

Board of Elementary and Secondary Education

Rule 3.07.12

The Board adopted a policy that a student with a GED diploma will not be allowed to return to school to receive a regular high school diploma.

Rule 4.01.92

The Board adopted the *Guidelines for Summer School Programs Funded by the State* (1982) for remediation of eligible children in the areas of Language Arts and Mathematics as amended as follows:

GUIDELINES FOR SUMMER SCHOOL PROGRAMS FUNDED BY THE STATE - 1982

Eligibility

Financial assistance is available to local school systems to provide remediation in a state approved summer school for any student not achieving the established performance standard of 75 percent on the State Basic Skills Test in language arts and/or mathematics.

Standards

All summer schools receiving state funding for remediation shall apply on the appropriate state forms to the State Department of Education for approval of each summer school program according to *Standards for Elementary Summer Schools* pp. 34a-c, Bulletin 741, *Handbook for School Administrators*. Summer schools found not in compliance with state standards shall reimburse the state allocation.

Pupil/Teacher Ratio

The pupil/teacher ratio shall not exceed 12 students per teacher per subject area.

Funding

Each local school system will be allocated \$250 per student per subject area by June 30, 1982. These funds may be used during the 1982 summer school session and/or the 1982-83

school year. When additional funds for state-funded compensatory/remedial educational programs is appropriated by the 1982 legislature, each local school system will be allocated an additional allotment per student per subject area.

Student Assessment and Exit Criteria

Prior to a student's exit from the compensatory/remedial program each school system shall assess each student to determine the mastery of skills in which the student was deficient as identified on the State Basic Skills Tests.

Evaluation

Each school system shall participate in the evaluation of the State Compensatory Education Program conducted by the Department. The Department shall provide guidelines for the evaluation.

Rule 3.08.00

The Board adopted a revision to Section VI (Monitoring) of the *Home Study Guidelines*.

Rule 3.07.10.a

The Board adopted the three year Louisiana State Plan for Adult Education (1982-85).

Rule 3.07.11.c

The Board rescinded Motion 8-H-5 of the BESE Minutes of November 19, 1981 which granted the parish and city school boards the authority to waive the age requirement for taking the GED test and returned this authority to the Board.

Rule 4.01.50.a

The Board Adopted the *Nonpublic School Testing Guidelines*.

James V. Soileau
Executive Director

RULE

Louisiana State University Board of Supervisors

Amendment to Regulations

Chapter II

Section 2-7 Tenured and Term Appointments, Academic Staff.

"a. Faculty Ranks. Faculty members and other members of the academic staff of comparable rank, including librarians, may be appointed for a specified term ("term appointment") or indefinitely ("tenured appointment") depending on rank and experience. Appointment or tenure on one campus of the LSU System carries no implication of appointment or tenure on another campus. Academic employees are tenured only with respect to their academic ranks and not with respect to administrative titles or assignments.

"Tenure is not a guarantee of lifetime employment, particularly in the face of institutional change or financial exigency. It does assure that the employee will not be dismissed without adequate justification and without due process."

"Term employees are appointed for specified periods of time as indicated on the appointment form."

"Professors and Associate Professors are tenured and are appointed for an indefinite period of time, except that the initial appointment and subsequent reappointments through not more than four years of total service to the LSU campus involved may be made for a stipulated term. Persons promoted to the rank of Professor or Associate Professor after less than four years of service on the campus may be continued to term appointment through no more than the fourth year. Persons holding a professorial rank (Professor, Associate Professor or Assistant Professor) while being paid by a grant or contract do not acquire tenure through the

passage of time but may become tenured only by specific individual recommendation through appropriate channels and approval by the President."

"Assistant Professors are appointed for terms no longer than three years. Upon reappointment after seven years of service in rank on a particular campus, Assistant Professors receive tenure. A thorough review will be made during the fifth year of service so that notice of termination may be given if necessary no later than the end of the sixth year of service. If reappointment as Assistant Professor for the seventh year is recommended, special justification must be provided. The University may, at its discretion, count prior service on the same campus toward the seven-year evaluation period for an Assistant Professor to achieve indeterminate tenure. The ultimate decision shall be left with the President, to be applied in each individual case for which the respective campus recommends granting indeterminate tenure counting prior service favorably."

"Those who rank as Instructor or Associate shall be on an annual appointment."

M. D. Woodin
Secretary to the Board

RULE

Division of Administration Property Control Section

The Property Control Section intends to revise the State Property Control Regulations as follows:

SECTION I.

5.0 ITEMS OF PROPERTY TO BE INVENTORIED.

5.1 All items of movable property having an acquisition cost of \$100 or more, and certain gifts and other property having an appraised value of \$100 or more must be placed on inventory. The term "movable" distinguishes this type of equipment from equipment attached as a permanent part of a building or structure. All acquisitions of qualified items must be tagged with a State of Louisiana identification tag and all pertinent information forwarded to the State Property Control Director within 10 days after receipt of the items.

Dan Pickens
Assistant Director

RULE

Department of Health and Human Resources Office of Human Development

The Department of Health and Human Resources, Office of Human Development has adopted, effective June 20, 1982, the following amendments to the Client Placement Program policy:

Due to Office of Human Development funding limitations for the current fiscal year, effective immediately funding approval by the State Placement Director must be secured prior to any actual placement in the Client Placement System. Prior approval must be secured for all placements with the following exceptions:

(1) Placement in public and private ICFMR facilities can occur without prior approval, as these placements are funded by Title XIX, and do not impact the Client Placement budget.

(2) Court-ordered placements involving transfer of the custody of an individual to DHHR can occur without prior approval only to assure compliance with the order of a court. It is not the

intent of this policy to increase the number of court adjudicated cases.

(3) Placement can occur in extremely emergent cases where there is a life-threatening situation or where there is a potentially dangerous environment for a client. Notification must be made to the State Placement Director the same or following working day.

Funding will cease to be approved when expenditures exceed available funds, based on a month prororation of monies.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources Office of Licensing and Regulation

The Department of Health and Human Resources, Office of Licensing and Regulation, is adopting the following regulations regarding the disposal of fetal remains subsequent to an abortion pursuant to Louisiana Revised Statute 40:1299.35.14. Regulations on this subject were implemented by Emergency Rule effective March 31, 1982. The amended regulations are as follows:

Each physician who performs or induces an abortion shall adopt policies and procedures which will address at a minimum the requirements contained herein. The policies and procedures shall be in writing and signed and dated by the individual who has appropriate responsibility. In the event the abortion is performed in a hospital, then it shall be the responsibility of the hospital to formally adopt policies and procedures addressing these requirements.

In addition to the record maintenance required in 1299.35.8, and specifically in accord with oral information furnished by the physician as specified in 1299.35.6 B(3), the physician shall inform the woman after she has undergone an abortion of the options available for disposal of fetal remains as enumerated in 1299.35.14 and in these regulations.

ACCEPTED METHODS

I. Abortions Performed in Hospitals Licensed by the State of Louisiana

A. As stipulated in 1299.35.14.B, at the option of the woman who has undergone an abortion or, in the case of a minor, her mother, father, or legal guardian, the fetal remains may be disposed of in accordance with R.S. 8:651 et seq. 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 an appropriate length of time not to exceed 24 hours after having been informed of the options available when the patient or the appropriate family member or legal guardian opts to dispose of the fetal remains.

B. If disposition of the remains is not addressed according to R.S. 8:651 et seq., then disposal becomes the responsibility of the physician and/or hospital.

1. The hospital shall be so equipped as to have the capability of total destruction of all pathology (including fetal remains) by incineration. 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. All fetal remains will be processed through this system when disposal becomes the responsibility of the physician and/or hospital.

2. All fetal remains will be disposed of in this manner within a 24-hour period subsequent to the examination by the Pathology Department unless the provisions of 1299.35.13 otherwise inter-

vene. Experimentation on fetal remains is prohibited unless the experimentation is done for potential therapeutic value. Testing of the conceptus (fetal remains, placenta and cord) is permitted only to diagnose any medical problems of the woman. Disposal will be accomplished within a 24-hour period subsequent to the conclusion of all medical studies and evaluations.

3. In the event the hospital, where abortions are performed, is not equipped as specified in (B.1) above, it may make arrangements with a facility that is so equipped to provide this service. In the event the hospital cannot make arrangements with a facility equipped as specified in (B.1) above, then disposal can be accomplished through the sanitary disposal system provided for by the municipality or other political subdivision responsible for providing disposal systems and approved by the Louisiana Office of Health Standards and Environmental Quality for disposal of waste matter.

II. Abortions Performed in Medical Facilities Other Than Hospitals (First trimester abortions)

A. The preferred method of disposal is as stipulated in Section I. However, it is impractical to impose these standards upon licensed practitioners such as smaller clinics, physician offices and ambulatory surgical centers but such facilities may install equipment and adopt policies and procedures in accordance with the provision of Section I if they so elect.

B. In such medical facilities other than hospitals where abortions are performed, the facilities may develop written agreements with hospitals which provide the services as stipulated in Section I-B-3.

C. In these medical facilities as defined in Section II.A which are not equipped with acceptable incinerating equipment, disposal can be accomplished through the sanitary disposal system which has been provided by the municipality or other political subdivision responsible for providing disposal systems and approved by the Louisiana Office of Health Standards and Environmental Quality for disposal of waste matter.

D. All informed consents, approvals and recordkeeping as stipulated in Act 774 and as required in those regulations shall be accomplished by practitioners as defined in II.A above.

Roger P. Guissinger
Secretary

6-20-82

RULE

Department of Health and Human Resources Office of the Secretary

Comprehensive Annual Social Services Program Plan for
Louisiana
July 1, 1982 - June 30, 1983

The Department of Health and Human Resources has adopted the Title XX Block Grant Comprehensive Annual Services Program (CASP) Plan for July 1, 1982 through June 30, 1983.

The CASP will offer the following services:

- Adoption (pre-placement to termination of parental rights)
- Counseling (assessment, evaluation and appropriate therapy)
- Day Care for Children (direct care for portion of the 24-hour day)
- Employment (assessment, placement, counseling)
- Health Related (assistance in obtaining and utilizing necessary health care)
- Home Delivered and Congregate Meals (preparation and delivery of meals)
- Home Management (instruction, training, counseling)

- Homemaker (direct personal in-home care)
- Housing Improvement (counseling, advocacy, minor home repairs)
- Information and Referral (assessment, information, referrals, follow-up)
- Protection for Adults and Children (investigation, assessment, evaluation, intervention, shelter care, counseling, referrals, and follow-up)
- Placement (direct care and treatment on a 24-hour basis)
- Socialization (opportunities for personal, cultural and social enrichment)
- Substitute Care (evaluation, placement, counseling)
- Transportation (travel to and from service resources)
- Training and Treatment (evaluation, counseling, training, referrals)
- Community Planning for Services to Children (administrative support of the service delivery system)

Persons eligible for services are:

- (1) Recipients of Aid to Families with Dependent Children (AFDC) and those persons whose needs were taken into account in determining the needs of AFDC recipients.
- (2) Recipients of Supplemental Security Income payments or state supplemental payments, and individuals eligible for such payments except for their income.
- (3) Persons whose gross monthly income is not more than 57.8 percent of the state's median income for a family of four adjusted by family size. A family of four with a gross monthly income of not more than \$971 is eligible for services.
- (4) Persons without regard to income, who are in need of Protection, Adoption, Substitute Care, Placement, and/or Information and Referral Services.
- (5) Persons who are members of groups identified in the proposed plan to receive certain services except child day care.

Copies of the Title XX State Plan (CASP) are available without charge upon request to: Governor's TIE Line, Box 44004, Baton Rouge, LA 70804. Telephone: 1-800-272-9868 (8 a.m. - noon) (1 p.m. - 5 p.m.).

Roger P. Guissinger
Secretary

6-20-82

RULE

Department of Health and Human Resources Office of the Secretary Civil Rights Bureau

The Department of Health and Human Resources Office of the Secretary Civil Rights Bureau, is adopting the following Rule, effective immediately.

SERVICES AND/OR BENEFITS COMPLAINT PROCEDURE

It is the policy of the Department of Health and Human Resources (hereafter referred to as the Agency) to resolve all complaints alleging discrimination based on age, race, color, sex, handicap, religious creed, national origin and political belief in the provision of any agency service. Facilities providing service through the agency shall include all DHHR Offices, which are service or benefit oriented and subcontractors or vendors thereof such as doctors, hospitals, daycare centers and nursing homes. Any person who believes that he or she or any specific class of persons has been subjected to discrimination based on the above mentioned factors in any agency program, may personally or by a representative file a written complaint. Verbal and written complaints of discrimination relating to the Special Supplemental Food Program for Women, Infants and Children (WIC) and the Food Stamp Program shall be accepted when filed in accordance with

Item 8c. The identity of complainants shall be kept confidential except to the extent necessary for the conducting of the investigation. Any act or acts of intimidation or retaliation against any individual making a complaint shall be prohibited.

APPLICABILITY

The policy shall apply to all DHHR Offices providing financial, supplemental, social or health care services. The policy shall also apply to any agency providing these services on contractual basis.

STANDARDS

1. A complaint may be filed with DHHR/BCR, DHHS or USDA at the following addresses:

Department of Health and Human Resources (DHHR), Office of the Secretary, Bureau of Civil Rights, 150 Riverside Mall - Room 404, Baton Rouge, LA 70801.

Department of Health and Human Services (DHHS), Regional Office for Civil Rights, 1200 Main Tower, Suite 1900, Dallas, TX 75202.

U.S. Department of Agriculture (USDA), Office of the Secretary, Washington, D. C. 20250.

2. The complaint must be filed no later than 180 days from the date of the alleged discriminatory act or acts.

3. The complaint must describe the type of discrimination alleged, indicate when and where such discrimination took place, and describe all pertinent facts and circumstances surrounding the alleged discrimination.

4. After determining that the complaint falls within the jurisdiction of DHHR-BCR, the Director of DHHR-BCR will initiate a prompt and thorough investigation of the complaint.

5. The complainant must be given a status report within 30 days of receipt of the complaint.

6. DHHR-BCR will maintain records to show the nature of the complaint, the details of the investigation and the actions taken.

7. All complaint records will be available for review by DHHR, USDA and other responsible officials.

8. Food Stamps and WIC

a. Complaints relating to the Food and Nutrition Service Program (FNS) including the Food Stamp Program (administered by the Office of Family Security, OFS) and WIC (administered by the Office of Health Services and Environmental Quality, OHSEQ) that allege discrimination but have other programmatic problems will be referred to OFS' Inquiry Services Section, the Appeals Section, DHHR-Office of the Secretary or the OHSEQ, whichever is applicable.

b. Those Civil Rights complaints received by the Appeals Section, DHHR Office of the Secretary, will be referred to the Bureau for Civil Rights (BCR). All WIC Civil Rights complaints received or accepted by the BCR, the Office of Health Services and Environmental Quality, as well as other local and state offices or agencies shall be forwarded to the addresses indicated below. The BCR may assist FNS-USDA to expedite resolutions by collecting investigative data and implementing corrective action subject to FNS approval:

Director, Supplemental Food Programs Division (WIC), Food and Nutrition Services (FNS), United States Department of Agriculture, Washington, D. C. 20250.

Send copy to: Regional Administrator, Food and Nutrition Service, 1100 Commerce Street, Dallas, TX 75242 and Bureau for Civil Rights, 150 Riverside Mall - Rm. 404, Baton Rouge, LA 70801.

C. Verbal Complaints - Complaints of discrimination relating to the Food Stamp and WIC Programs shall be accepted both verbally and in writing when filed within 180 days of the alleged discriminatory action. The filing period can be extended, in certain instances, by the Secretary of Agriculture or Food and Nutrition

Service. Anonymous complaints, verbal or written, shall also be accepted. It is necessary that the information be sufficient to determine the identity of the agency or individual toward which the complaint is directed and to indicate the possibility of a violation. However, no complaint shall be rejected on the basis of lack of merit. In the event a complainant makes the allegations in person or through a telephone conversation, and refuses or is not inclined to place such allegations in writing, the person to whom the allegations are made shall write up the elements of the complaint for the complainant. Every effort shall be made to have the complainant provide the following information:

- (1) Name, address and telephone number of complainant, or other means of contacting the complainant.
- (2) The specific location and name of the entity delivering the service or benefit.
- (3) The nature of the incident or action that led the complainant to feel discrimination was a factor.
- (4) The basis on which the complainant feels discrimination exists (race, color, or national origin.)
- (5) The names, titles, and business addresses of persons who may have knowledge of the discriminatory action.
- (6) The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions.

PROCEDURES

NOTE: Applicable to Food Stamps and all other DHHR Service and or Benefit Programs except the Supplemental Food Program for Women, Infants and Children (WIC) See Item 8 above.

1. All complaints will be acknowledged within five working days of receipt of complaint.
2. The complaint investigation will include but not be limited to the following steps: a minimum of steps a, c, and d must be followed in all investigations.
 - a) Interviewing the complainant to get all details of the complaint.
 - b) Interviewing community leaders and others who would be in a position to provide further information.
 - c) Contacting the Office of the facility complained against to secure information about the complaint incident and the overall arrangement for providing services.
 - d) Obtaining copies of any appropriate documents, records, or statistics which would support or rebut the complaint.
3. After the investigation, the Civil Rights Director of DHHR-BCR will determine the validity of the complaint and advise the complainant and agency complained against in writing of the determination.
4. If it is concluded that the complaint is valid, necessary steps must be taken by the office's assistant secretary or agency administrator to correct the discriminatory practice within a designated period of time and to prevent any recurrence of such practice.

The Bureau for Civil Rights shall submit to Food and Nutrition Service a report on each Food Stamp discrimination complaint. The report shall contain the findings of the investigation and, if appropriate, the corrective action planned or taken.

Steps 2 and 3 of the Procedure will be completed within 60 days from receipt of a complaint, or within such additional time as may be allowed by the director of DHHR-BCR for good cause shown. In the written notice of the decisions, the complainant shall be advised that if he/she is not satisfied with the decision, it may be appealed to DHHR-OCR, USDA or other appropriate federal regulatory agencies.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources Office of the Secretary

Effective July 1, 1982 the Department of Health and Human Resources will implement the following policies: DHHR Policy on Use of Restraints, Seclusion, and Medication with Gary W. Classmembers; DHHR Policy on Reporting Alleged Abuse, Neglect, Mistreatment and/or Death of Gary W. Classmembers; and pre-Movement Staffing Policy and Procedures for Gary W. Classmembers. Each of these policies outlines special procedures to be followed with Gary W. classmembers and are written in compliance with terms of the federal court orders and the Memorandum of Agreement between the parties of the Gary W. et al vs. State of Louisiana et al civil action.

These policies affect Gary W. classmembers and do not affect other citizens of this State.

DHHR POLICY ON USE OF RESTRAINTS, SECLUSIONS AND MEDICATIONS WITH GARY W. CLASSMEMBERS

I. INTRODUCTION

The Department of Health and Human Resources, through negotiating sessions with parties before the Special Master in the Gary W. case, agreed to disseminate behavior management policies interactive of those outlined in the Principal Order of Gary W. et al vs. State of Louisiana et al, dated October 28, 1976. Each Office is responsible for assuring that internal behavior management practices comply with this order. Illustrations of non-compliance as used in this policy were provided by the Special Master's Office. Reference numbers as used in this policy (examples 3.8, 3.12) refer to specific sections of the Principal Order.

II. DEFINITIONS

Legend Drug: those drugs requiring a prescription for dispensing under federal law.

Non-legend Drugs: those drugs which do not require a prescription for dispensing under federal law (i.e., aspirin, petroleum jelly, etc.).

Superintendent: the person who is primarily responsible for the operation of any facility; director; administrator. This definition also includes the individual specifically designated by the superintendent to act on his behalf during his absence from the facility, such as the duty officer.

Qualified Professional:

- (a) A psychologist with at least a master's degree from an accredited program and with specialized training or two years of experience in treating emotionally disturbed, mentally retarded or learning disabled children whose condition is similar to the condition of the children being served.
- (b) A physician licensed under State law to practice medicine or osteopathy and with specialized training or two years of experience in treating emotionally disturbed, mentally retarded or learning disabled children whose condition is similar to that of the children being served.

Active Physical Restraints: this includes any device which acts to limit or restrict mobility of an individual's body or body part or parts excepting those devices specifically prescribed by a physician for bracing or for therapeutic positioning. Examples of active physical restraints include posey belts, ankle cuffs, safety restraints, and straight jackets.

III. MEDICATION AND CHEMICAL RESTRAINT

3.8 "The medication prescribed for each child [classmember] shall be noted in his records. At least monthly the attending physician shall review the drug regimen of each child [classmember] under his care. All prescriptions shall be written with a termination date, which shall not exceed 30 days. * The child's [classmember's] records shall state the effects of psychoactive medica-

*DHHR interprets this requirement as applicable to prescriptions for legend drugs only.

tion on the child [classmember]. Unnecessary or excessive medication shall not be administered by any child [classmember].”

3.9 “Medication shall not be used as punishment, for the convenience of staff, as a substitute for a treatment program, or in quantities that interfere with the child’s [classmember’s] treatment program.”

3.10 “No medication shall be administered except by persons who have been appropriately trained.”

Illustrations:

A. A classmember was reported to be receiving a high dosage of psychoactive medications, but was not participating in any behavior modification program.

B. A classmember receiving the following medications was observed sleeping when he or she should have been in class and at lunch: haldol, dilatin, thorazine, phenobarbital, and mellaril. Staff described the classmember as lazy and as one who sleeps excessively.

IV. SECLUSION AND TIME OUT

3.11 “No child [classmember] shall be placed alone in a locked room, either as punishment or for any other purpose. Legitimate ‘time out’ procedures may be utilized under close and direct professional supervision.”

3.12 “These standards shall apply to ‘time out’ procedures.”

3.121 “They are to be imposed only when less restrictive measures are not feasible;”

3.122 “Placement shall be in an unlocked room with a staff member constantly nearby in a place where the staff member can supervise the child [classmember];”

3.123 “The child [classmember] shall have access to bathroom facilities as needed;”

3.124 “The period of isolation or segregation shall not exceed 12 hours unless renewed by a qualified professional;”

3.125 “Except in an emergency situation in which it is likely that a child [classmember] would harm himself or others, the decision to place a child [classmember] in ‘time out’ shall be made pursuant to a written order by a qualified professional, following a personal interview with the child [classmember] and an evaluation of the episode or situation said to require isolation or segregation. Any such order must specify the terms and conditions of ‘time out’ and the rationale for the decision; and ”

3.16 “Emergency use of ‘time out’ shall be limited to a period of not more than one hour and shall conform to all of the provisions set forth in subparagraphs 3.121 - 3.123 of this paragraph. (The attention of the parties is invited to the situation that may be presented by a child [classmember] who may harm himself or others by running away repeatedly. Their suggestions with respect to appropriate additional provisions are invited).”

Illustrations:

A. An auditor reported that seclusion was frequently employed as punishment.

B. An auditor reported that on a specific date a classmember was left in the quiet room by staff. The auditor also observed that the classmember was left unattended in the quiet room for more than an hour and that the classmember was not checked during that time.

V. PHYSICAL/MECHANICAL RESTRAINT

3.13 “Physical restraints shall be employed only when absolutely necessary to protect the child [classmember] from injury to himself or to prevent injury to others. Restraints shall not be employed as punishment, for the convenience of staff, or as a substitute for a treatment program. A child [classmember] shall be restrained only if alternative techniques have failed and only if such restraint imposes the least possible restriction consistent with its

purpose; and then only in accordance with the following standards:”

3.131 “An order for restraint shall be in writing and shall not be in force for longer than 12 hours.”

3.132 “Except in an emergency situation only qualified professionals may authorize the use of restraints.”

3.133 “A child [classmember] placed in restraint shall be checked at least every 30 minutes by staff trained in the use of restraints, and a record of such checks shall be kept.”

3.134 “Mechanical restraints shall be designed and used so as not to cause physical injury to the child [classmember] and so as to cause the least possible discomfort.”

3.135 “Opportunity for motion and exercise shall be provided for a period of not less than ten minutes during each two hours in which restraint is employed.”

3.136 “Daily reports shall be made to the superintendent by those qualified professionals ordering the use of restraints, summarizing all such use of restraints, the types used, the duration, and the reasons therefor.”

3.137 “Emergency use of restraints shall be authorized only by the superintendent of the institution, shall be limited to a period of not more than one hour and shall conform to all of the provisions set forth in subparagraphs 3.133 - 3.135 of this paragraph.”

Illustrations:

A. Staff reported to an auditor that restraints were used with a classmember, but the auditor found no record of it in the classmember’s file.

B. Staff of the Special Master’s Office were told that staff ties a classmember to his/her wheelchair to avoid having to pursue him/her as the classmember is active.

C. An ambulatory classmember was observed by the Judge and the Special Master restrained in a rocking chair due to staff shortage.

VI. INSTRUCTIONS TO OFFICES

Each Office will immediately notify its employees and those service providers for whom it has funding authority of the following:

1. The use of active physical restraints except as provided for in the Gary W. Court Order is strictly prohibited by DHHR.
2. The use of medication for non-therapeutic reasons as a chemical restraint is strictly prohibited by DHHR.
3. The use of seclusion is strictly prohibited by DHHR.

The above will be required information for dissemination to all new employees, where appropriate, prior to assumption of duties.

Any DHHR employee found to be in violation of this policy will be subject to disciplinary actions such as official reprimand, suspension, and dismissal.

Individuals and agencies in the private sector serving DHHR clients shall adopt this policy and enforce it including provisions for disciplinary action with employees found to violate the policy. The DHHR will enforce this policy through progressive sanctions which could include a plan of corrective action, a moratorium on placements, and the removal of DHHR funded clients.

Where more stringent federal or state regulations govern a facility’s behavior management practices, this policy will not supercede those regulations.

DHHR POLICY ON REPORTING ALLEGED ABUSE, NEGLECT, MISTREATMENT AND/OR DEATHS OF GARY W. CLASSMEMBERS

A. POLICY STATEMENT

Effective immediately, any instance of alleged abuse, neglect, mistreatment, and/or death of any Gary W. Classmember shall be reported by DHHR to the Special Master within 24 hours

of learning of the incident. Written confirmation of the verbal report shall be made within 72 hours to the Special Master and all parties. Follow-up correspondence from where the incident occurred shall verify the investigative proceedings and disciplinary and/or legal actions taken. The following policy and procedure shall be binding on all placement and program providers.

B. DEFINITIONS OF ABUSE AND NEGLECT

"Abuse" is the inflictions by a person responsible for the classmember's care, of physical or mental injury or the causing of the deterioration of a classmember. This includes but is not limited to such means as sexual abuse and/or the exploitation or overwork of a classmember to such an extent that his health, moral or emotional well-being is endangered.

"Neglect" is the failure, by a person legally responsible for a classmember's care to provide for the care and maintenance of the classmember, the proper or necessary support, education as required by law, or medical, surgical or any other care necessary for her/his well-being. No classmember who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall for that reason alone be considered to be neglected or abused.

A person responsible "for a classmember's care" is defined for purpose of this policy as: foster parent, an employee of a public or private residential facility or other person providing residential care.

Special Condition - In terms of this policy abuse/neglect shall be considered to include those cases in which a classmember is incarcerated during the time the alleged abuse/neglect occurred. In such instances of alleged abuse/neglect of an incarcerated classmember, the allegation should be forwarded to the Gary W. Project Office immediately so that the proper investigatory authority may be informed.

Facilities include: a public or private residential institution, community living residence, foster home, nursing home, and other residential living accommodations subject to licensing or regulation by the Department of Health and Human Resources.

C. EXAMPLES OF MISTREATMENT

Abuse and neglect in a facility can occur in two forms.

The first is abuse and neglect as a result of social or institutional policies, practices or conditions. It usually affects the larger group of classmembers in residence and should have the specific attention of staff from the Division of Licensing and Certification.

The second form is abuse or neglect committed by an employee or resident of the facility or another individual against a classmember in residence. This type may occur more frequently. In cases involving the employee committing the abuse and neglect it is usually violating the institution's stated policies and rules.

The two forms of abuse and neglect are included in the examples which follow. The investigating team must clearly distinguish which actions against classmembers are the result of institutional policies, practices and conditions and which are due to the behavior of individuals who violate the policies and practices of the facility.

Physical Abuse and Neglect - This includes physical mistreatment; observed intent to injure whether or not actual injury occurs; lack of care which results in illness or other physical difficulty; medical or chemical abuse through misuse or over use of medication; damage through lack of adequate protection against injury or risk (inadequate supervision); excessive punishment; locking in or locking out; inadequate food, clothing, or shelter.

Types of physical abuse may include resident/resident, staff/resident, outside/resident, and self-inflicted abuse.

Sexual Abuse - When the facility and/or staff, permit or participate in sexual activity with or among residents, or any sexual activity by individuals unable through age or capacity to make a reasonable choice. This may include rape or attempted rape;

fondling; voyeurism; exhibitionism. It may be linked to neglect through inadequate supervision of residents, or the failure to provide sufficient clothing or privacy.

Emotional and Intellectual Damage - Stems from the failure of the institution to provide opportunities for each child to achieve his/her potential for emotional and intellectual development. This would include verbal threats which may cause emotional damage.

Environmental Neglect and Abuse - Takes place when the facility fails to provide adequate protection for residents against dangers in the physical environment.

Denial of Basic Civil Rights - Failure to allow visitation by appropriate persons, denial of communications or censoring mail; inaccessibility to outside contacts by telephone or other means; lack of confidentiality of records; lack of parental involvement in treatment; unauthorized solicitation or acceptance of resident's funds; unauthorized work with or without compensation, loss of compensation as punishment.

Special Condition - Note special condition involving incarcerated classmembers in Section A.

D. PROCEDURES

1. State and Non-State Facilities:

Upon the death or allegation of abuse/neglect/mistreatment of any Gary W. Classmember, the facility administrator shall immediately verbally inform the Gary W. Project Office of the allegation or death (phone 342-4799 or 5604).

If there is any question as to whether a resident is in fact a certified classmember in the Gary W. case, the facility should contact the Gary W. Project Office for confirmation.

Effective September 10, 1981, the Gary W. Project Office will have answering service coverage of the above two numbers from 4:30 p.m. to 8 a.m. on week nights, from 4:30 p.m. on Fridays to 8 a.m. for weekends, and during state holiday periods. The following information shall be reported to the answering service personnel when reporting an incident:

1. Name of the facility
2. Name of the facility staff person making the report
3. Telephone number of the staff person to be contacted for details
4. Name of the Gary W. Classmember
5. Type of incident
6. Time incident occurred

If for any reason, the verbal message cannot be communicated directly to the Gary W. Project Office, the respective Assistant Secretary's Office or contracting Office for the facility involved shall be notified and assume responsibility for initial contacts in accordance with provisions of this Section. Immediate notification shall be given to the Gary W. Project Office to assure coordination of functions.

The initial verbal report to the Project Office shall contain data on the nature of the allegation or circumstances of death, immediate action taken and planned follow-up of the facility. Please see reporting form being used by the Gary W. Project Office. The facility staff person making the verbal report should be prepared to provide as much of the information requested on this form that is available at this time.

In no instance shall notification to the Project Office be delayed beyond the start of the following day after the facility administrator is informed of the alleged incident or death. The administrator is responsible for internal measures to assure him or his appropriate designee is notified immediately upon any death or allegation of abuse, neglect, or mistreatment.

Written results of the preliminary internal facility investigation shall be submitted to reach the Project Office (P. O. Box 3776, Baton Rouge, LA 70821) within 7 calendar days of the alleged incident or death so that it may be forwarded to the Special Master and all parties. A copy should be forwarded simultaneously to the

respective Assistant Secretary's Office or contracting office for the facility involved. At a minimum, the written report shall include confirmation of the alleged incident or death, summary of investigation conducted, findings, disciplinary/legal action taken, determination of what measures are to be instituted to prevent reoccurrence (if appropriate) and time frames for accomplishment. *If a full investigation has not been completed, this shall be duly noted with steps yet to be taken outlined and dates for completion indicated. Initial reporting within the 7 day time frame shall not be delayed pending completion of a full investigation.*

In every instance of death or allegation of abuse, neglect or mistreatment, parents/legal guardians or other relatives of record are to be notified in accord with existing agency procedures.

2. Foster Care/Home/Independent Living, etc.:

Any death or allegation of abuse, neglect, mistreatment of any Gary W. Classmember shall be reported to the Project Office as outlined above. The Case Coordinator or other appropriate state authority receiving initial notification of the death or alleged incident shall be responsible for follow-up as mandated in the foregoing procedures.

3. Gary W. - Project Office:

Upon receipt of verbal notification of death, alleged abuse, neglect, or mistreatment, the Project Office shall immediately report by telephone to the Office of the Special Master. In every instance, notification will be attempted on the same date as information is received. If for any reason such attempts are unsuccessful, written notification shall be mailed the same date as the verbal information is received. Attempts to report verbally to the Special Master shall continue until accomplished.

The Project Office shall maintain appropriate records to assure that time frames delineated earlier are met and shall make whatever follow-ups are necessary to assure that information is gathered and forwarded in timely fashion. Any deviation from established procedure shall immediately be conveyed to the Special Master and the Office responsible for service delivery.

A copy of all written reports from the Project Office shall be forwarded to the plaintiffs and plaintiff intervenor in addition to the Special Master. Copies of correspondence received on deaths or alleged incidents shall be forwarded by the Project Office no later than the following working day.

A complete file on each incident or death shall be maintained by the Project Office and be subject to review by the Special Master, plaintiffs and intervenor. Periodic reports (at least every 6 months) shall be made by the Project Office to the Secretary of the Department of Health and Human Resources of the number and types of incidents and deaths reported.

E. FACTORS TO BE CONSIDERED DURING THE INVESTIGATION PROCESS

The following factors must be considered and evaluated in determining the validity of the complaint. This guideline is provided to assist the facility in assessing the total situation. The internal facility report should reflect that the following factors were addressed in the investigation.

Factors relating to the resident:

1. Name, age, reason for admission, duration of placement.
2. Whether or not there has been involvement in previous incidents.
3. Resident's level or classification in the facility.
4. Review of educational, medical, psychological, and social reports pertaining to the resident.
5. Provision of medical attention for trauma.
6. Nature of the incident, factors precipitating the incident, and subsequent actions.

Factors relating to the staff:

1. Identifying information, work history and role of the

alleged perpetrator.

2. Whether or not there has been involvement in previous incidents.

3. Nature of the incident, factors precipitating the incident, names of witnesses, and subsequent actions.

4. Interviews with witnesses should include details of time, place, roles in the incident, injuries sustained and acts precipitating the incident.

5. Interviews with uninvolved staff for understanding relationships among staff and residents, patterns of institutional mistreatment, and the facility system.

If at any point during the course of the investigation of the facts there is indication that a criminal act has taken place, it is the facility's responsibility to inform local law enforcement. It is the responsibility of the facility administrator to determine with local law enforcement which incidents of a criminal nature are to be reported.

F. GENERAL

None of the above is intended to replace, modify or otherwise change existing Office/Departmental procedures regarding the investigation of deaths or allegations of abuse, neglect or mistreatment. This procedure is solely for the purpose of assuring a uniform system of data collection and reporting to the Special Master on all Gary W. Classmembers.

DHHR PRE-MOVEMENT STAFFING POLICY AND PROCEDURES FOR GARY W. CLASSMEMBERS

The following policy and procedures are in effect immediately and remain in effect for each classmember pending completion of the 2.1 evaluation process and implementation of a final individual comprehensive service plan. While DHHR intends to hold the movement of classmembers to a minimum during the evaluation process, it must be recognized that in some instances delaying a move may not be possible or in a classmember's long-ranged interests. It is, therefore, the intent of the process outlined below that careful review, planning, and consideration, with accompanying documentation, will be required in transferring a classmember to another facility or community-based residence. The policy assumes that, where appropriate, proposed residential placements have been reviewed and approved through the Regional Review process. Pre-movement staffing procedures will in no way replace the Regional Review Committee within its defined scope of responsibility.

I. NOTICE OF INTENT TO MOVE CLASSMEMBERS (under ordinary circumstances)

A. Responsibility for notification rests with the facility from which transfer will be made.

B. Time of notification is 30 days prior to date of transfer.

C. Parties to be notified include the following:

1. Classmember
2. Classmember's parent or guardian or representative
3. Responsible Office (OMR, OHD, OMHSA, etc.) headquarters

4. Gary W. Project Office

5. OHD Case Coordinator

D. Additional notifications will be made in the following manner:

1. The Gary W. Project Coordinator will notify the Special Master

2. The Special Master will notify Plaintiff's Counsel

E. The facility will notify the Gary W. Coordinator in writing within five working days of determination of plans to transfer a classmember. The Gary W. Project Office will notify the Special Master's Office in writing promptly upon receipt of written notification from the facility of impending transfer.

II. PRE-MOVEMENT STAFFING

A. The purpose of the staffing is to review appropriateness of proposed new living arrangements and associated program components to meeting the habilitative needs of a classmember for whom movement is planned.

B. Functions of the team are defined below:

1. To assure adequacy of the plan, and
2. To accept the plan as presented, or
3. To reject the plan as presented, or
4. To modify the plan or make recommendations for its enhancement.

C. The pre-movement staffing will be held during the 30 day period prior to classmember's transfer.

D. Components of the plan for transfer:

1. Classmember's identifying information and legal status.
2. Current placement Individualized Plans of Treatment (if relevant).
3. Proposed placement plan which includes a comprehensive description of services to be provided, logistical considerations, and transitional follow-up. The following information must be presented:

- a. Proposed placement's address, telephone number, and contact person's name.
- b. Anticipated date of placement.
- c. Proposed educational, pre-vocational, vocational, or other day program.
- d. Proposed date of enrollment or other starting date for daytime activity.

e. Method through which consent for placement was obtained including any steps taken to assure that classmember was made knowledgeable of placement for which consent was requested.

f. Significant others' nature or degree of relationship(s), location(s), frequency of contact, and attitude(s) toward proposed placement.

g. History of any previous placements relevant to the proposed placement, successes and/or reason for failure of placements.

h. Current social functioning: peer relationships, degree of participation in recreational activities, relationships with authority figures.

i. Classmember's strengths and personal or vocational aspirations.

j. Significant behavior problems and information concerning any existing behavior management program which may be useful in new placement: target behavior(s), data collection method, reinforcers, consequences (if any).

k. Medical history and current status including names, dosages, and purpose of medications and prescribing physician's name and phone number.

l. Financial status and plans for transferring benefits, resources, and other entitlements (i.e., Medicaid card).

m. Inventory of personal property and plans for transfer of property to new placement location.

n. Plans for transporting classmember to new placement.

o. Plan for transitional follow-up or supervision of new placement including case manager's name, address, and phone number.

p. Identification of community resources which classmember will use in new placement: transportation, recreational, religious, therapeutic, etc.

E. The following individuals will be invited to attend the pre-movement staffing:

1. A representative of facility from which movement is being made.

2. A representative of facility to which movement is being made.

3. A representative from current day program (i.e., SSD#1, LEA personnel, or vocational personnel).

4. OHD case coordinator.

5. Any other assigned DHHR case coordinators.

6. Classmember, if appropriate.

7. Parent, guardian, or representative.

8. Other staff of current placement who have either direct knowledge of the classmember or professional expertise relevant to classmember's condition and educational or habilitative needs.

9. A representative from Long Term Care, if appropriate.

10. The Special Master or her designee. (The Special Master or her designee will monitor the staffing process and participate in discussion of plans, but will not be a party to team decision making).

III. DOCUMENTATION

A. A report of the pre-movement staffing will include significant items of discussion and rationale for decisions made by the team.

B. Parties present for the staffing, including classmember, parent or guardian or representative, and the Special Master or her designee, will sign an attendance sheet.

C. The report of the meeting, the movement plan, and the attendance sheet will be filed in the classmember's case record. A copy will be sent to the Gary W. Coordinator for DHHR. The Gary W. Coordinator will forward a copy to the Special Master.

IV. EXTRAORDINARY CIRCUMSTANCES

A. Extraordinary circumstances include the following:

1. Medical emergency with implications for extended disability, and when such disability or serious threat to health requires a change in residential placement before the pre-movement conference could reasonably be scheduled.

2. Behavioral emergency wherein classmember's behavior represents a serious threat to his/her safety or to the safety of others. (Property damage with significant financial or legal consequences or with concurrent risk of physical harm may also be considered).

3. Loss of current placement as a residential resource for classmember.

4. Sudden opportunity for a less restrictive placement where prior planning has indicated that this is appropriate.

5. Demand for movement by parent or guardian of a voluntary minor or by tutor or curator of an adult under continuing tutorship or interdiction.

6. Demand for movement, presented in writing, by a voluntarily admitted classmember of majority age who has not been interdicted.

7. Arrest of judicial commitment to another facility.

B. The procedure for staffing classmembers whose movement takes place under extraordinary circumstances follows:

1. The physical movement of a classmember may take place as necessary under conditions described above.

2. The movement will not, however, be considered a definite plan until the staffing requirements as outlined under Part II have been met.

3. Notification requirements are modified such that verbal notification of the Gary W. Project Office must take place as soon as possible and be confirmed in writing within five working days. Written notification will include a thorough review of the extraordinary circumstances, and the date movement did (or will) take place.

4. Responsibility for planning and holding the pre-movement staffing conference will shift to the new facility. A representative of the former residential facility should attend the staffing.

5. Pre-movement staffing will be held at the earliest time at which informational and staff participation requirements can be met, but not later than 20 working days from date of first notification.

V. EXCEPTION TO PRE-MOVEMENT STAFFING POLICY

A. Acute treatment of medical or psychiatric illness, when it is reasonable to expect that the classmember will return to his/her previous residential placement, will not require implementation of the procedures outlined in this policy. Should it, however, become evident during the course of acute treatment, that the classmember will require extended medical or psychiatric care or a new residential placement, notification and staffing requirements will be met. Timelines will begin with the time at which a determination is made that the classmember is not likely to return to his/her residential placement within a reasonably predictable period of time.

B. Elopement, when the whereabouts of a classmember is unknown, will not require publication and staffing as described in this policy.

VI. COMPLICATIONS TO PROCESS

A. The Department of Health and Human Resources or its Offices will not be deemed to be in violation of this policy because of any of the following events when every reasonable effort has been made to comply or to reach compromise solutions:

1. Refusal or inability of a classmember, parent, guardian or representative to attend a staffing conference within prescribed time frames.

2. Refusal of any staff person not employed by or through contract with the Department of Health and Human Resources to attend a staffing conference within prescribed time frames.

3. Refusal or inability of a classmember or his/her parent, guardian, or representative to provide placement or program information within prescribed time frames for the staffing conference.

4. Refusal of any person or agency not a part of or under contract with DHHR to provide placement or program information for the staffing conference within prescribed time frames.

5. Refusal of the Special Master to attend or to appoint a representative to the staffing conference within prescribed time frames.

6. Refusal of the classmember, or his/her parent, guardian, or representative to accept or follow the recommendations of the pre-movement staffing team.

7. Refusal of residential or program provider to accept or follow the recommendations of the pre-placement staffing team when that provider is not a part of or under contract with DHHR.

8. Any other circumstances beyond the direct control of DHHR.

B. Such complications and all efforts to resolve them must be thoroughly documented and filed in the classmember's record.

C. Copies of documentation will be provided to the headquarters of the Office responsible for the facility from which movement occurred.

D. Copies of documentation will be provided to the Gary W. Project Coordinator who will forward and discuss events with the Special Master's Office.

E. Complications will not preclude the need for a staffing meeting.

Copies of these policies may be secured from the Gary W. Project Coordinator, Box 3776, Baton Rouge, Louisiana 70821.

Roger P. Guissinger
Secretary

RULE

Department of Natural Resources Office of Forestry

The Louisiana Forestry Commission at its regular quarterly meeting Tuesday, June 8, 1982, and under authority granted by L.R.S. 56:1503, amended by Act 169 of 1969 and pursuant to Notice of Intent published May 20, 1982, has adopted the following price increases at which forest tree seedlings are sold to land-owners, effective July 1, 1982: regular pine seedling increase from \$16.50 per M to \$19 per M; special pine seedlings increase from \$25 per M to \$30 per M; hardwood seedlings increase from \$50 per M to \$60 per M.

D. L. McFatter
Assistant Secretary

RULE

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

AMENDMENT TO THE PLAN DOCUMENT

Page 8E.

"The term 'employee' shall also include medical residents, known as House Officers, employed by state-owned medical facilities. The enrollment and continued participation of these medical residents will be governed by an inter-agency agreement between the Board of Trustees of the State Employees Group Benefits Program and the (Appropriate State Agency)."

James D. McElveen
Executive Director

RULE

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

The Board of Trustees of the State Employees Group Benefits Program, at its meeting on May 26, 1982, adopted the following Rule to affirm its emergency Rule adopted on April 20, 1982:

The major medical lifetime benefit be and is hereby increased from \$100,000 to \$500,000 per person for all active employees under 70 years of age and for all retired employees under 65 years of age, effective May 1, 1982.

The lifetime major medical benefit be and is hereby increased from \$50,000 to \$250,000 per person for all active employees age 70 or over and for all retired employees age 65 or over, effective May 1, 1982.

James D. McElveen
Executive Director

RULE

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

RESOLUTION

WHEREAS, the Board of Trustees of the State Employees

Group Benefits Program was created by Act 745 of 1979 and charged with the responsibility of administering life and health insurance benefits for state employees on an actuarially sound basis; and

WHEREAS, pursuant to this grant of authority, the Board of Trustees of the State Employees Group Benefits Program presently bills approximately 500 agencies and political subdivisions for monthly premiums; and

WHEREAS, some agencies and political subdivisions are consistently delinquent in remitting reconciled invoices and the proper funds to this program in payment for life and health coverage; and

WHEREAS, these agencies and political subdivisions, through payroll deduction, receive the employee portion of the insurance premium at least one month prior to the date premiums are due to this program; and

WHEREAS, the Board of Trustees of the State Employees Group Benefits Program cannot properly verify employee coverage to hospitals and health care providers without a reconciled, up-to-date monthly invoice; and

WHEREAS, without a reconciled, up-to-date monthly invoice, coverages are denied and overpayments may occur:

THEREFORE, BE IT RESOLVED, by the Board of Trustees of the State Employees Group Benefits Program, that on and after July 1, 1982, the entire monthly premiums, consisting of the employee's and employer's portions, and the agency's properly reconciled monthly invoice must be remitted to the program within 30 days after the date they are due. In the event complete payment and a properly reconciled invoice are not received within this 30 day period, the payment of claims on behalf of the employees of the delinquent agency or political subdivision may be suspended until such time as complete payment and a properly reconciled invoice are received by the program.

FURTHER, BE IT RESOLVED, that the Executive Director and his staff will notify the participating agencies and political subdivisions of this action and implement procedures to carry out the provisions of this resolution.

James D. McElveen
Executive Director

Notices of Intent

NOTICE OF INTENT

Department of Agriculture
State Entomologist

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:1655, relative to the authority of the State Entomologist, notice is hereby given that the State Entomologist, Louisiana Department of Agriculture, will

enact the following Rule relative to fees for inspection of nurseries and greenhouses:

"Fees shall be levied for the inspection of nursery stock grown or propagated for sale or distribution as follows:

a. \$25 for nurseries with acreage of more than 2,500 square feet and/or greenhouse space of more than 200 square feet;

b. \$5 for nurseries with acreage of 2,500 square feet or less and/or greenhouse space of 200 square feet or less.

The above fees will be pro-rated for the period July 1, 1982, through January 31, 1983. The following pro-rated portion of the above annual fee will be due for the period July 1, 1982, through January 31, 1983:

a. \$14.50 for nurseries with acreage of more than 2,500 square feet and/or greenhouse space of more than 200 square feet;

b. \$3 for nurseries with acreage of 2,500 square feet or less and/or greenhouse space of 200 square feet or less.

Thereafter, the total fees of \$25 and \$5, as above stated, shall be payable for each annual period beginning on February 1 and ending on January 31.

All monies derived from the collection of said fees shall be deposited in a special fund and used to help defray the expenses incurred for salaries for inspecting said nursery stock."

Written comments will be accepted up to and including July 7, 1982, by the following: Dr. John Impson, State Entomologist, Box 44456, Baton Rouge, Louisiana 70804, or may be presented in person at the office of the State Entomologist, 9181 Interline Boulevard, Baton Rouge, Louisiana.

Bob Odom
Commissioner of Agriculture

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Nursery fees

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

There will be no increased costs (savings) to the agency as a result of this amendment.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

In Fiscal Year 1982-83 the Department will receive \$4,375 from the fees, which represents a prorata (7/12ths) for the seven-month period from July 1, 1982, until January 31, 1983; whereas in subsequent years, the Department will receive approximately \$7,500 from fee collections.

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

Owners of nurseries/greenhouses will benefit from changing the due date to a more convenient time, in that they will not have to renew permits during a busy sales season.

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

There will be no effect on competition and employment in the private or public sector.

John Compton, Jr.
Deputy Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce Board of Commerce and Industry

The Louisiana Board of Commerce and Industry intends to adopt the following amendments to the Rules regarding Industrial Ad Valorem Tax Exemption under Article 7 Part 2 Section 21 (F) of the Louisiana Constitution of 1974 at its regular meeting on August 25, 1982. The proposed amendments are:

RULE 1. Use of Louisiana Contractors, Labor and Supplies

The Board of Commerce and Industry requires manufacturers and their contractors to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors, architects, engineers, and labor, except where not reasonably possible to do so without added expense or substantial inconvenience or sacrifice in operational efficiency or the absence of expertise in the particular industry or field of competency involved. In considering applications for tax exemption, special attention will be given to those applicants agreeing to use, purchase and contract for machinery, supplies and equipment manufactured in Louisiana, or, in the absence of Louisiana manufacturers, sold by Louisiana residents, and to the use of Louisiana contractors, architects, engineers, and labor in the construction and operation of proposed tax exempt facilities. It is a legal and moral obligation of the manufacturers receiving exemptions to favor Louisiana manufacturers, suppliers, contractors, architects, engineers, and labor, all other factors being equal.

RULE 2. Time Limits for Filing of Applications

(a) A written notification of intent to apply for tax exemption must be filed with the Office of Commerce and Industry on the prescribed form at least 15 days prior to the beginning of construction or installation of facilities.

(b) Application for tax exemption must be filed with the Office of Commerce and Industry on the form prescribed not later than three months before completion of the project or the beginning of operations, whichever occurs first.

A cut off date for processing tax applications to be considered for tax exemptions is four weeks prior to Board meetings. The Assistant Secretary is authorized, at his discretion, to accept certain applications beyond this date.

NOTE: RULE 2 applies to all applications other than those covered in RULE 3.

RULE 3. Miscellaneous Capital Additions

Tax exemption applications on miscellaneous capital additions totaling less than \$3,000,000 may be filed in the following manner:

(a) (Capital additions totaling less than \$3,000,000 in one calendar year.)

Not later than January 31 of each year, application for tax exemption shall be filed on the prescribed form with the Office of Commerce and Industry, listing the nature, the date, and the amount of the miscellaneous capital additions completed during the preceding calendar year, and deducting therefrom such replacements made, if any, at their original cost. Such amounts shall be clearly identifiable on the records of the manufacturer.

Since the assessment date for Orleans Parish is August 1, applications for tax exemption on miscellaneous capital additions in this parish should be filed not later than August 31 and should cover items completed since August 1 of the preceding year.

(b) (Capital additions reaching an accumulated total of \$3,000,000 during the calendar year.)

Application for tax exemption on the prescribed forms must be filed with the Office of Commerce and Industry whenever miscellaneous capital additions on which exemption is to be requested reach an accumulated amount of \$3,000,000.

RULE 9. Assessed Property

The Board of Commerce and Industry will not consider for tax exemption any manufacturing establishment, or addition thereto, once such establishment or addition has been in operation for a period of six months unless the assessor of the parish in which the establishment or addition is located certifies in writing that said establishment or addition is not on the tax rolls. If the establishment or addition is on the tax rolls the Board of Commerce and Industry will consider granting tax exemption if the assessor and the Louisiana Tax Commission both agree in writing to remove the establishment or addition from the tax rolls should the tax exemption be granted.

Under no circumstances will the Board of Commerce and Industry grant a tax exemption to any manufacturing establishment or addition, thereto, if the application is received more than one year after it began operations. Applications filed under Rule 3 that are more than six months late will not be considered.

These Rules are promulgated pursuant to Article 7 Part 2 Section 21(F) of the Louisiana Constitution of 1974 and L.R.S. 36:108 B.

A copy of the proposed amended Rules may be obtained by writing to Rex M. Shearer, Financial Inducement Director, Office of Commerce and Industry, Box 44185, Baton Rouge, LA 70804 or by request in person at his office on the Tenth floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana.

Written comments will be accepted up to and including July 6, 1982. Rex Shearer is the person responsible for responding to inquiries about the amendments to the Rules.

John W. Foltz
Assistant Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Article VII, Part 2, Section 21 (F) of LA Constitution-Industrial Tax Exemption

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

While it is difficult to measure the total cost impact on the Office of Commerce and Industry and to the state, there should be a savings of five to ten percent of the manhours spent on the program because of the Rule changes; however, the normal growth of the program is from seven to fourteen percent so there would be no net cost savings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

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

There are no costs or benefits to affected groups.

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

There will be no effect on competition and employment.

Rex M. Shearer
Director

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, LA 70005, or in writing to her.

Frances C. 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 Financial Institutions

The Commissioner of Financial Institutions, in exercise of his powers specifically enumerated in R.S. 902B and R.S. 950.1D, hereby gives notice of his intention to amend the Rule published in Volume 6, Number 12, *Louisiana Register* dated December 20, 1980, pertaining to the conversion of state chartered savings and loan associations from mutual to stock form of charter.

PROPOSED AMENDMENT TO RULE

So much of Section V of the rule governing the conversion of state chartered savings and loan associations from mutual to stock form as reads:

V. Content of Applicant's Plan of Conversion. The Applicant's plan of conversion shall comply with the requirements of the FLSIC, including the determination of the eligibility record date and supplemental record date (if applicable) with respect to subscription rights to purchase the Applicant's conversion stock, except, however, that officers, directors and employees of the Applicant in their individual capacities as officers, directors and employees, will be permitted to purchase in the specific subscription offering category established for that purpose an amount no greater than 20 percent of the total shared being offered in the plan of conversion.

is amended to read:

V. Content of Applicant's Plan of Conversion. The Applicant's plan of conversion shall comply with the requirements of the FSLIC, including the determination of the eligibility record date and supplemental record date (if applicable) with respect to subscription rights to purchase the Applicant's conversion stock, and provides that the total number of shares which officers and directors of the converting insured institution and their associates may purchase in the conversion shall not exceed 35 percent of the total offering of shares in the case of a converting insured institution with total assets of less than \$50 million, or 25 percent of the total offering of shares in the case of a converting insured institution with total assets of \$500 million or more; in the case of converting insured institutions with total assets in excess of \$50 million but less than \$500 million, the percentage shall be no more than a correspondingly appropriate number of shares based on total asset size (for example, 30 percent in the case of a converting insured institution with total assets of \$275 million).

The change in FLSIC Regulations was published in Volume 47, Number 89, *Federal Register*, dated May 7, 1982.

Interested persons may submit written comments on the proposed amendment to our Rule through 4:30 p.m., July 5, 1982, to the following address: Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095-Capitol Station, Baton Rouge, Louisiana 70804.

He is the person responsible for responding to inquiries on the proposed amendment.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Conversion from Mutual to Stock

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

This amendment to an existing Rule will not increase

the operating costs of the Office of Financial Institutions in any manner.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The implementation of this amendment to an existing Rule will not affect revenues in any manner.

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

Existing Rules and Statutes limit ownership of stock by directors, officers and employees in a converting savings and loan association to an amount no greater than 20 percent of the total shares being offered in the plan of conversion. This amendment will permit officers, directors and employees of converting institutions to own up to 25 percent of the stock of large institutions and up to 35 percent of the stock of small institutions.

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

This amendment will not affect employment or competition in any manner.

Hunter O. Wagner, Jr.
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Commerce
Office of Financial Institutions

Under authority granted by R.S. 6:902B, the Commissioner of Financial Institutions intends to adopt the following amendment to Rule of Volume 6, Number 9 of *Louisiana Register* dated September 20, 1980 for purpose of providing a means by which state chartered associations may have authority consistent with that proposed for federal associations by the Federal Home Loan Bank Board in Section 9855 of the *Federal Register*, Volume 47, No. 45, March 8, 1982.

PROPOSED AMENDMENT

Delete Section III. as it appears and substitute the following:

III. Pre-Authorized Subsidiary Investments

Pre-authorized activities of a subsidiary corporation, performed directly or through one or more wholly owned subsidiaries or joint ventures shall consist of one or more of the following:

A. Loan origination, purchasing, selling and servicing.

B. Acquisition of unimproved real estate lots and other unimproved real estate for the purpose of prompt development and subdividing.

C. Development and subdivision of and construction of improvements, including improvements to be used for commercial or community purposes when incidental to a housing project, for sale or for rental on, real estate referred to in subdivision B of this subparagraph.

D. Acquisition of improved residential real estate and mobile home lots to be held for sale or rental.

E. Acquisition of improved residential real estate for remodeling, rehabilitation, modernization, renovation, or demolition and rebuilding for sale or for rental.

F. Engage in real estate brokerage services if real estate laws, Rules and Regulations are complied with.

G. Serving as an insurance broker, agent, or underwriter if insurance law, Rules and Regulations are complied with.

H. Serving as a title insurance company if insurance laws, Rules and Regulations are complied with.

I. Preparation of state and federal tax returns.

J. Acquisition of real estate to be used for association offices and related facilities.

K. Partial or complete ownership of computer center that provides services for the parent association and others.

L. Make consumer loans as outlined in LRS 9:3510, et seq.

M. Perform debt collection services.

N. Issue letters of credit as part of their commercial lending.

O. Operate coin and currency services by contracting with Federal Reserve banks or commercial banks to make coin and currency available. This includes delivery and security arrangements.

P. Engage in the leasing of consumer and business goods.

Q. A subsidiary may act as agent for the parent association except that it shall not receive payments on new or established savings accounts, nor shall it perform any duties for the association other than those specifically authorized herein.

R. Other activities which may be approved by the Commissioner.

Delete Section V. as it appears and substitute the following:

V. Investment and Debt Limitation

A. Investments in subsidiary corporations shall include investment in its capital stock, obligations, both secured and unsecured, or other securities of the service corporation, and shall not, in the aggregate, exceed ten percent of the association's total assets. The limitation does not apply to subsidiaries organized solely as a holding corporation for business property as outlined in R.S. 6:822F.

B. The subsidiary corporation engaged solely in the activities specified in Paragraph III.A. above, may incur debt in a ratio of 10:1 of the subsidiary's consolidated net worth.

C. Subsidiary corporations engaged in activities other than that authorized in Paragraph III.A. above shall not incur debt in the aggregate in excess of the parent association's net worth less the aggregate investment in all subsidiary capital stock, obligations, both secured and unsecured, and other securities of the subsidiary corporation.

Interested persons may submit written comments on the proposed amendment through 4:30 p.m., July 5, 1982 to the following address: Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095 - Capitol Station, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries about the proposed amendment.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amendment to Service Corporation Rule

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

The implementation of this Rule will not in itself increase the operating budget of this department; however the gradual implementation of all the new powers being authorized for savings and loan associations and the normal growth of these institutions will eventually require an increase in examination personnel.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

By granting State Chartered Savings and Loan Associations parity with Federal Associations, they will be encouraged to retain their state charter and continue to pay semi-

annual assessments into the general fund.

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

Affects consumers who are attempting to make a mortgage loan or need a mortgage loan related service. This amendment will enhance the earnings of State Chartered Savings and Loan Associations and make available to consumers, services not previously available at State Chartered Savings and Loan Associations.

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

This amendment will place State Chartered Savings and Loan Associations on a par with Federal Associations when competing for home mortgage related services. Increased competition between financial institutions will normally benefit the consumers.

Hunter O. Wagner, Jr.
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education intends to adopt the following as policy:

1. The Board approved the *Standards for Compliance and Accreditation Program* for public elementary and secondary education.

2. The Board approved the Louisiana Program Plan for the Administration of Vocational Education — Five Year Plan, 1983-1987.

3. Revised Bulletin 1191, *School Transportation Handbook* (1982) as submitted by the Department of Education.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m. July 5, 1982, at the following address: State Board of Elementary and Secondary Education, Box 44064, Capitol Station, Baton Rouge, LA 70804.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Standards for Compliance and Accreditation Program

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

There are no implementation costs for the *Standards* since all costs associated with the Compliance and Accreditation Program are being advertised as part of the *Guidelines*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenues to affected groups.

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

The Compliance and Accreditation Program is an accreditation system for public schools and parishes that utilizes onsite reviews. The purpose of the system is to improve the quality of education in Louisiana school systems. Standards for schools and parishes, derived from legislation, regulations and Board Policy, serve as the basis for onsite reviews. These reviews determine areas of need in parishes and

schools reported to the parishes. Development of plans for action ensure appropriate changes to upgrade educational programs.

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

There is no impact on competition and employment.

James V. Soileau
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Program Plan**

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

Federal vocational education funds received by Louisiana are matched 50-50, but there are no implementation costs otherwise.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

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

Benefits to eligible recipients, i.e., local education agencies, vocational technical schools, and teacher training institutions, are vocational education programs requiring approximately \$16 million.

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

Vocational education funds are used for training purposes as well as to conduct program improvement and support services for vocational education. Budget cuts will decrease program offerings.

George B. Benton
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bulletin 1191**

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

The approximate cost of printing 150 revised copies of Bulletin 1191 is \$525.00.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

No effect on revenue collections.

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

There will be no costs involved for the 66 parish and city school systems. The updating of Bulletin 1191 will enable each system to operate their transportation program in accordance with current state laws and School Transportation procedures.

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

No effect on competition and employment.

George B. Benton
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer