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This public document was published at a cost of \$13,148.60. 1,375 copies of this first printing at a cost of \$4,188.80. The total cost of all printing of this document, including reprints is \$13,148.60. This document was published 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.

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# Executive Orders

## EXECUTIVE ORDER NO. DCT 84-2

WHEREAS, the 50 States Project was established by President Reagan to urge states to eliminate from their statutory and regulatory codes unfair differentiations on the basis of gender; and

WHEREAS, the coordinator or the 50 States Project in Louisiana was appointed to examine the laws of the State of Louisiana to identify unfair gender-based terminology and substantive laws with discriminatory application or impact; and

WHEREAS, the Louisiana Constitution provides that "No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of ... sex ..."; and

WHEREAS, much progress has been made in the recent past to eliminate vestiges of discrimination based upon sex; and

WHEREAS, executive action has increased participation of women in government, and both executive and legislative action has enhanced the opportunities and protections afforded women; and

WHEREAS, while great strides have taken place, continued and further diligence by the executive and legislative branches of state government should and can afford greater protections and opportunities for women; and

WHEREAS, the Louisiana State Law Institute has been created and organized as an official advisory law revision commission, law reform agency and a legal research agency of the State of Louisiana and has as a general purpose to promote and encourage the classification and simplification of the law of Louisiana and its better adaptation to present sound needs, and has among its statutory duties to consider needed improvements in the law and to receive and consider suggestions as to defects and anachronisms in the law, not only from public officials but from the public generally; and

WHEREAS, in the area of discrimination based upon sex it is appropriate to create an advisory committee to call to the attention of the Governor, the Louisiana State Law Institute, as well as others interested in law reform, those areas of the law which discriminate unreasonably based upon sex;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby order and direct:

1. The creation of the 50 States Project Advisory Committee. It shall be the duty of the Committee to identify unfair gender based terminology and substantive laws with discriminatory application or impact in the statutes, regulations, and administrative rules of the State of Louisiana and to recommend specific executive action or legislation to remedy such unfair and discriminatory laws and their impact.

2. The 50 States Project Committee shall be composed of eleven members as follows:

a. The coordinator of the 50 States Project appointed by the Governor;

b. Two members appointed by the Speaker of the Louisiana House of Representatives;

c. Two members appointed by the President of the Louisiana Senate;

d. One member appointed by the Governor upon the

recommendation of the Director of the Louisiana State Law Institute; and

e. Five other members who shall be appointed by the Governor.

The coordinator of the 50 States Project shall serve as chair of the Committee.

3. That the Louisiana State Law Institute provide available staff assistance to the Committee.

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 2nd day of March, A.D., 1984.

David C. Treen  
Governor of Louisiana

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Agriculture Commissioner of Agriculture

In accordance with the emergency provisions of LRS 49:953B, the Administrative Procedure Act, and under the authority of LRS 3:3203, the Commissioner of Agriculture hereby declares that the U.S. Environmental Protection Agency has determined that contamination of foodstuffs with ethylene dibromide, a pesticide commonly known as EDB, poses a serious health hazard for consumers. Therefore, the Commissioner of Agriculture hereby establishes the following tolerances for ethylene dibromide on an emergency basis:

Raw agricultural products	900 parts per billion
Semi-processed food products, e.g., oatmeal	150 parts per billion
Ready-to-eat agricultural products, e.g., berries	30 parts per billion

All such products coming under the jurisdiction of the Department or the Commissioner of Agriculture will be tested whenever, in the judgment of the Commissioner of Agriculture, there appears to be a need for testing. If test results indicate the presence of ethylene dibromide in any of the products listed above at rates higher than the tolerances herein established, the Commissioner of Agriculture may issue a stop order prohibiting the distribution, sale, offer for sale, movement, or disturbance of the product and may thereafter require the disposition of such product as provided by applicable law.

Bob Odom  
Commissioner

## DECLARATION OF EMERGENCY

### Department of Agriculture Livestock Sanitary Board

In accordance with the emergency provisions of LRS 49:953B, the Administrative Procedure Act, notice is hereby given that the Department of Agriculture, Louisiana State Livestock Sanitary Board, at a special called meeting held on February 17, 1984, determined that a current epidemic of highly contagious Avian Influenza in the northwestern United States has created an emergency situation affecting the health of poultry flocks through-

out the country. In order to protect the health of Louisiana poultry flocks, the Board therefore adopted new regulations on an emergency basis, which (1) impose a quarantine against poultry, eggs, and poultry by-products originating in states under Federal quarantine because of the disease, and (2) prohibit, with certain exceptions, the showing of poultry at public shows in Louisiana for the duration of the epidemic.

The Board added a new Subsection (g) of Section 8, entitled "Poultry", reading as follows, to Regulation 1 of the Board's Rules and Regulations.

(g) No birds, eggs or poultry by-products originating in a state which has an area under quarantine due to Avian Influenza will be allowed entry into Louisiana. In addition, the Board may prohibit the entry of any vehicles and/or equipment into Louisiana if there is reason to believe that it may have been contaminated with pathogenic Avian Influenza virus.

The Board also added a new Section 6, entitled "Poultry", reading as follows, to its existing Regulation 2:

6. With the exception of the Spring 1984 poultry shows at Louisiana State University and Southern University in Baton Rouge, the showing of poultry is prohibited in Louisiana until pathogenic Avian Influenza is eradicated.

Bob Odom  
Commissioner

#### **DECLARATION OF EMERGENCY**

##### **Department of Commerce Racing Commission**

The Louisiana State Racing Commission, pursuant to the authority contained in R.S. 49:953B, amended the following emergency rules at its meeting of February 24, 1984 by unanimous resolution, and made such findings that the public welfare required the amendments of such rules.

Rule LAC 11-6:2.8, (renumbered 35:315) regarding minors, was adopted as an emergency rule in 1978, but due to oversight was never adopted as a permanent rule. It is currently in the process of being re-enacted.

Rule 11-6:21.1, (renumbered 35:4501) relative to jockey agents and the number of jockeys they can represent, is adding a stipulation that limits two riders in any one race that are represented by the same agent (except stakes races). The general limit per agent remains at three.

The Emergency Rules are as follows:

**RULE LAC 11-6:2.8 (Renumbered 35:315) TO READ AS FOLLOWS:**

"Minors are prohibited from attending race meetings except that any minor twelve years of age, or older, together with proof of age, may with Association approval, attend any race meeting if accompanied by a parent, grandparent or companion. In no case shall any minor in attendance be allowed to engage in wagering. (For the purposes of this rule, companion is defined as any person twenty-one years of age or older who is a kin-relative of the minor.)"

**RULE LAC 11-6:21.1 (Renumbered 35:4501) TO READ AS FOLLOWS:**

"A jockey agent may not contract the riding engagements of more than three riders. No jockey agent shall contract for more than two riders to start in any one race, except stakes races, who are under contract to the same jockey agent. As used herein, 'jockey agent' shall mean any person who contracts engagements for a rider or riders."

Pursuant to R.S. 4:141 et seq. and, particularly, R.S. 4:142 stating the Legislative purpose of the racing statute, it is incumbent

upon the Louisiana State Racing Commission to amend rules of racing relative to minors and jockey agents.

S. M. Delaney  
Secretary

#### **DECLARATION OF EMERGENCY**

##### **Board of Elementary and Secondary Education**

The State Board of Elementary and Secondary Education, at its meeting of February 23, 1984, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the following item as an emergency rule:

1. The Board established a performance standard for the Fourth Grade Basic Skills Test to be 80 percent of the total items on each of the language arts and mathematics tests.

This emergency adoption is necessary because the Louisiana Basic Skills Testing Program is scheduled for March 19-23, 1984 in order that tests may be administered, scored, and student reports returned to the school districts prior to the close of the school year.

James V. Soileau  
Executive Director

#### **DECLARATION OF EMERGENCY**

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

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt a Voluntary Family Responsibility Program as authorized by Act 672 of the 1983 Regular Legislative Session. The program will be effective March 1, 1984 and will be administered in accordance with the policy and procedures outlined below.

##### **Emergency Rule**

The Voluntary Family Responsibility Program for Long Term Care Residents provides a State Income Tax Credit for a relative who voluntarily contributes toward the personal and medical expenses of an individual in a Skilled Nursing Facility, Intermediate Care Facility I or II or an Intermediate Care Facility for the Handicapped whose income and resources are insufficient to meet the cost of such care. The income tax credit is effective with the taxable period beginning January 1, 1983.

The tax credit allowed for the taxable year is an amount equal to 33 $\frac{1}{3}$  percent of the amount contributed in the family responsibility program. The tax credit shall not exceed \$200 per year.

To be eligible for this tax credit, a written agreement must be completed by the relative contributor with the local Office of Family Security in the parish in which the facility is located. The written agreement states the amount of monetary contribution to be made to the patient or made to the facility to be applied specifically to the patient's personal care need, medical insurance premiums and/or facility fee. A tax credit is not provided for in-kind contributions or contributions made for services other than the services stated above. For a non-Medicaid individual, verification of contributions is only necessary when there is a retroactive period being claimed. It is the responsibility of the claimant to provide adequate verification of contributions made and to report changes in contributions.

To implement the program immediately for the 1983 tax year, the procedures outlined below shall apply:

A. Medicaid Applicants and Recipients

A copy of the leaflet on the Family Responsibility shall be provided an applicant/recipient for Long Term Care or to the responsible party at application/redetermination except when the responsible party resides out-of-state.

For Medicaid applicants who are ineligible the month of admission because of the full calendar month policy and a relative will contribute for the admission month only, the agreement shall be completed designating the one month only space, unless contributions will continue.

If there is a regular contribution for a Medicaid eligible, the contribution shall be budgeted under income.

If a relative contributes a medical insurance premium payment, the medical insurance premium shall be budgeted as an expense and also shown as contributed income.

**B. Public ICF-H Residents**

Office of Mental Retardation will provide a copy of the leaflet on the Family Responsibility Program to the parent or legal guardian at the time of Medicaid application.

If the parent plans to make a monetary contribution, he will be advised to contact the Parish Office of Family Security.

**C. Non-Medicaid Claimants**

Copies of the leaflet explaining the Voluntary Family Responsibility Program will be provided the Long Term Care facilities for use in referrals of non-Medicaid individuals. The interested individual will then contact OFS directly.

The parish office copy of a written agreement shall be filed in a facility folder, a copy given the relative and a copy mailed to the Louisiana Department of Revenue and Taxation.

If the claimant is ineligible, he shall be provided a letter briefly stating the reason he is ineligible for an agreement (example, in-kind payment, payment for services not allowable).

Office of Family Security has no responsibility for monitoring the contributions. OFS will provide a copy of the executed agreement to the contributor, the facility and to the State Internal Revenue Office.

**D. OFS Coordination with Louisiana State Department of Revenue**

A copy of the completed written agreement, change in written agreement or letter from relative cancelling a written agreement shall be forwarded by the parish office to the Louisiana Department of Revenue and Taxation, Income Tax Section.

Implementation of the Voluntary Family Responsibility Program on an emergency basis is necessary in order that individuals who are eligible for the State income tax credit for the 1983 tax year may execute the agreement required to claim the tax credit.

Roger P. Guissinger  
Secretary

**DECLARATION OF EMERGENCY**

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

Resolution adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting held in Baton Rouge, LA on Tuesday, February 21, 1984:

WHEREAS, due to the exceptional weather conditions which existed throughout the State of Louisiana during the months of December, 1983 and January, 1984, and

WHEREAS, the harvest of nutria has been reduced in recent years due to low prices, and

WHEREAS, fur bearing populations are managed on an annual basis through trapping programs, and

WHEREAS, the unusual climatic conditions prohibited and delayed many trapping programs, and

WHEREAS, fur technicians of the Department of Wildlife and Fisheries have determined that excessive annual populations presently exist in several coastal ecosystems which would result in environmental damage to habitat conditions,

NOW, THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby extend the trapping season in the South Zone through March 15, 1984.

Jesse J. Guidry  
Secretary

# Rules

## RULE

### Commissioner of Agriculture Advisory Commission on Pesticides

Notice is hereby given that the Commissioner of Agriculture, pursuant to Notice of Intent published in the *Louisiana Register* on November 20, 1983, and in accordance with the authority granted under R.S. 3:3203, and upon the recommendations of the Advisory Commission on Pesticides under the authority granted to the Commission under R.S. 3:3213, has adopted the following amendments and additions to the Rules and Regulations for the Implementation of R.S. 3:3201-3257 following public hearings conducted on November 30, 1983, in Baton Rouge before the Advisory Commission on Pesticides; on December 7, 1983, in Monroe; on December 8, 1983, in Shreveport; on December 14, 1983 in Gretna; on December 21, 1983, in Alexandria; on December 28, 1983, in Jennings; and on January 5, 1984, in Baton Rouge before the Advisory Commission on Pesticides:

**7.0 Certification of Commercial Applicators**

7.1 The Commissioner hereby establishes the following standards as qualifications required for certification:

\* \* \* \* \*

B. An individual applying for certification in Categories 7b and 7c must have two years of experience in the phase of work in which he is making application. Required experience must be substantiated by a notarized statement acceptable to the Commissioner.

C. An individual applying for certification in Category 8d must have either (1) a bachelor's degree with at least 12 hours in entomology or (2) at least four years of experience in mosquito control working under supervision of a person certified in mosquito control. Required experience must be substantiated by a notarized statement acceptable to the Commissioner.

7.2 Categories are established on the basis of the location where the application of pesticides will be made, and each applicant for certification is required to successfully complete an examination in the category in which the applicant desires certification.

\* \* \* \* \*

B. The Commissioner hereby establishes the following categories and subcategories of certification for commercial applicators:

\* \* \* \* \*

(8) Public Health Pest Control. This category is for commercial applicators and state, federal and other government employees using or supervising the use of pesticides in public health programs for the management and control of pests having medical and public health importance. This category has been subdivided into five subcategories, as follows:

(a) Mosquito Control - Applicator. This subcategory is for commercial applicators and government employees who are applicators in mosquito control programs.

(b) Rodent Control. This subcategory is for commercial applicators and government employees who are applicators in rodent control programs.

(c) Community Public Health. This subcategory is for commercial applicators and government employees who are applicators concerned with the control of all arthropods and rodents of public health importance.

(d) Mosquito Control - Program Supervisor. This subcategory is for commercial applicators and government employees who are program supervisors in organized mosquito control programs.

(e) Antimicrobial Pest Control. This subcategory is for commercial applicators engaged in antimicrobial pest control using restricted use pesticides.

#### 10.0 Fees

10.1 Fees required under Pesticide statutes and these regulations are as follows:

A. Registration of pesticides	\$15
B. Late charge for registration of pesticides	\$50
C. License fee	\$25
D. Late fee for license renewal	\$50
E. Equipment inspection fee (each item)	\$10
F. Field scout registration fee	\$ 5
G. Certification fee	\$ 5
H. Examination fee (examinations given in Baton Rouge)	\$ 5
I. Examination fee (examinations given in District Offices)	\$15
J. Certification card renewal fee	\$ 5

#### 11.0 Licensing Requirements: Owner-operator, Pesticide Dealer, and Agricultural Consultant

##### 11.1 Owner-Operators

A. Every owner-operator of a pesticide application business must have a current license issued by the Commissioner before making any applications of pesticides.

B. No person required by the provisions of R.S. 3:3243 to be licensed by the Commissioner shall be licensed as an owner-operator unless such person (1) has a current commercial applicator certification, or (2) employs a person having a current commercial applicator certification. All persons applying pesticides under an owner-operator license must maintain their commercial applicator certification in current status at all times.

C. No person may apply pesticides under an owner-operator license unless (1) such person is named on the application for license, or (2) if employed subsequent to issuance of the license or on a temporary basis, the owner-operator has notified the Commissioner of such employment prior to the first day of such employment. Initial notification of employment subsequent to issuance of the license may be made by telephone but must be confirmed, in writing, by the owner-operator within three days after the first day of employment.

D. Prior to issuance of the license, the applicant for an owner-operator license shall file proof of financial responsibility with the Commissioner, as follows:

(1) Ground applicators	\$25,000
(2) Aerial applicators who do not apply phenoxy herbicides	\$25,000
(3) Aerial applicators who apply phenoxy herbicides	\$50,000

E. Proof of financial responsibility may be made by any of the following means:

(1) Filing a surety bond in the proper amount, written by a company authorized to do business in Louisiana and conditioned

upon the licensee fulfilling his obligations to persons proven to have suffered damages as a result of actions of the owner-operator or any of his employees. Such surety bond shall provide for 90 days written notice to the Commissioner prior to cancellation.

(2) Filing a certificate of insurance, in the form prescribed by the Commissioner, in the same amount as required for a surety bond. Such insurance shall be payable to the benefit of persons proven to have suffered damages as a result of the actions of the owner-operator or any of his employees and shall provide for 30 days written notice to the Commissioner prior to cancellation. An owner-operator shall not change the amount of such insurance during the period of the license without the prior written approval of the Commissioner.

(3) Filing a certificate(s) of deposit in the same amount as required for a surety bond. Such certificates of deposit shall be assigned to the Commissioner, endorsed, and deposited with the Commissioner. Holders of such certificates shall continue to draw all interest thereon. Upon the request of the certificate holder, certificates of deposit may be exchanged at maturity, under procedures acceptable to the Commissioner.

(4) Filing an irrevocable letter of credit, issued by a guarantor and in a form acceptable to the Commissioner, which shall be non-cancellable during the term of the license for which the irrevocable letter is offered as security.

(5) Depositing cash equal to the amount required for the surety bond with the Commissioner, which cash shall remain on deposit until replaced by other security acceptable to the Commissioner or until expiration, suspension, or revocation of the license.

F. Failure to maintain the required security in full force and effect throughout the license period, as required under Rule 11.1 D, shall subject a licensee to immediate suspension or revocation of his license.

G. Applicants for owner-operator license must satisfactorily complete the application form prescribed by the Commissioner and pay the fee specified under Rule 10.1 C prior to issuance of the license.

H. Prior to issuance of the license and/or during the period of licensure, persons applying for owner-operator license under a corporate name must provide proof of compliance with Louisiana's Corporation Laws upon the Commissioner's request.

I. Each application for owner-operator license must list all commercial applicators employed on a regular basis when the application is filed. Commercial applicators hired after the license is issued must be certified to the Commissioner as required under Rule 11.1 C hereof.

J. All mechanically powered pesticide application equipment used by any person required by the provisions of R.S. 3:3243 to be licensed by the Commissioner must be inspected by the Department prior to May 31 following issuance of the license, or within 30 days after issuance of any license dated after January 1. The inspector shall affix a decal to all equipment found to be in compliance with these regulations. It is the responsibility of the licensee to make certain that his equipment is inspected, approved, and a decal affixed prior to May 31, or, if licensed after January 1, within 30 days after the date of the license. Failure to have decals on pesticide application equipment within the time prescribed under this Rule shall subject a licensee to immediate suspension or revocation of his license.

K. Owner-operator licenses shall be valid until December 31 following date of issue and must be renewed annually by filing the application form prescribed by the Commissioner, together with the fee specified in Rule 10.1 C, prior to December 31. A late fee of \$50 shall be imposed on any applicant filing application for renewal of an owner-operator license after December 31.

L. Licensed owner-operators who apply any pesticides

which, upon disposal, are classified as hazardous wastes must comply with all rules adopted by the Commissioner to regulate the handling of such pesticides prior to renewal of the license. If licensed after January 1, owner-operator must comply with all rules regulating the handling of pesticides which, upon disposal, are classified as hazardous wastes within 30 days after issuance of the license.

M. Any person whose license or required certification has been suspended or revoked may be required to appear before the Advisory Commission on Pesticides prior to issuance of a new license or certification. No owner-operator license or required certification shall be reinstated after suspension or revocation unless the applicant for reinstatement has complied fully with all requirements of this Rule.

N. The Commissioner may deny an owner-operator license or commercial applicator certification to any person who:

- (1) Fails to demonstrate a knowledge of pesticides necessary for the safe and efficacious use thereof;
- (2) Fails or has previously failed to comply with any requirement of these regulations and/or the Pesticides statutes;
- (3) Has previously been adjudged, in a properly conducted adjudication procedure, to have violated any provisions of the Pesticide statutes and/or these regulations; and/or
- (4) Has failed to apply for and receive a decal for every item of mechanically powered pesticide application equipment used in the operation of the business.

#### 11.2 Pesticide Dealers Selling Restricted Use Pesticides

A. Pesticide dealers must be licensed by the Commissioner prior to making any sales of restricted use pesticides.

B. No person shall be licensed as a pesticide dealer unless such person (1) holds a current pesticide salesperson certification, (2) employs at least one person who holds a current pesticide sales person certification, or (3) holds a current commercial applicator certification.

C. No person shall sell restricted use pesticides unless (1) his/her name is listed on the application for pesticide dealer license, or (2) if employed after issuance of the license, the licensed pesticide dealer has notified the Commissioner of such employment, in writing, within 30 days after the first day of such employment. Such subsequent notification shall contain the name, address, and certificate number of certified pesticide salespersons who are employed after the license is issued.

D. No licensed pesticide dealer may sell, offer for sale, or hold for distribution any pesticide which has not been registered with the Department as required by R.S. 3:3221.

E. Applicants for pesticide dealer license shall satisfactorily complete the application form prescribed by the Commissioner and pay the fee required under Rule 10.1 C hereof prior to issuance of the license.

F. Each application for pesticide dealer license shall contain the name, address, and certificate number of all certified pesticide salespersons.

G. Within 30 days after termination of any certified pesticide salesperson listed on the license application form and/or certified to the Commissioner after issuance of a pesticide dealer license, the licensee must notify the Commissioner, in writing, of such termination.

H. Whenever such termination results in no certified pesticide salesperson at a licensed pesticide dealer's business, the pesticide dealer license shall be revoked 30 days after such termination, unless the licensee employs another certified pesticide salesperson within 30 days after termination of the original employee. In such event, the licensee may request the administration of an examination for pesticide salesperson certification on a priority basis, and the examination shall be immediately administered.

I. Pesticide dealer licenses shall be valid until December 31 following date of issue and must be annually renewed by filing the application form prescribed by the Commissioner, together with the fee required under Rule 10.1 C, prior to December 31. A late fee of \$50 shall be imposed on any applicant filing application for renewal of a pesticide dealer license after December 31.

J. Any person whose license or required certification has been suspended or revoked may be required to appear before the Advisory Commission on Pesticides prior to issuance of a new license or certification. No pesticide dealer license shall be reinstated after suspension or revocation unless the applicant for reinstatement has complied fully with all requirements of this Rule.

K. The Commissioner may deny a pesticide dealer license or pesticide salesperson certification to any person who:

- (1) Fails to demonstrate a knowledge of pesticides necessary for the safe and efficacious use thereof;
- (2) Fails or has previously failed to comply with any requirement of these regulations and/or the Pesticides statutes; and/or
- (3) Has previously been adjudged, in a properly conducted adjudication procedure, to have violated any provisions of the Pesticides statutes and/or these regulations.

#### 11.3 Agricultural Consultants

A. No person shall be licensed as an agricultural consultant unless such person (1) is currently certified as an agricultural consultant, or (2) employs a person currently certified as an agricultural consultant.

B. No person shall make pesticide recommendations for a fee unless (1) his/her name is listed on the application for agricultural consultant license, or (2) if employed after issuance of the agricultural consultant license, the licensee has notified the Commissioner in writing within 30 days after the first day of such employment. Notification of employment after the license is issued shall include the name, address, and certificate number of agricultural consultants employed by the licensee.

C. All applicants for agricultural consultant licenses shall complete the application form prescribed by the Commissioner and pay the fee required under Rule 10.1 C hereof prior to issuance of the license.

D. Each application for agricultural consultant license shall include the name, address, and certificate number of all certified agricultural consultants and the name and address of all field scouts employed by the applicant when the application for license is filed.

E. Each licensed agricultural consultant shall register every field scout employed under his/her license with the Commissioner within 30 days after the first day of the scout's employment. The registration shall remain valid during the scout's employment by the agricultural consultant applying for field scout registration, without renewal, but shall be cancelled upon termination of such employment. Each agricultural consultant shall notify the Commissioner, in writing, within 30 days after termination of any field scout.

F. Each field scout registered by a licensed agricultural consultant shall be issued a registration card. The field scout shall carry the registration card on his/her person when engaged in field counts and shall display the registration card upon reasonable request.

G. Agricultural consultant licenses shall be valid until December 31 following date of issue and shall be renewed annually by filing the application form prescribed by the Commissioner, together with the fee required under Rule 10.1 C, prior to December 31 of each year. A late fee of \$50 shall be imposed on any applicant filing application for renewal of an agricultural consultant license after December 31.

H. Any person whose license or required certification has

been suspended or revoked may be required to appear before the Advisory Commission on Pesticides prior to issuance of a new license or certification. No agricultural consultant license shall be reinstated after suspension or revocation unless the applicant for reinstatement has complied fully with all requirements of this Rule.

I. The Commissioner may deny an agricultural consultant license or certification to any person who:

- (1) Fails to demonstrate a knowledge of pesticides necessary for the safe and efficacious use thereof;
- (2) Fails or has previously failed to comply with any requirement of these regulations and/or the Pesticides statutes; and/or
- (3) Has previously been adjudged, in a properly conducted adjudication procedure, to have violated any provisions of the Pesticides statutes and/or these regulations.

## 12.0 Regulations Governing Application of Pesticides

### 12.1 General Requirements

A. No person shall apply pesticides as a commercial applicator unless such person is:

- (1) licensed as required under Rule 11.1 hereof,
- (2) employed by a person licensed as required by Rule 11.1 hereof,
- (3) making ground applications of pesticides under the direct supervision of a person certified as a commercial applicator, or
- (4) certified in Demonstration and Research.

B. No person shall apply any pesticide which is not registered with the Department and the EPA, provided that this restriction shall not apply to (1) activities conducted by persons certified in Demonstration and Research, and (2) activities conducted under an approved experimental use permit.

C. No person who is required under the provisions of R.S. 3:3243 to be licensed by the Commissioner shall apply pesticides with mechanically powered pesticide application equipment which does not bear a current decal affixed by the Commissioner, except as provided under Rule 11.1 J.

D. No person shall apply any ester compound of phenoxy herbicide containing an aliphatic alcohol radical with less than six carbon atoms at any location within Louisiana.

E. All pesticides shall be applied in accordance with label and labeling requirements.

F. All persons who apply pesticides aerially must be certified as commercial applicators.

G. No person who is required under the provisions of R.S. 3:3243 to be licensed by the Commissioner may dispose of any unused portions of pesticides and/or rinsate of pesticides at any location other than a site approved by the Commissioner.

### 12.2 Restrictions on Application of Certain Pesticides

A. Effective as of July 1, 1984, the Commissioner hereby declares that, in addition to all other pesticides classified by EPA as restricted use pesticides, the pesticides listed in Rule 12.2 B are classified as restricted use pesticides within the State of Louisiana, except:

- (1) when formulated in concentrations of two percent or less, or
- (2) when formulated with fertilizer for use by homeowners.

B. The following pesticides may not be applied by commercial applicators during the times set forth in this Rule in the areas listed in Rules 12.2 C, 12.2 D and 12.2 E hereof.

Chemical Name	Common Name
1. 4-amino-3,5,6-trichloro-picolinic acid	Picloram
2. Arsenic trioxide	—
3. 3-chlorophenoxy-alpha-propionamide	3-CPA
4. 4-chlorophenoxy acetic acid	4-CPA

5. 2,4-dichlorophenoxy acetic acid	2,4-D
6. 4-(2,4-dichlorophenoxy) butyric	2,4-DB
7. 2-methoxy-3,6-dichlorobenzoic acid	Dicamba
8. 2-methyl-4-chlorophenoxy acetic acid	MCPA
9. 4-(2 methyl-4-chlorophenoxy) butyric acid	—
10. 2-(2 methyl-4-chlorophenoxy)	2-MCPP
11. Arsenic acid	Arsenic
12. Sodium arsenite	—
13. (2,4,5-trichlorophenoxy) acetic acid	2,4,5-T
14. 2-(2,4,5-trichlorophenoxy) ethyl 2,2-dechlorophropionate	—
15. 2-(2,4,5-trichlorophenoxy) propionate	Silvex
16. Tris (2,4-dichlorophenoxy ethyl) phosphite	—
17. A mixture of tri-, tetra-, and polychlorobenzoic acid	—

C. The pesticides listed in Rule 12.2 B shall not be applied by commercial applicators between March 15 and September 15 in the following parishes:

(1) Avoyelles	(14) Morehouse
(2) Bossier	(15) Natchitoches
(3) Caddo	(16) Quachita
(4) Caldwell	(17) Pte. Coupee, Ward 2
(5) Catahoula	(18) Rapides
(6) Claiborne, Ward 4	(19) Red River
(7) Concordia	(20) Richland
(8) DeSoto, Ward 7	(21) St. Landry, Ward 4
(9) East Carroll	(22) Tensas
(10) Franklin	(23) Union
(11) Grant	(24) West Carroll
(12) LaSalle	(25) Winn, Ward 7
(13) Madison	

D. The pesticides listed in Rule 12.2 B shall not be applied by commercial applicators between March 1 and June 15 in the area between the Mississippi River and Highway 61 in the Parishes of St. James and St. John the Baptist.

E. The pesticides listed in Rule 12.2 B shall not be applied by commercial applicators in the Parish of Plaquemines.

F. In any application of the pesticides listed in Rule 12.2 B in any of the areas listed in Rules 12.2 C, 12.2 D, or 12.2 E, the wind speed at the time of application shall determine the distance which must separate the center of the swath from the nearest inhabited structure and/or susceptible crop, as follows:

Wind Speed	Minimum Distance	
	Aerial Equipment	Ground Equipment
0- 3 mph	½ mile downwind	⅛ mile downwind
	½ mile crosswind	⅛ mile crosswind
	50 feet upwind	20 feet upwind
3- 6 mph	1 mile downwind	½ mile downwind
	½ mile crosswind	¼ mile crosswind
	50 feet upwind	5 feet upwind
6-10 mph	2 miles downwind	½ mile downwind
	½ mile crosswind	¼ mile crosswind
	50 feet upwind	5 feet upwind

Above 10 mph Prohibited  
Note: "Crosswind" means 90 degrees (+ or - 10 degrees) from the flight path or the direction of the application.

G. No commercial applicator may make application of the following pesticides except in compliance with the wind speed restrictions set forth in Rule 12.2 F above:

	Chemical Name	Common Name
1.	3 <sup>1</sup> , 4 <sup>1</sup> - Dichloropropionanilide	Propanil
2.	1:1-Dimethyl-4,4' - Bipyridinium (cation) dichloride	Paraquat

H. Whenever an inhabited structure at the site of application is located at a distance less than the distance specified in Rule 12.2 F, the prohibition relative to the distance between the swath of the application and an inhabited structure shall not apply when the owner, renter, or lessee occupying the structure grants written authorization for the pesticide application.

I. Hand injections of pesticides are exempt from the requirements of Rule 12.2 F.

J. If label and labeling requirements relative to wind speed are more restrictive for the pesticide being applied than the restrictions set forth in Rule 12.2 F, label and labeling requirements shall determine the minimum distance from inhabited structures and susceptible crops.

### 12.3 Waiver of Restrictions Contained in Rule 12.2

A. No commercial applicator shall apply any of the pesticides listed in Rule 12.2 B in the parishes and during the periods specified in Rules 12.2 C, 12.2 D, and 12.2 E without written authorization from the Commissioner prior to such application.

B. The Commissioner may waive the time restrictions on application of pesticides listed in Rule 12.2 B upon written request, as follows:

(1) Any commercial applicator desiring a waiver of any restriction contained in Rule 12.2 shall apply to the Commissioner at least 24 hours prior to the date scheduled for application of the pesticide.

(2) The application for waiver shall be submitted on a form provided by the Commissioner and shall contain the following information:

- a) the name and address of the person requesting the application,
- b) the name of the applicator who will actually make the application,
- c) the name of the owner-operator, if different from the applicator making the application,
- d) the location where the application will be made, including the crop and name and address of the landowner,
- e) the proposed date and hour when the application is scheduled, and
- f) any other information pertinent to the specific waiver application which may be required by the Commissioner.

C. Both the commercial applicator and the person for whom the pesticide application will be made must sign and date the waiver application.

### 12.4 Regulations Governing Aerial Application of Pesticides to Rights-of-Way for Control of Woody Vegetation.

A. This Rule applies only in parishes whose governing bodies have appeared in public hearing before the Advisory Commission on Pesticides and thereafter secured the approval of the Commissioner for the enforcement of this Rule.

B. The Commissioner will notify each owner-operator who is certified in Right-of-Way Pest Control, in writing, whenever a parish governing authority is approved to enforce the provisions of this Rule.

C. Each applicator intending to make an aerial application of pesticides to control woody vegetation on public utility rights-of-way in such parishes must notify the Office of Pesticides and Environmental Programs, in writing, at least 15 days prior to the anticipated date of the application. That notice shall contain:

- (1) Anticipated dates and times of application,
- (2) Description of the area(s) where the application will be made,

(3) A telephone number and address of the applicator's office to which citizens can report sensitive areas to the applicator prior to the scheduled application, and

(4) The pesticides to be applied.

D. Within five days after receipt of notice from an applicator, the Department shall:

(1) Notify the governing authority of any parish which has secured the approval of the Commissioner for enforcement of this Rule, such notice to include all information required under Rule 12.4 C, and

(2) Issue a news release to all media within such parish, which news release shall contain all information required under Rule 12.4 C.

E. The governing authority may make additional publications of the notice by any means considered appropriate by the governing authority. The governing authority shall notify the Office of Pesticides and Environmental Programs of the media utilized for such additional public notice concerning the scheduled application.

F. No commercial applicator may make aerial application of pesticides to control woody vegetation on public utility rights-of-way in any manner inconsistent with label and labeling requirements for the pesticide applied.

G. Before pesticides are applied to rights-of-way for control of woody vegetation, the applicator shall fly a reconnaissance flight over the right-of-way to be sprayed.

### 12.5 Damage Complaints

A. Persons filing damage complaints shall, at the same time the complaint is filed, execute a consent form granting access to the property alleged to have been damaged.

B. Each person filing a damage complaint must notify the Commissioner at least 24 hours before the start of harvest of the property alleged to have been damaged.

C. Whenever any person filing a damage complaint fails to provide the required prior notice before the start of harvest, no final production assessment shall be made by the Department.

## 13.0 Regulations Governing Bulk Pesticides

### 13.1 Definitions

A. "Bulk pesticide" means any registered pesticide which is transported or held in an individual container in undivided quantities of greater than 55 U. S. gallons liquid measure or 100 pounds dry weight.

B. "Bulk repackaging" means the transfer of bulk quantities of a registered pesticide from one bulk container to another bulk container in an unaltered state in preparation for sale to another person. Transfer of less than bulk quantities is prohibited.

13.2 No person shall install or operate facilities engaged in bulk distribution of restricted use pesticides to owner-operators or private applicators in this state unless such person has made written notification of such activity by completing the form prescribed by the Commissioner.

### 13.3 Storage of Bulk Pesticides

A. Only products registered with the Department may be stored in bulk.

B. Bulk pesticide storage facilities shall be located a suitable distance from adjacent buildings, property lines, or public access roads.

C. Bulk pesticides must be stored on a foundation which meets the following requirements:

- (1) Must be solidly constructed of a material sufficiently impervious to contain leaks, spills, and accumulated pesticides and/or rinsate of pesticides;
- (2) Must be free of leaks;
- (3) Must be sloped to facilitate clean-up of inadvertent spills; and

(4) Must be constructed with a rim of sufficient height to contain runoff from cleanup activities of inadvertent spills and prevent runoff of flood waters.

D. Containers and accessory equipment used for storage and handling of bulk pesticides shall be of materials and construction compatible with the pesticide stored and the conditions of storage.

E. Permanent liquid bulk storage container installations shall be constructed with a secondary means of containment.

(1) Secondary containment shall be constructed of materials of sufficient thickness, density and composition to contain any discharged material.

(2) Secondary containment for outside storage must provide a minimum of 110 percent of the capacity of the largest single container. Suitable measures shall be used for containment of tanks stored under roof or within other enclosures.

(3) All rinsate and/or minor spillage in a secondary containment shall be disposed of as provided by the product's label and labeling requirements when feasible or deposited in a closed containment system as herein required. If the pesticide is classified, upon disposal, as a hazardous waste, such rinsate/spillage shall be disposed of in a permitted hazardous waste facility.

F. Bulk storage containers must be equipped with locking devices and other appropriate measures such as lighting or security fencing to discourage ready access by unauthorized persons to the bulk container storage area when unattended.

G. Bulk storage containers shall be equipped with suitable sample points; official samples drawn from such containers shall be accepted without question as being representative of the contents of such containers.

H. The registered product label shall be affixed in a prominent location on the outside of all bulk storage containers.

I. Underground storage of bulk pesticides is prohibited.

#### 13.4 Transportation of Bulk Pesticides

A. Containers used to transport pesticides must meet all applicable standards of the Louisiana Department of Transportation and Development.

B. Containers must be secured to prevent significant movement during transportation.

C. A label for the registered pesticide product must accompany each shipment of the pesticide.

#### 13.5 Loading and Handling of Bulk Pesticides

A. Bulk pesticides shall be handled and/or loaded so as to prevent damage to persons, livestock, crops, and/or environment.

B. Toxicity and volatility of bulk pesticides shall be considered in loading practices.

C. Prior to refilling bulk storage containers, the containers must be thoroughly rinsed, under procedures equivalent to triple-rinsing procedures, except when a container is refilled with the same pesticide.

#### 13.6 Distribution of Bulk Pesticides

A. Transfer of a registered bulk pesticide from one size container to another for sale or delivery in bulk quantities may be made, provided:

(1) the person making such transfer has filed the bulk pesticides notification form prescribed by the Commissioner, and

(2) there is no change in the pesticide formulation, the product label (except addition of the required EPA establishment number and net contents statement), or the party responsible for maintaining the integrity of the product.

B. Bulk pesticides may be repackaged for sale only in containers which meet the requirements of this Rule.

C. Scales or meters used for sales of bulk pesticides shall meet the specifications of the Department's Weights and Measures Division; appropriate measures shall be taken to prevent contamination of the product during transfer with scales or meters.

13.7 Notification of Spills — If any spill of bulk pesticides occurs, immediate telephone notification must be made to the Director of Pesticides and Environmental Programs. The telephone notification must be confirmed in writing within three days after the spill.

#### 14.0 Requirements for Mechanically Powered Pesticide Application Equipment Used by Commercial Applicators

14.1 The following systems or controls must be present and in good operating order prior to the issuance of a decal:

A. Aerial and ground application equipment:

(1) The hopper must be free of leaks and in good working order, and

(2) All equipment must include a properly functioning pressure gauge.

B. Aerial application equipment:

(1) The booms, nozzles, and hose fittings must be free of leaks;

(2) The emergency dump, if present on an aircraft, must be free of leaks when in the closed position;

(3) There must be a main fluid filter between the main tank and the boom system; and

(4) The distance between the outermost nozzles on the boom of a fixed-wing aircraft shall not be more than 90 percent of the wing span of the aircraft. The boom on the rotary-winged aircraft may not exceed the rotor diameter. The Commissioner may waive these requirements for specific aircraft.

#### 15.0 Monitoring of Commercial Applicator Operations

15.1 Duly authorized representatives of the Commissioner may inspect all pesticide applicator operations semi-annually, with or without prior notification, provided that the Commissioner may monitor such sites on a more frequent basis whenever, in his sole discretion, he determines that there is a need for more frequent monitoring of any specific commercial applicator.

15.2 In such monitoring, the authorized representative of the Commissioner shall:

A. Inspect the physical surroundings of the site to determine that all requirements of these regulations have been complied with,

B. Inspect the records required under Rule 17.0,

C. Take samples, as determined by the Commissioner, at any of the following locations:

(1) Any site where an application of pesticides has been made by the applicator,

(2) Any base storage,

(3) Any containment tank for pesticides which, upon disposal, are classified as hazardous wastes,

(4) Any surface impoundment,

(5) Any wash pad,

(6) Any soils or water, flowing or still, at any location on or adjacent to the base operation, or

(7) Any application equipment (i.e., hopper tanks and connections, mixing tank, etc.).

15.3 Any samples taken as above provided shall be marked for identification under chain of custody procedures and shall be analyzed in accordance with procedures approved by the Association of Official Analytical Chemists and/or other methods approved by the U. S. Environmental Protection Agency.

15.4 The owner-operator from whose operations any sample is taken shall be provided with a copy of the analysis results within 30 days after the analysis is completed.

#### 16.0 Other Access Requirements

16.1 Pesticide dealers and pesticide salespersons

A. The Commissioner, upon reasonable request, shall be permitted access to any premises where restricted use pesticides are sold, offered for sale, or held for distribution.

B. The Commissioner may examine the records required under Rule 17.2 and may take samples of any restricted use pesticides found on the premises.

C. Such samples shall be marked for identification by accepted chain of custody requirements and shall be analyzed in accordance with procedures approved by the Association of Official Analytical Chemists and/or other methods approved by the U. S. Environmental Protection Agency.

D. The owner of any restricted use pesticide from which such sample is taken shall be provided with a copy of the analysis results within 30 days after the analysis is completed.

16.2 Agricultural consultants — The Commissioner, upon reasonable request, shall be permitted access to the records required under Rule 17.3.

#### 17.0 Record-keeping requirements

17.1 Owner-operators and commercial applicators — Each owner-operator shall accurately maintain, for a period of two years, the following records, in a current condition, relative to the application and management of pesticides:

- A. The name and business or residence address of the person for whom the pesticide was applied,
- B. The location where the pesticide was applied,
- C. The date and time when the pesticide was applied,
- D. The crop to which the pesticide was applied,
- E. The name of the pesticide applied,
- F. The rate of application,
- G. The name of the certified applicator who applied the pesticide.

#### 17.2 Pesticide dealers and salespersons

A. The requirements of this Rule apply to sales of (1) pesticides classified as restricted use pesticides by the Commissioner or the EPA, (2) pesticides which, upon disposal, are classified as hazardous wastes, and (3) pesticides listed in Rule 12.2 B, except when sales of pesticides listed in Rule 12.2 B are:

- (1) sold in concentrations of two percent or less, or
- (2) formulated with fertilizers for use by homeowners.

B. Licensed pesticide dealers, certified pesticide salespersons, and/or persons under the direct supervision of a certified dealer or salesperson shall maintain the following records on a current basis for a period of two years:

- (1) The name and amount of the pesticide purchased and/or sold,
- (2) The date of all purchase and/or sale transactions,
- (3) The name, address, and certification number of the purchaser, including the purchaser's name, address, and certification number in all purchases made for "cash",
- (4) The name of the person handling any sales of pesticides covered by this Rule.

C. Whenever any pesticides which, upon disposal, are classified as hazardous wastes are delivered to a purchaser, the records required under this Rule shall include the name of the purchaser, amount of pesticide purchased, date of delivery, and location to which delivered.

#### 17.3 Agricultural consultants

A. Every recommendation made by an agricultural consultant shall be in duplicate original and shall be dated and signed by the agricultural consultant.

B. Each recommendation made by an agricultural consultant shall include the following:

- (1) Name and address of person purchasing the consultant's services,
- (2) Location, including the crop, for which the recommendation is made,
- (3) The pesticide or pesticides recommended,
- (4) The recommended rate of application,

(5) A brief statement as to the reasons for the recommendation,

(6) The date on which the recommendation is given.

C. The pesticide recommendation shall be given to the purchaser of the consultant services or his designee and a copy shall be maintained in the records of the agricultural consultant.

D. The Commissioner, or his duly authorized representative, shall be permitted access to such records upon reasonable request.

#### 18.0 Penalties for violation of Pesticide statutes and these regulations

18.1 The Commissioner may suspend or revoke any license issued under the provision of R.S. 3:3241-3257 and/or may assess a civil penalty not to exceed \$5,000 for violation of any provision of R.S. 3:3201 through 3:3257 or any violation of a regulation enacted under the authority of said statutes.

18.2 Each separate day on which any violation occurs may be considered as a separate violation.

18.3 No penalty may be assessed by the Commissioner prior to the holding of an adjudicatory hearing before the Advisory Commission on Pesticides. Such adjudicatory hearing shall be conducted in accordance with the requirements of the Louisiana Administrative Procedure Act; any person alleged to have violated any provision of the Pesticide statutes or these regulations shall be accorded all of the rights and privileges guaranteed under said Act.

18.4 The Advisory Commission on Pesticides shall recommend penalties to be imposed as a result of findings of fact and/or conclusions of law that a violation occurred.

18.5 Whenever the Commissioner fails to accept the recommendations of the Advisory Commission on Pesticides for the imposition of penalties following an adjudicatory proceeding, the Commissioner shall notify the Commission, in writing, of the reasons for his failure to accept the Commission's recommendations.

Bob Odom  
Commissioner

#### **RULE**

#### **Commissioner of Agriculture Federal/State Meat and Inspection Program**

Notice is hereby given that the Commissioner of Agriculture, pursuant to Notice of Intent published on December 20, 1983, and under the authority contained in R.S. 40:2282, has repealed Rule 9.4 of the Rules and Regulations for the Administration of the Louisiana Cooperative Federal/State Meat and Poultry Inspection Program.

Bob Odom  
Commissioner

#### **RULE**

#### **Department of Commerce Licensing Board for Contractors**

At its meeting February 14, 1984, the State Licensing Board for Contractors held the public hearing after the Notice of Intent to change Rule IV was published in the Register. The rule was adopted, after the hearing, to read as follows:

"The annual fee for licenses for the following year shall be set by the board at its October meeting each year. The annual fee in no case for renewal of licenses shall be more than \$100 for any one major classification or subdivision thereof, and not more than \$50 for each specialty, additional major classification or subdivision thereof. In no case shall the maximum fee exceed \$300. In addition, there will be a \$25 charge for a structural change."

Rule IV was then presented to the legislative committee on March 2, 1984, which resulted in no change from the above.

Roy A. Yarborough  
Assistant Executive Director

#### **RULE**

##### **Department of Commerce Minority Business Development Authority**

The Louisiana Minority Business Development Authority published the following Notice of Intent on October 20, 1983:

Effective July 1, 1983, payments on approved LAMBDA direct loans will be considered late if not received within ten days of the payment due date. Beginning on the eleventh day following the scheduled due date, a late fee of 10 percent of the monthly payment will be assessed.

The word "calendar" has been added to the rule as a technical amendment. The rule now reads:

Effective July 1, 1983, payments on approved LAMBDA direct loans will be considered late if not received within ten calendar days of the payment due date. Beginning on the eleventh day following the scheduled due date, a late fee of 10 percent of the monthly payment will be assessed.

Nadia L. Goodman  
Director

#### **RULE**

##### **Department of Commerce Office of Financial Institutions**

###### **Sale of Thrift Club Memberships**

A licensed or supervised lender may offer and sell thrift club memberships at any location where supervised loans are made. In addition, the cost of such thrift club memberships may, at the consumer's option, be payable from the proceeds of consumer loans and included in the amount financed, provided that:

1. The sale of the thrift club membership is not a factor in the approval of credit and this fact is clearly disclosed in writing to the consumer.

2. In order to obtain the thrift club membership, the consumer gives specific affirmative written indication of his or her desire to purchase it after receiving written disclosure of the cost.

Hunter O. Wagner, Jr.  
Commissioner

#### **RULES**

##### **Board of Elementary and Secondary Education**

###### **Rule 3.02.04.e**

The Board adopted an amendment to BESE Agenda Item 29 (September, 1983) to include authorization for the superintendents of BESE special schools and Special School District No. 1 to accept employee resignations in the name of BESE.

###### **Rule 3.02.04.f**

The Board adopted an amendment to BESE Agenda Item 8-G-2 of the October 27, 1983 Minutes, page 20, to include authorization for the superintendents of BESE special schools and Special School District No. 1 to suspend employees without pay for up to 90 days in the name of the Board, pending Board action on a recommendation for termination.

###### **Rule 3.02.02**

The Board adopted the revised Attendance Policy for Vocational Technical Schools.

###### **Rule 3.03.04**

The Board adopted the following revised special fee

schedule for non-residents in the Marine Upgraded Program at Louisiana Marine and Petroleum Institute:

Master on Mate	\$60
Engineer	40
Crewboard Operator	40
Towing Operator	60
Able Seaman	25
Oiler	25
Lifeboatman	12
Tankerman	6

James V. Soileau  
Executive Director

#### **RULE**

##### **Department of Environmental Quality Environmental Control Commission**

Under the authority of the Louisiana Environmental Quality Act of 1983, La. R.S. 30:1136 A (1) and (5) and/or the Louisiana Environmental Affairs Act of 1979, La. R.S. 30:1066 (1) and (8) and in accordance with the provisions in La. R.S. 49:951 et seq., the Louisiana Environmental Control Commission (ECC) and the Secretary of the Department of Environmental Quality, Winston R. Day adopted amendments to the Louisiana Hazardous Waste Regulations (LHWR) on February 23, 1984. Prior to the final adoption of the amendments by the Commission and Secretary, the proposed regulations were forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

Persons requesting copies and/or further information concerning the LHWR amendments may contact Ms. Patsy Deaville, Department of Environmental Quality, Hazardous Waste Management Division, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-1227.

Winston R. Day  
Secretary

#### **RULE**

##### **Office of the Governor Division of Administration**

###### **Fiscal Policy and Procedure Memorandum No. 67 Uniform Policy for Travel in State-Owned Aircraft**

In accordance with the authority vested in the Commissioner of Administration by Section 231 of Title 39 of the Revised Statutes of 1950 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950-970 as amended, notice is hereby given of this intent to issue Policy and Procedure Memorandum No. 67, Travel in State-Owned Aircraft Policy, effective March 20, 1984. These regulations are both substantive and technical in nature, and are intended to specify the conditions under which aircraft owned and operated by the State of Louisiana may be utilized to transport State personnel; to identify personnel of State government who may utilize State-owned and operated aircraft; and to specify the rates to be charged for usage of State-owned and operated aircraft. These regulations apply to all State departments, boards, and commissions created by the Legislature or Executive Order, with the exceptions noted below, and operating from funds appropriated, dedicated, or self-sustaining; federal funds, or funds generated from any other source.

Legal Basis: L.R.S. 39:231: "The Commissioner, with the approval of the Governor, shall, by rule or regulation, prescribe the conditions under which each of the various forms of transportation may be used by State Officers and employees in the discharge of the duties of their respective offices and positions in

the State service and the conditions under which allowances will be granted for traveling expenses.”

I. Definitions: When used in these regulations, the following terms shall have meanings as set forth below:

A. State-owned aircraft: All aircraft owned and operated by any agency of State government. Unless otherwise indicated, this term shall be deemed synonymous to general transportation aircraft as defined below.

1. General transportation aircraft: Aircraft owned and operated by any State agency routinely for the general transportation of State Officers or State employees in the conduct of official State business.

2. Special purpose aircraft: Aircraft owned and operated by any State agency which has been (1) specially designed or modified to perform specific technical functions; or (2) specifically assigned to the performance of a specialized technical function, and which is being utilized in the performance of its designated special purpose.

When designated special purpose aircraft are being utilized for the general transportation of personnel, such aircraft shall be considered general transportation aircraft under this policy.

B. Classes of Travelers

1. State Officer

a. Statewide Elected Officials: Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Superintendent of Education, Commissioner of Agriculture, Commissioner of Elections, Commissioner of Insurance.

b. Duly elected members of the Louisiana Legislature.

c. Department Head as defined by Title 36 of the Louisiana Revised Statutes (Secretary, Deputy Secretary, Undersecretary, Assistant Secretary, and the equivalent positions in Higher Education and the Offices of Elected Officials). For the purposes of this policy, the Speaker of the House of Representatives and the President of the Senate shall be considered as being equivalent to Secretary of their respective chambers; no additional hierarchical levels of the chambers shall assume Department Head status for the Legislature without prior written approval of the Commissioner of Administration.

2. State employee: All employees below the level of State Officer.

3. Advisors and consultants who are called upon to contribute time and services to the State who are not otherwise required to be reimbursed through a contract for professional, personal, consulting services in accordance with R.S. 39:1481 et. seq.

4. Members of boards, commissions, and advisory councils required by federal or state legislation or regulation.

5. Sponsored travelers

a. Industrial inducement prospects when accompanied by a sponsoring State Officer or employee, when engaged in official State business.

b. Spouses of statewide elected officials and other State Officers to the level of Secretary of Departments when accompanied by the sponsoring State Officer, and when engaged in official State business. Spouses may only be transported on State-owned and operated aircraft on a space-available, standby basis. The provisions of this part shall not apply to the spouse of the duly elected Governor of the State of Louisiana, when same is performing travel instead of or on behalf of the Governor, and thus is engaged in official business of the State.

6. Sponsoring State Traveler: The State Officer or employee who assumes responsibility for the travel of a sponsored traveler in State-owned and operated aircraft by physically accompanying that sponsored traveler.

7. Other persons performing official State business who have prior written approval for travel from the Commissioner of

Administration, subject to the general provisions of air travel authorization provided in Sections III.A, IV.A, and V.A. of these Rules.

II. Usage of State-owned aircraft

A. Official State business: Any State Officer or State employee may utilize the aircraft owned and operated by the State for general transportation purposes in the conduct of official State business, in connection with the function of the department of the State Officer or employee, subject to the provisions of these Rules.

B. Personal usage: Aircraft owned and operated by the Office of Aviation and Public Transportation may be utilized for the personal transport of State Officers or employees on a space-available standby basis, subject to the following conditions:

1. Such travel shall be approved, in writing, by the appropriate department head on an individual trip basis prior to commencement of travel, and normal air travel authorization requirements shall be observed;

2. Such travel shall occur only on flights already scheduled by the OAPT to the desired destination of the requesting State Officer or employee;

3. Such travel shall occur only in the event that vacant seats are available on the desired flight;

4. Such travel shall not occur in the event that previously vacant seats become required for travel by other personnel on official State business; and

5. Payment for such travel shall be the personal responsibility of the State Officer or employee requesting the travel, at rates established in Section III.B.4 of these Rules. Charges for such travel shall in no way be the responsibility of the department of the State officer or employee.

C. Political usage: State-owned aircraft shall not be utilized to transport State Officers or State employees covered by these policies to any event, meeting, function or other occasion which is primarily political in nature, or for any other political purpose.

D. Any Statewide Elected Official who determines, under the authority of R.S. 39:231.B., that personal or political usage of State-owned and operated aircraft is necessary in performing the duties of his/her office and should, therefore, be conducted at public expense, is specifically exempted from the provisions of Section III.B.4.b, pertaining to personal responsibility for costs of such flights; Section II.B.5; and Section II.C of this policy. For the purposes of fee determination to the agency, flights of political nature scheduled by Statewide Elected Officials shall be billed in accordance with the schedule established for personal flights in Section III.B.4.b of this policy. All other provisions of this policy shall be applicable to travel in State-owned and operated aircraft by Statewide Elected Officials.

E. In order to effect these provisions of this policy, all passengers in State-owned aircraft shall provide specific information on the purpose of their travel at the time of reserving space and/or during check-in procedures. In the event that there is any question about the purpose of the flight for any particular passenger, it shall be assumed to be a personal usage request and shall be billed accordingly.

III. Policy for aircraft owned and operated by the Office of Aviation and Public Transportation (OAPT)

A. Authorization for Air Travel

1. Department heads shall be directly responsible for flights scheduled on OAPT aircraft by their organizations.

2. All air travel in aircraft owned and operated by OAPT must be authorized and approved in writing by the head of the department, board or commission from whose funds the traveler is paid, on forms designed or approved by the Division of Administration. A written record and file shall be maintained on all approved air travel authorizations. This authority shall not be

delegated by the department head to any other persons within the department.

3. The department head may approve an authorization for routine air travel for an employee who must travel in the course of performing his/her duties. A routine air travel authorization must be renewed each fiscal year, and must be submitted to the OAPT.

4. An authorization for routine air travel shall not cover travel out-of-state, travel to conferences and conventions, nor sponsored travel. All such air travel must receive prior, written approval from the department head on a case-by-case basis, and written justification for the request and approval must be maintained within the department's travel files.

5. Prior to departure, all passengers must have presented proper written authorization from the relevant department head to the OAPT. If necessary, passengers may present such authorization during check-in procedures.

Travelers for whom no authorization is on file shall not be transported in State-owned and operated aircraft, and the OAPT shall refuse to transport any traveler who fails to provide an air travel authorization form in accordance with this policy.

6. State Officers may be transported in State-owned and operated aircraft upon their own written authorization. However, travel authorization requirements of the General State Travel Regulations must be observed.

7. In no case shall any sponsored traveler be transported on any State-owned and operated aircraft when unaccompanied by the sponsoring traveler. The provisions of this part shall not apply to the spouse of the elected Governor of the State of Louisiana when same is acting instead of or on behalf of the Governor, and is therefore engaged in official business of the State.

8. All sponsored travel shall be in connection with official State business.

9. Each passenger to be transported in State-owned and operated aircraft shall be required to sign in for their flight prior to departure, identifying themselves by name, position and agency, as well as the purpose of travel and destination.

#### B. Prioritization of Passengers

1. Except for travel by the Governor of the State of Louisiana, all air travel shall be reserved and accommodated on a first-reserved, first-served basis.

2. Each agency is responsible for adequately determining its air travel needs and arranging sufficient space in aircraft owned and operated by the OAPT at least 48 hours prior to anticipated departure time.

3. Reservations for air travel made prior to the 48 hour period shall not be invalidated nor canceled by later reservations by any other party, except in the event of true emergency situations, natural disaster, or the air travel needs of the Governor.

4. All passengers in aircraft owned and operated by the OAPT shall be billed for air travel in accordance with the following fee schedule:

a. Official state business charges: Agencies shall be charged 40 cents per passenger seat per mile for each passenger seat reserved by that agency, with a minimum charge of \$100 per agency flight, plus a \$15 per hour per pilot per agency charge for ground waiting times.

b. Personal business charges: Passengers shall be charged 50 cents per seat per mile for each seat reserved, with a minimum charge of \$100 per passenger per flight, plus a \$25 per hour per pilot charge for ground waiting time. An advance deposit of \$100 must be received from all passengers reserving space for personal reasons prior to departure.

5. It is the responsibility of each agency to expeditiously handle any charges for air travel in connection with official state

business provided in State-owned and operated aircraft. Agencies shall bear no responsibility for charges resulting from personal business flights of State Officers or employees. Failure by an agency or individual passenger to meet its payment obligations for flights shall result in the loss of flight privileges on OAPT aircraft.

6. Cancellations of reserved space shall be made at least 48 hours prior to anticipated departure time. Any later cancellations may result in a cancellation charge of \$50 being assessed against the agency/individual, unless sufficient justification for the late cancellation is provided to the Commissioner of Administration.

7. OAPT shall have full authority to arrange for shared flights, based upon the destinations and reservations of agencies, in order to achieve full utilization of its aircraft. Agencies requiring private flights shall be responsible for the costs of all seats upon the aircraft reserved, in accordance with the preceding schedule of fees.

8. In the event that sufficient space is not available on OAPT aircraft, and time is of the essence, OAPT shall be contacted to arrange alternate transportation, either via commercial air charter service or on other State-owned aircraft. In no case should any agency personnel secure commercial air charter service without the assistance of OAPT personnel, unless a specific written authorization for same has been provided by the Commissioner of Administration.

IV. Policy for aircraft owned and operated by other State agencies utilized for general transport.

#### A. Authorization for Air Travel

1. All general transport air travel in aircraft owned and operated by State agencies must be authorized and approved in writing by the head of the department, board or commission from whose funds the traveler is paid, on forms designed or approved by the Division of Administration. Additionally, all air travel must be authorized and approved in writing by the head of the agency operating the aircraft. A file shall be maintained on all approved air travel authorizations. These authorities shall not be delegated by the department or agency heads to any other person within the department.

2. The department head may approve an authorization for routine air travel for an employee who must travel in the course of performing his/her duties. This routine air travel authorization must be renewed each fiscal year, and must be maintained by the department in its files.

3. An authorization for routine air travel shall not cover travel out-of-state, travel to conferences and conventions nor sponsored travel. All such air travel must receive prior, written approval from the department head on a case-by-case individual basis.

4. Prior to departure, all passengers must have presented proper written authorization from the relevant department head to the head of the agency operating the aircraft.

5. Travelers for whom no authorization is received shall not be transported in State-owned and operated aircraft.

6. State Officers may be transported upon their own written authorization, subject to approval of the particular travel by the head of the agency operating the aircraft. State Officers must observe the travel authorization requirements of the General State Travel Regulations.

7. The provisions of Sections III.A.7 and III.A.8 of this policy relative to sponsored travelers shall apply to travel in non-OAPT owned and operated aircraft.

8. Each passenger to be transported in State-owned and operated aircraft shall be required to sign in for their flight prior to departure, identifying themselves by name, position and agency, as well as the purpose of travel and destination.

9. Each State agency owning and operating aircraft may

devise procedures for identification and authorization of all passengers on its aircraft. Such procedures and policies shall be subject to the review and approval of the Commissioner of Administration.

B. Full utilization of State-owned aircraft: Each agency owning and operating State-owned aircraft shall assist the OAPT as far as is feasible in providing services to State travelers.

C. All passengers in aircraft owned and operated by State agencies shall be billed for air travel in accordance with the following fee schedule:

a. Official state business charges: Agencies shall be charged 40 cents per passenger seat per mile for each passenger seat reserved by that agency, with a minimum charge of \$100 per agency flight, plus a \$15 per hour per pilot per agency charge for ground waiting times.

b. Personal business charges: Passengers shall be charged 50 cents per seat per mile for each seat reserved, with a minimum charge of \$100 per passenger per flight, plus a \$25 per hour per pilot charge for ground waiting time. An advance deposit of \$100 must be received from all passengers reserving space for personal reasons prior to departure.

#### V. Special Purpose Aircraft

##### A. Authorizations

1. All air travel in special purpose aircraft owned and operated by the State must be authorized and approved in writing by the head of the department, board or commission from whose funds the traveler is paid, on forms designed or approved by the Division of Administration. A file shall be maintained on all approved air travel authorizations.

2. Those state personnel who must regularly use special purpose aircraft for the special purpose for which the aircraft was designed/modified in the performance of their job duties may be authorized to do so via a routine air travel authorization approved by the appropriate department head. This routine air travel authorization must be renewed at least once each fiscal year and must be maintained by the department in its files.

3. Other state travelers who must utilize special purpose aircraft in the performance of their job duties for the special purpose for which the aircraft was designed/modified must receive prior written authorization from the appropriate department head on a case-by-case individual trip basis.

##### B. Restrictions on usage

1. Special purposes aircraft shall not be utilized for general transportation purposes without the prior, written approval of such usage by the head of the agency owning and operating the aircraft. Complete justification for such usage of these aircraft must be submitted and maintained by the agency owning and operating the aircraft.

2. Sponsored travelers shall not be transported in special purpose aircraft without prior written approval of such travel by the Commissioner of Administration. Full justification of usage of the special aircraft must be provided with any request for such approval, to include name(s) of sponsored traveler, name(s) of sponsor and agency, time and date of flight, purpose of flight and reason why alternate aircraft cannot be utilized.

3. Special purpose aircraft shall not be utilized for any transportation of State travelers which is personal or political in nature, nor shall they be utilized for conference or convention travel. Special purpose aircraft may be utilized for out-of-state travel only if such travel is conducted as an integral part of the special purpose for which the aircraft was designed/modified.

C. Official state business charges: Agencies shall be charged 40 cents per passenger seat per mile for each passenger seat reserved by that agency, with a minimum charge of \$100 per agency flight, plus a \$15 per hour per pilot per agency charge for

ground waiting times.

VI. The Commissioner of Administration may waive in writing any provision of these regulations when the best interest of the State will be served. Such waiver shall be based upon adequate written documentation from the requesting agency. The request from the agency must be received by the Commissioner at least seven working days prior to the anticipated date of the travel, and must contain full particulars on the specific exception requested, including the name(s) of affected traveler(s); date of travel; purpose of travel and an explanation of how the requested exception will serve the best interest of the State. Late or after-the-fact requests shall not be considered except under the most unusual of circumstances.

E. L. Henry  
Commissioner

### **RULE**

#### **Department of Health and Human Resources Board of Board Certified Social Work Examiners**

##### Rules, Regulations and Procedures for the Board Certified Social Worker

#### **RULE NO. 1 — ACKNOWLEDGE OF LEGAL PREREQUISITES**

The Board Rules and Regulations are governed by LA R.S. 37:2701-2718 of the 1972 Regular Session of the Louisiana Legislature, as amended, and by the State Administrative Procedure Act, R.S. 47:954.

#### **RULE NO. 2 — ETHICAL STANDARDS**

The Board Certified Social Worker acknowledges a professional responsibility to the community in which S/he serves and to those persons and groups which are designated as clients. This professional responsibility includes the following:

a. A commitment to the basic values of the social work profession and to competence of practice.

b. A fair and honest representation to the public of the worker's qualifications and professional associations.

c. An adherence to the principle of confidentiality as specified in Section 2714 of Act 706 of the 1972 Legislature.

d. A commitment to the maintenance of a professional relationship with those persons designated as clients. This relationship includes seeking the best interest of and for the client.

e. A commitment to utilize integrity in advertising professional services, in setting fees, and in interprofessional relations.

#### **RULE NO. 3 — REPORTING VIOLATIONS BY BCSWS**

Any Board Certified Social Worker who knows of a violation or infraction of LA R.S. 37:2701-2718, and who fails to report such violation in writing to the Board immediately, shall be considered to be negligent and is subject to prosecution under Section 2713 of said Act.

#### **RULE NO. 4 — PRIVATE PRACTICE DEFINED**

Any social worker practicing social work for a fee or other remuneration - but not an employee as defined in Rule No. 5, nor excluded by Section 2718 of LA R.S. 37:2701-2718 - shall be considered to be in private practice. Only a social worker currently licensed as a Board Certified Social Worker by the State of Louisiana may engage in the private practice of social work.

#### **RULE NO. 5 — EMPLOYEE (in Social Work) DEFINED**

A social worker shall be considered an employee under the following conditions:

a. S/he provides direct or indirect social work services;

b. S/he receives remuneration from an employer for these services; and

c. Said employer deducts federal income tax and F.I.C.A. from the salary or wages.

Non-licensed social workers shall not:

- a. Contract directly with clients for clinical services, consultation, supervision or educational services;
- b. Bill clients for services rendered;
- c. Receive direct payment from clients;
- d. Claim to be licensed or in private practice.

**RULE NO. 6 — FULL TIME EMPLOYMENT DEFINED**

Full time employment is defined as 30 or more clock hours per week for pay and/or remuneration.

**CREDITABLE PART TIME EMPLOYMENT**

Part time employment of at least 18 hours per week may be used to qualify an applicant for licensure in accordance with the following schedule:

Hours Worked/Week	No. of Years	No. Weeks of Supervision
18-20	4	208
21-22	3-1/2	182
23-26	3	156
27-29	2-1/2	130

**RULE NO. 7 — FEES PAYABLE BY BOARD CERTIFIED SOCIAL WORKERS**

The fees charged in connection with a board certified social worker certificate shall be appropriately differentiated and shall not be more than the following amounts:

- a. Examination Fee: \$90.
- b. Registration Fee: \$50.
- c. Re-examination Fee: \$75.
- d. Certificate without examination under the provisions of R.S. 37:2707 and certificate of reciprocity under the provisions of R.S. 37:2708: \$50.
- e. Renewal of a certificate including a lapsed certificate: \$50.
- f. Reissuance of a lost or destroyed certificate, following approval of the board: \$15

**RULE NO. 8 — APPLICATION**

- a. Application and supporting documents must be received for Board review at least 60 days prior to examination. If applicant fails to keep the Board advised of residence the Board disavows responsibility for notification of acceptance or rejection and admission to the examination.
- b. Transcripts or Diploma Verification: The official transcript or letter from a university verifying receipt of a Master of Social Work Degree must be received directly from the university.
- c. Supervision, Minimum Requirement: The minimum amount of acceptable supervision for a social worker applying for licensure is an average of one hour per week of direct supervision for two accumulative years. Group supervision is acceptable only if there is a maximum of four in a group and such supervision does not exceed at least one-half of the total supervisory time.
- d. Waivers to Minimum Requirement of Supervision: This Rule is designed to apply to individuals who have moved to Louisiana from other states, territories or foreign countries who are not eligible for licensure by reciprocity or endorsement.

The Board will waive the requirement that such applicant moving to Louisiana has been supervised for a period of two years by a Louisiana Board Certified Social Worker provided that the applicant can document that S/he has obtained equivalent supervision such as ACSW supervision.

**RULE NO. 9 — LICENSE RENEWALS AND CANCELLATIONS**

- a. Renewal notices are mailed on June 20, of each year. Renewal fee is due between June 20 and November 30, of each year. Board Certified Social Workers must list those social workers under their supervision on their renewal form.
- b. Delinquent Fee is paid between December 1, and February 28, of each year.

- c. License is cancelled after February 28, and registered notice of cancellation is mailed.
- d. If a license is allowed to lapse after February 28, the applicant shall be considered a "new applicant." Since said applicant already has on file documentation of the required supervision and verification of academic qualifications, only the written examination will be required upon payment of the Examination and Registration Fee.

e. It is the BCSWs responsibility to keep the Board informed of their current mailing address.

**RULE NO. 10 — DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATE**

Certificate denial, suspension or revocation shall be accomplished in accordance with Section 2713, B of R.S. 37:2701-2718 and the State Administrative Procedure Act in consultation with the Attorney General's Office. Hearings will be conducted in accordance with Rules, Regulations and Procedures for the Board Certified Social Worker.

**RULE NO. 11 — RECIPROCITY AND ENDORSEMENT**

Reciprocity with other states and territories having comparable licensure is permissible as approved by the Board.

In cases wherein no formal reciprocity agreement has been made, the Board may endorse the license of a social worker moving to Louisiana from a state or territory with equivalent licensure standards. A Louisiana Certificate shall be issued upon payment of fee.

**RULE NO. 12 — ADMINISTRATION OF EXAMINATION**

a. The Board Certified Social Worker examination shall be administered at least once per calendar year at a time and placed designated by the Board.

b. Examination Pass Point: The Board shall administer and grade a written examination or employ a national recognized testing firm to do the same. Whichever method is used, the Board will consistently strive to enhance the concept of reciprocity with other states having comparable licensure to Louisiana. A pass score of 70 will be used to grade the examination.

**RULE NO. 13 — CERTIFICATE LETTERING/REPLACEMENT**

Only the individual's name will identify the licensee on the certificate. No degrees, honors or other information shall be added.

If an error is made on a certificate through no fault of the Board Certified Social Worker, a corrected certificate will be provided at no additional charge. If it is the Board Certified Social Worker's error in providing information, there will be a \$15 charge.

**RULE NO. 14 — DIRECTORY OF BOARD CERTIFIED SOCIAL WORKERS**

A directory of Board Certified Social Workers shall be kept current. The Directory, as supplemented or replaced, shall be provided to all Board Certified Social Workers at no charge. Additional directories are available on request at cost plus postage and handling.

**RULE NO. 15 — BOARD MEMBERS - OFFICERS**

a. Number — the officers of the Board shall be Chairperson, Vice-Chairperson and Secretary, each of whom shall be elected by the Board.

b. Election and Term of Office — the Officers of the Board shall be elected at each June Board Meeting by the members of the Board. The term of office shall run from the July Board Meeting to the next June Board Meeting. Officers may succeed themselves for only one consecutive term.

c. Removal and Vacancies — any officer elected by the Board may be removed from office by a vote of a simple majority of the Board when in the judgement of the Board the best interests

of the Board would be served thereby. A vacancy in any office because of death, resignation, removal, disqualification or otherwise shall be filled for the unexpired portion of the term by the members of the Board at the earliest opportunity in a regular or special meeting of the Board.

d. Duties of the Chairperson — the chairperson shall be the executive officer of the Board and shall preside at all meetings of the Board. The Chairperson must countersign (with at least two other board members) all contracts of the Board. The Chairperson shall make reports to the Board on a regular and timely basis his/her activity or knowledge of activity which might affect the Board (such reports might include legislative action, correspondence from professional organizations, legal opinions, etc.). The Chairperson shall perform all other duties as are incidental to the office of Chairperson or are properly required of the person in that office of the Board. The Chairperson votes only in the case of ties. Meetings shall be conducted using *Robert's Rules of Order*.

e. Duties of the Vice-Chairperson — the Vice-Chairperson shall exercise the functions of the Chairperson during the absence or disability of the Chairperson and shall perform such other duties as from time to time may be assigned to that office by the Board. The Vice-Chairperson is responsible for the timely publication of the Newsletter.

f. Duties of the Secretary — the Secretary is responsible for the official Minutes.

g. Board Members — the Board Members shall review and approve each newsletter, all contracts, board reports to professional organizations, reports to the legislature, and all other disseminated information which might affect the Board. The Board shall review all applications for licensure and two members signatures are required for approval-disapproval of said applications. The Board Members shall make appropriate appointments to its commissions and committees. The Board shall investigate alleged violations of R.S. 37:2701-2718 and the Rules and Regulations. The Board shall uphold R.S. 37:2701-2718 and the Rules and Regulations of the Board.

#### RULE NO. 16 — PREPARATORY COURSES

The Board shall not endorse nor in any way participate in the operation or planning of any preparatory or cram course allegedly preparing applicants for the Board Certified Social Work examination.

No former member of the Board of Examiners may take part in the development, sponsorship of or administration of any preparatory or cram course offered to those who are yet to take the Board Certified Social Worker Examination for three years after said Board Member's term of office has expired.

#### RULE NO. 17 — FISCAL ACCOUNTABILITY

a. Purchase of supplies over \$150 or any contractual services must be approved by the Board. Salaries, routine office expenses and supplies are authorized by the Board at the beginning of the fiscal year and subsequent changes may be presented at any board meeting for approval. The Executive Secretary is authorized to purchase office supplies and services as needed for the Board's use.

b. Payments will be made by check signed by the Executive Secretary and one board member.

c. The Board's depository is identified as the American Bank and Trust Company, Baton Rouge, Louisiana. This depository may be changed at any time by the Board should it decide that such change is in the best interest of its public trust.

d. Board Members shall be reimbursed for any expenditure incurred in carrying out business of the Board, i.e. lodging, meals, travel.

## B. PROPOSED PROCEDURAL RULES OF THE LOUISIANA STATE BOARD OF BOARD CERTIFIED SOCIAL WORK EXAMINERS

### Preface

Consistent with the Legislative purpose enumerated in Louisiana Revised Statute, Title 37, Section 2701, and to further protect the safety and welfare of the people of this state against unauthorized, unqualified and improper practice of Board Certified Social Work, the following Rules of practice are established under this Board's rule-making authority of Louisiana Revised Statutes 37:2705(c), 37:2713, and Revised Statute, Title 49, Section 952:

### Rules of Practice

1. Investigation of Complaints.
2. Conduct of Hearings.
3. Rules on Licensure.

#### 1. Investigation of Complaints:

a.) The Board or any of its members is authorized to receive complaints against licensees or applicants, from any person, including other licensees.

b.) Any complaint bearing on a licensee's professional competence, conviction of a crime, unauthorized practice, violation of the State law applicable to the practice of social work, mental competence, or neglect of practice, should be submitted to the Board or any of its members in written form.

c.) Once a written complaint is received, the Board or any of its members shall forward the written complaint to its designated Complaint Investigation Officer (hereinafter referred to as CIO) for appropriate investigation and/or disposition.

d.) Since the Board may be required to convene a disciplinary hearing arising out of the complaint, the Board members shall not personally participate in the investigation of the facts concerning the issues of the complaint.

e.) The Board's CIO shall have authority to investigate the nature of the complaint through conference and correspondence directed to those parties or witnesses involved. The officer shall send the involved licensee notice of the investigation, containing a short summary of the complaint and any questions the officer may direct to the licensee relating to the complaint. All letters to the involved licensee, the complainant, or any other witness, shall be sent by registered mail, with the designation "Personal and Confidential" clearly marked on the outside of the envelope.

f.) The Complaint Investigation Officer shall conclude the investigation as quickly as possible without compromising thoroughness. Unless good cause is shown by the CIO satisfactory to the Board, which may extend the time for the investigation, the investigation and recommended action shall be completed within 30 days of the date the CIO first receives the complaint.

g.) The CIO shall have authority to recommend action which is disciplinary or remedial in nature. Where the recommended action amounts to a denial, suspension, revocation of the certificate, or probation of the licensee, the Board shall immediately convene a formal adjudication hearing, pursuant to Louisiana Revised Statutes, Title 37, Section 2713. The officer may also determine that the licensee's explanation satisfactorily answers the complaint and may recommend to the Board that the matter be dropped. In either event, the recommended remedial action or dismissal of the complaint shall be forwarded to the involved complainant and licensee.

h.) In any complaint, the CIO shall have authority to recommend an informal conference to resolve some or all of the issues raised by the complaint. In that event, the officer shall notify the licensee of the time and place of the conference and of the issues to be discussed. The licensee shall also be advised that the

hearing will be informal, that the witnesses will not be placed under oath, and that no subpoenas will be issued. The licensee shall also be told that any statements made at the conference may not be used against him or her at a formal hearing, unless all parties consent and that further, the Board, in any formal hearing, may not consider any statement made at such a conference in making its final decision. Further, the licensee shall be advised that no transcript to the conference will be made. If the licensee notifies the CIO that he does not wish such an informal conference, none shall be held. In that event, the CIO will make whatever recommendations for remedial or disciplinary actions, based on the investigation completed to that point. In addition to suggested remedial actions, the CIO shall recommend to the Board the initiation of a formal disciplinary hearing if the investigation discloses: that the complaint is sufficiently serious to require formal adjudications; if the licensee fails to respond to the Complaint Investigation Officer's letter concerning the complaint, and the complaint officer feels there are sufficient grounds to justify further action; the licensee's response to the CIO's letter discloses that such action is necessary; if an informal hearing was held but did not resolve all of the issues; or where the licensee refuses to comply with the recommended remedial action.

i.) The CIO may also resolve the complaint through a consent order entered into by the licensee, whether there has been an informal hearing or not. If the order contains any agreement by the licensee to some disciplinary or remedial course of action, the agreement must be signed by the licensee and the CIO.

j.) The CIO will make note of any settlement arrived at between the complainant and the licensee, but such a settlement does not necessarily preclude further disciplinary action by the Board.

k.) In any recommended action submitted to the Board by the CIO, the recommended action should be submitted in brief, concise language, without any reference to the particulars of the investigation, or any findings of fact or conclusions of law arrived at during that process.

l.) If the CIO recommends the initiation of formal disciplinary hearings, the Board shall follow the recommendation; provided further that the Board shall have the authority to initiate formal proceedings, regardless of the recommendations of the CIO.

m.) The Board shall also have authority to delegate to the CIO any alleged violations of Revised Statute 37, Section 2716, prior to Board action on such alleged violations. In that event, the CIO shall submit to the Board the complete details of the investigation, including all facts and the complete investigation file, if requested by the Board. Final authority for appropriate action rests solely with the Board.

n.) At no time shall the CIO investigate any case as authorized by the Board or this section where said officer has any personal or economic interest in the outcome of the investigation, or is personally related to or close friends with the complainant, the licensee, or any of the involved witnesses. In such event, the officer shall immediately contact the Board, who shall have authority to appoint an investigation officer ad hoc for disposition of that case.

## 2. Conduct of Hearings:

A. The Board shall be authorized to conduct two types of hearings: Compliance hearings and formal disciplinary hearings.

1.) The Board will provide a compliance hearing to a rejected applicant under Revised Statute 37:2706(B), provided the rejected applicant requests a compliance hearing, in writing, within 30 days after the receipt of the notice of the rejection, in which request the applicant shall state the opposition to the rejected application.

2.) A licensee, whose certificate is deemed lapsed, under Revised Statute 37:2710(B), shall be entitled to a compliance

hearing, provided the licensee requests same, in writing, within ten days after the receipt of the notice of the lapsed certificate; or in the event that the licensee did not receive notice of the lapsed certificate within 30 days of the date upon which the license would have lapsed by operation of law.

3.) Whenever possible, the Board shall schedule a compliance hearing on a rejected application in such manner that the applicant is given an opportunity to present evidence of compliance and the Board to Rule thereon in sufficient time to allow the applicant to take the next schedule examination, if the Board decides in favor of the applicant. If this is not possible, and the Board has reason to believe that the applicant's opposition has merit, the applicant shall be allowed to take the examination provisionally, pending the hearing and determination of the Board. In no event shall the compliance hearing be conducted later than 30 days after requested. This time limitation applies to rejected applicants, as well as licensees with lapsed certificates.

4.) The purpose and the intent of the compliance hearing is to provide a forum for the applicant or licensee to present documentary evidence in the form of affidavits, court records, official records, letters, etc., along with under-oath testimony to establish that they do, in fact, meet the lawful requirements for the application or for the retention of the license. The Board shall have the authority to administer oaths, hear the testimony and conduct the hearing. No transcript of the hearing is required. The applicant or licensee may be represented by counsel, or may represent themselves in proper person.

5.) Within 15 days after the compliance hearing, the Board will forward its final decisions, including findings of fact and conclusions of law, by registered mail, to the unsuccessful applicant or licensee.

6.) Thereafter, the unsuccessful applicant or licensee may apply for a re-hearing, as provided for in Louisiana Revised Statute 49:959, subject to further judicial review, pursuant to Revised Statute 49:964, 965.

B. The Board shall also be authorized to conduct formal disciplinary hearings, pursuant to Revised Statute 37:2713(B). Where this hearing bears upon the suspension or revocation of a certificate, the Board shall promptly notify the Attorney General, who is authorized and directed to appear on behalf of the state. In all other cases, the complaint against the involved licensee shall be presented before the Board by the CIO.

1.) The hearing shall be held before the Board only after the involved licensee is given at least 30 days' notice by registered mail. The contents of the notice, as well as the conduct of the hearing, shall be governed by Revised Statute 49:955, being further provided that the licensee be advised of his right to be represented by legal counsel; and that the Board shall arrange for a court reporter to make an accurate transcript of all testimony presented at the hearing.

2.) The rules of evidence, notice, authority to administer oaths, issue subpoenas, conduct depositions and control confidential or privileged information, will apply to the formal adjudication hearing in the form specified in Revised Statute 49:956.

3.) It is the licensee's continuing obligation to keep the Board informed of his whereabouts. Accordingly, if notice of the hearing cannot be delivered by mail because of a change of address and the new address is not provided to the Board, the Board may hold the hearing in the licensee's absence, after making reasonable efforts to obtain the licensee's new address.

4.) When the licensee receives notice, he may file an answer to the notice, denying some or all of the charges, or offering any explanation or assert whatever defense is deemed applicable.

5.) For good cause shown, the Board has discretion to extend or continue the time set for the hearing for such reasons as ill health, inability to obtain counsel, the complexities of the case,

or such other matters deemed by the Board to present good cause.

6.) The Board shall elect from its membership a person to act as Presiding Officer at the hearing, to make rulings on objections, the admissibility of evidence, and to insure that the conduct of the hearing proceeds without delay and pursuant to law. The other Board members may not delegate their decision-making and fact-finding duties to the Presiding Officer; nor shall the Presiding Officer have any greater weight in the decision-making process. The Board's findings of fact and conclusions of law shall be signed by the majority of the Board finding those facts and conclusions of law. Any Board member disagreeing with those findings of fact and conclusions of law may also file in the record a dissent.

7.) Any Board member having reason to believe that he or she is biased or prejudiced against one of the parties to the proceeding or has a personal interest in the outcome shall immediately notify the remaining Board members and request to be disqualified. Likewise, any party to such a hearing may file with the Board an affidavit requesting a disqualification because of bias or personal interest. As soon as possible, but no later than the beginning of the hearing, the majority of the board must pass upon the requests for disqualification. The concerned Board member shall not participate in the action to disqualify and shall not vote on the issue. If the Board is quite certain that there is no merit to the requests for disqualification, the Board will proceed with the hearing. However, any doubt should be resolved in favor of disqualification. In that event, the Board should immediately contact the Governor to appoint a Board member pro tem to replace the disqualified member for the hearing in progress only.

8.) The parties to the hearing are urged to confer prior to the hearing through their respective counsel, or personally to attempt to reduce or simplify the issues to be heard. This procedure is not required. The Board will, however, honor any stipulations arrived at between the parties as a proven fact at the hearing. The purpose of the pre-hearing conference is to insure that the hearing is not unusually delayed by receiving testimony or other evidence on matters which are not seriously in dispute.

9.) The Board shall have discretion to consolidate one or more cases for hearing involving the same or related parties, or substantially the same questions of law or fact. The Board may also grant separate hearings if such a joint hearing would be prejudicial to one or more of the parties. If hearings are to be consolidated, notice must be given to all parties in advance of the hearing.

10.) The presiding officer shall consider a motion to modify or quash any subpoena issued in connection with the hearing, provided that such motion is filed, by registered mail, with the Board not later than three days prior to the hearing date, or the date scheduled for the deposition, if the subpoena was issued in connection with a deposition. Possible grounds to quash or limit the subpoena include, but are not limited to, testimony or material protected by privilege of statute regulation or other law; burdensomeness that would not be justified in light of the evidence's importance to the case; undue hardship on a witness; vagueness; and immateriality.

11. The procedures to be followed in conducting the hearing governing the order of the proceedings, rulings on evidence, and the Board's decision are contained in Chapters 11 through 14, respectively, of the Disciplinary Action Manual for Occupational Licensing Boards, prepared by the Louisiana Department of Justice, 1979, through the office of the Attorney General. A copy of these pertinent chapters will be provided to an interested party involved with a hearing, by written request submitted to the Board.

12. The burden of proof rests upon the Attorney General or the CIO whichever is bringing the charge before the Board. No sanction shall be imposed or order be issued, except upon consideration of the whole record, as supported by and in accordance with reliable, probative and substantial evidence. While proof

beyond all reasonable doubt is not required to establish a given fact as true, the burden must be carried by a clear preponderance of the evidence. This standard of proof shall obtain in all hearings conducted before the Board and for any review or examination of evidence provided by Revised Statute 49:957, Section 958, or any re-hearing requested, pursuant to Revised Statute 49:959.

13. Any party or person deemed to be governed by or under the jurisdiction of Revised Statute 37, Section 2701 through 2718, may apply to the Board for a declaratory order or ruling in order to determine the applicability of a statutory provision or rule of this Board to said party or person. The Board shall issue the declaratory order or ruling in connection with the request by majority vote of the Board, signed and mailed to the requesting party, within 30 days of the request, except that the Board may seek legal counsel or an Attorney General's opinion in connection with the request, in which case the declaratory order or ruling may be issued within 60 days of its request.

14. Judicial review and appeal of any decision or order of the Board shall be governed by Revised Statute 49:964, 965.

### 3. Rules on Licensure:

a.) In any compliance hearing, the burden shall be on the applicant or licensee to establish that he meets the criteria for licensure or that his or her certificate was timely renewed.

b.) A licensee who allows his or her certificate to lapse for a period of six months or longer without renewal, or who is unsuccessful at a compliance hearing concerning this matter, shall be required to file a new application, subject to the examination procedures, and pay those required fees. However, such an applicant need not duplicate the two consecutive years of social work supervision or proof of graduate degree and may be reinstated upon successful completion of the examination and payment of the appropriate fees.

c.) Any licensee who is engaged in the supervision of a potential applicant for qualification under Revised Statute 37:2706(A) (6), whose license has lapsed for any period of time under Revised Statute 37:2710(B), shall immediately notify all such supervisees of the period of the lapsed certificate. A copy of this letter shall be forwarded to the Board. Upon reinstatement and/or renewal of the certificate, the licensee, at his expense, shall promptly notify all such supervisees with a copy of this notification forwarded to the Board. The same rules apply to any licensee whose license is suspended, revoked, or is issued such sanctions incompatible with supervisory activity.

d.) Any disputes concerning the applicability of the supervised service during periods of lapsed licenses, suspensions or revocations, shall be the sole determination of the Board.

Paul E. LeBlanc  
Chairperson

## RULE

### Department of Health and Human Resources Board of Examiners of Psychologists

#### RULES ON TRAINING AND CREDENTIALS

I. A "school" or "college" approved by the Board is a university or other institution of higher learning which at the time of the granting of the doctorate has met IA, IB, and IC of this section.

A. Is accredited by one of the six regional bodies recognized by the Council on Postsecondary Accreditation.

B. Has achieved the highest level of accreditation or approval awarded by statutory authorities of the state in which the school or college is located.

C. Offers a "full-time graduate course of study in psychology" as defined in the regulations.

II. A "full-time graduate course of study in psychology"

means a doctorate program of psychology which at the time of the granting of the doctorate meets either criterion A or B of this section.

A. Doctoral programs that are accredited by the American Psychological Association are recognized as meeting the definition of a psychology program.

B. Programs not approved by the American Psychological Association must meet the following standards.

1. The program shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

2. The psychology program shall stand as a recognizable coherent organizational entity within the institution wherever it may be administratively housed.

3. There shall be a clear authority and primary responsibility for training in the core and specialty areas of psychology whether or not the program cuts across administrative lines.

4. The program shall be an organized sequence of study planned by those responsible for the training program to provide an integrated educational experience.

5. There shall be an identifiable psychology faculty and a licensed or qualified psychologist responsible for the program.

6. The program shall have an identifiable body of students who are matriculated in that program for a degree.

7. The program shall include appropriate practicum, internship, field, or laboratory training.

8. The curriculum of the program shall encompass a minimum of three academic years of full-time graduate study.

9. The doctoral program shall involve at least one continuous academic year of full-time residency on the campus of the institution at which the degree is granted.

10. The doctoral program shall include examination and grading procedures designed to evaluate the degree of mastery of the subject matter by the student.

11. The program shall be an internal degree program (as opposed to an external degree program) unless it is approved by the American Psychological Association.

C. Programs of institutions outside of the United States must meet criteria specified in IIA or IIB.

III. A "major in psychology" is one offered by an approved doctoral program as specified in II and which meets the following standards.

A. Scientific Area. The major in psychology shall require each student to demonstrate knowledge in the areas of scientific and professional ethics and standards, history and systems, research design and methodology, statistics and psychometrics.

B. Substantive Content Areas. The major in psychology shall require each student to demonstrate competence in each of the following substantive content areas. Competence shall be demonstrated by successful completion of at least 24 or more graduate semester hours (or equivalent quarter hours) with at least three semester hours in each of the four areas, or by documentation of comprehensive examination in each of the four substantive content areas. Graduates who cannot document competence in all substantive content areas (1-4 below), may demonstrate competence by taking additional course work or examination, not to exceed one substantive content area. Graduates who are deficient in more than one substantive content area will be considered as not having a "major in psychology."

1. Biological Bases of Behavior, e.g., physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.

2. Cognitive-Affective Bases of Behavior, e.g., learning, thinking, motivation, emotion.

3. Social Bases of Behavior, e.g., social psychology, group processes, organizational and systems theory.

4. Individual Differences, e.g., personality theory, human development, abnormal psychology.

C. Specialty Areas. If the emphasis of the major in psychology is in an applied area such as clinical psychology, counseling psychology, school psychology, or industrial-organizational psychology, the training shall include a set of coordinated practicum and internship training experiences.

1. In applied areas such as counseling, clinical, and school psychology preparation shall involve early and continuing involvement of students in applied settings. Such experience should occur at two levels, practicum and internship.

a. The practicum level is an earlier, pre-requisite phase of involvement, usually for academic credit, often on campus, with a typical time commitment of eight to 16 hours per week. Practicum settings should provide supervised training in interviewing, appraisal, modes of intervention, and research skills or other skills appropriate to the student's level of experience and area of specialization. A minimum of 300 hours of practicum experience should precede the internship. This should include at least 100 hours of direct client contact and at least 50 hours of scheduled individual supervision.

b. The typical minimal internship experience is a program of one continuous year or its equivalent, such as a one half-time program of two years duration. The internship setting should provide the trainee with the opportunity to take substantial responsibility for carrying out major professional functions in the context of appropriate supervision which is conducted in accordance with the rules of the Board for supervision of unlicensed assistants.

2. In applied areas such as industrial-organization, engineering, and environmental psychology, internship training may take the form of post-doctoral supervised experience as defined in the regulations of the Board.

June M. Tuma, Ph.D.  
Chairperson

## **RULE**

### **Department of Health and Human Resources Board of Veterinarian Medicine**

The Louisiana Board of Veterinarian Medicine submits herewith a rule which was adopted pursuant to the authority granted under L.R.S. 37:1518(9) and in accordance with the Notice of Intent published on August 20, 1983, and in accordance with a hearing held on September 1, 1983.

The following are hereby declared to be in force and effect upon publication of this rule:

Exemption of Fee  
[R.S. 37:1518 (3)]

The Board may exempt a veterinarian licensed in the State of Louisiana from the annual license renewal fee if:

1. He or she is a member of the Armed Services and is on active duty or;

2. He or she is totally disabled to practice veterinary medicine either temporarily or permanently as certified by a physician's certificate or;

3. He or she has obtained the age of 65.

In each case the veterinarian who qualified for fee exemption must register with the Board annually and provide proof of his or her eligibility for fee exemption in affidavit form.

License Renewal Fees  
[R.S. 37:1518 (3)]

Any request of application for renewal of a license and/or any payment of the annual registration renewal fee established and published by the Board, which is received after June 30 of

each year, shall be subject to an additional charge of \$25 for renewal of a license.

Allan R. Allbritton, D.V.M.  
President

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, shall implement the following rule in the General Assistance Program:

**RULE**

Policies in the General Assistance Program which had allowed parish payments to be made for irregularly scheduled transportation shall be eliminated.

Roger P. Guissing  
Secretary

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, hereby implements a rule in the General Assistance Program which will allow only specific persons to be included in the GA grant certification.

**RULE**

In addition to the client, other persons shall be included in the GA certification in accordance with the following (18-801):

(1) The recipient's legal or nonlegal spouse when also eligible for GA in his or her own name, if under age 65 and living in the same household (provided not eligible for SSI or inclusion in an AFDC certification).

(2) The GA Foster Child shall be included in the certification in addition to his foster parent or parents (provided not eligible for SSI or inclusion in an AFDC certification).

The following policy 18-801B, which previously allowed inclusion of other persons, shall be eliminated by this rule:

**WHO MAY BE INCLUDED**

The following persons may be included in the GA certification:

(1) A person who is dependent on the client for support and is (a) under 65 and (b) not blind and (c) not eligible for inclusion in an SSI or AFDC certification and (d) incapacitated.

(2) A person who is required in the home to provide care for an ill member of the household and for this reason is unable to accept outside employment and who is (a) under 65 but at least 18 years old. If under 18 years old, the person has to be emancipated by marriage and (b) not eligible for GA in his own name or for inclusion in an SSI or AFDC certification and (c) without sufficient income of his own to meet his requirements.

Roger P. Guissing  
Secretary

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, hereby adopts the following rule in the General Assistance Program which will limit the number of months a recipient may receive a GA check while visiting out of state.

**RULE**

Effective April 1, 1984, policy 18-623C relating to the GA recipient visiting out of state with intent to return to Louisiana will be changed to allow the recipient to receive GA checks for **only** three months when he is visiting out of state. Policy 18-623 C(1) and (2), providing for conditions under which the recipient remains out of state for more than three months, will be eliminated.

This change will not affect policy 18-624 which allows an out-of-state address for convenience for the client actually living in Louisiana but whose mailing address is out-of-state.

Roger P. Guissing  
Secretary

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, hereby amends the Title XIX Medical Assistance Program manual to incorporate Federal and State civil penalties for provider fraud and abuse. Act 877 of the 1982 Regular Session of the Louisiana Legislature and 45 CFR Part 101 as published in the *Federal Register* of August 26, 1983, Vol. 48, No. 167, pages 38827 - 38842 authorize the imposition of such civil penalties.

**RULE**

Section 19-881, *Levels of Administrative Sanctions*, will include a new item 12 on page 3 of 19-881 to read as follows:

19-881 (A) (12) Impose civil penalties in the amount of interest payments and \$2,000 for each fraudulent claim submitted, in accordance with Act 877 of the 1982 Regular Session of the Louisiana Legislature.

Section 19-883, *Grounds for Sanctioning Providers*, will include additional wording in item F. as follows:

19-883(F) ... or such provider has been determined by DHHR pursuant to an Administrative Procedure Act adjudication hearing to have wrongfully and fraudulently received payment for furnishing services or merchandise under the Medical Assistance Program by means of intentional fraud, intentional false statement, or intentional concealment of a material fact.

Roger P. Guissing  
Secretary

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, has adopted the following policy on arrangement of transportation service for applicants of Title XIX, Medical Assistance.

**RULE**

Attachment 3.1-A, Item 18(a), C. of the Title XIX State Plan, entitled Authorization of Title XIX Funds shall be amended to include a new section (iv) to read as follows:

(iv) In the case of an applicant for Title XIX, Medical Assistance, arrangements can be made with a certified Title XIX medical transportation provider to provide services if the transportation provider agrees to transport. The parish Office of Family Security shall not issue an authorization form for such transport until such time as the applicant becomes Title XIX eligible. If the Title XIX applicant does not become an eligible recipient, the transportation provider must understand, prior to transport, that no authorization will be issued and no payment made.

This policy change is necessary so that ambulance and

non-ambulance medical transportation can be arranged while the individual is still in application status and subsequently authorized if the individual becomes eligible for Title XIX. This policy change is particularly needed for long term care applicants, who due to their need for specialized care, may require access to other services such as those provided by a physician or a hospital.

This policy was implemented on an emergency basis effective January 1, 1984 and was published as an Emergency Rule in the January 20, 1984, issue of the *Louisiana Register*.

Roger P. Guissinger  
Secretary

**RULE**

**Department of Health and Human Resources  
Office of Health Services and Environmental Quality**

The Louisiana Department of Health and Human Resources, Office of Health Services and Environmental Quality (DHHR/OHSEQ) has adopted a revised version of the Louisiana Sanitary Code. This revised version restates the provisions therein in clearer, less vague terms. Reflecting the legislative intent as per LSA-R.S. 40:4, as amended by Act 619 of 1982, it contains a more consistent numbering system, has grammatical and stylistic changes, and generally updates the Code.

The areas covered by the Code are as follows:

STATE OF LOUISIANA SANITARY CODE  
TABLE OF CONTENTS

CHAPTER I	GENERAL PROVISIONS
CHAPTER II	THE CONTROL OF DISEASES
CHAPTER III	THE CONTROL OF RABIES
CHAPTER IV	LEAD POISONING CONTROL
CHAPTER V	DISEASE VECTOR CONTROL
CHAPTER VI	MANUFACTURING, PROCESSING, PACKING AND HOLDING OF FOOD, DRUGS AND COSMETICS
CHAPTER VII	MILK, MILK PRODUCTS AND MANUFACTURED MILK PRODUCTS
CHAPTER VIII	FROZEN DESSERTS
CHAPTER IX	SEAFOOD (MARINE AND FRESH WATER ANIMAL FOOD PRODUCTS)
CHAPTER X	GAME BIRD AND SMALL ANIMAL SLAUGHTER AND PROCESSING
CHAPTER XI	ANIMALS AND ANIMAL DISEASES: RENDERING OF ANIMALS
CHAPTER XII	WATER SUPPLIES
CHAPTER XIII	SEWAGE AND REFUSE DISPOSAL
CHAPTER XIV	PLUMBING
CHAPTER XV	HOTELS, LODGING HOUSES, BOARDING HOUSES
CHAPTER XVI	CAMPSITES
CHAPTER XVII	PUBLIC BUILDINGS AND SCHOOLS
CHAPTER XVIII	JAILS, PRISONS AND OTHER INSTITUTIONS OF DETENTION OR INCARCERATION
CHAPTER XIX	HOSPITALS, AMBULATORY SURGICAL CENTERS, RENAL DIALYSIS CENTERS
CHAPTER XX	NURSING HOMES
CHAPTER XXI	DAY CARE CENTERS AND RESIDENTIAL FACILITIES
CHAPTER XXII	RETAIL FOOD ESTABLISHMENTS: MARKETS
CHAPTER XXIII	EATING AND DRINKING ESTABLISHMENTS
CHAPTER XXIIIA	TEMPORARY FOOD SERVICE

CHAPTER XXIV	ARTIFICIAL SWIMMING POOLS AND NATURAL OR SEMI-ARTIFICIAL SWIMMING OR BATHING PLACES
CHAPTER XXV	MASS GATHERINGS
CHAPTER XXVI	BURIAL, TRANSPORTATION, DISINTERMENT OR OTHER DISPOSITION OF DEAD HUMAN BODIES

Copies may be obtained by writing to: Frank Deffes, Chief Sanitarian Services, Office of Health Services and Environmental Quality, Box 60630, New Orleans, LA 70160. Telephone 568-5181.

Roger P. Guissinger  
Secretary

**RULE**

**Department of Health and Human Resources  
Office of the Secretary**

Effective upon publication, the Department of Health and Human Resources, will implement new, uniform (regardless of funding source) and minimum standards for client care providers in Louisiana.

Specifically, these standards apply to all providers offering one or more of the following services or types of care for the handicapped:

- Case Management/Service Coordination Services
- Family Support/Subsidy Services
- Personal Care Attendant Services
- Respite Care Services
- Infant Intervention Care Services

These standards are being implemented as part of a proposed agreement with the Health Care Financing Administration of the Federal Department of Health and Human Services to secure a waiver from the Title XIX State Plan for Louisiana. These standards are for certification of these services in Louisiana for federal funding if and when the waivers are granted. However, these standards apply to all clients receiving the above cited services or care whether Title XIX eligible and/or funded or not.

These uniform and minimum standards are new.

These standards are too bulky for publication but are available for review at the Division of Licensing and Certification. Copies of these standards may be obtained for a fee of \$5 upon written request to Billy W. Brown, Director, Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821.

Roger P. Guissinger  
Secretary

**RULE**

**Department of Natural Resources  
Office of Conservation**

AMENDMENT TO STATEWIDE ORDER NO. 29-B

Amendment concerning the off-site storage, treatment and/or disposal of nonhazardous oilfield waste generated from drilling and production of oil and gas wells.

\* \* \* \* \*

Pursuant to power delegated under the laws of the State of Louisiana, and particularly Title 30 of the Louisiana Revised Statutes of 1950, Sections 30:4 C (1), (2), (3), (6), (8), (9), (10), (14), (16), and I; and after public hearings held under Docket No. UIC 84-2 in Baton Rouge, LA on January 26 and 31, 1984, and following publication of notices as required by the Louisiana

Administrative Procedure Act, Title 49, Sections 951 through 968 of the Louisiana Revised Statutes of 1950, as amended, the following rules and regulations are promulgated by the Commissioner of Conservation as being reasonably necessary to govern the off-site storage, treatment, and/or disposal of non-hazardous oilfield waste by commercial facilities.

SECTION XV  
POLLUTION CONTROL  
PARAGRAPH 13

OFF-SITE STORAGE, TREATMENT AND/OR DISPOSAL OF  
NONHAZARDOUS OILFIELD WASTE GENERATED FROM  
DRILLING AND PRODUCTION OF OIL AND GAS WELLS

13.1 Definitions

**Cell:** An earthen area constructed within a land treatment facility used for the placement, treatment, disposal and degradation of nonhazardous oilfield waste.

**Closed System:** A system in which nonhazardous oilfield waste is stored in enclosed tanks prior to being treated and/or disposed of. Pits are not utilized in a closed system.

**Commercial Facility:** A waste storage, treatment and/or disposal facility which receives, treats, reclaims, stores, or disposes of nonhazardous oilfield waste for a fee or other consideration.

**Commissioner:** The Commissioner of Conservation of the State of Louisiana.

**Community Salt Water Disposal System:** A saltwater disposal system within an oil or gas field which is used by adjacent lease operators for disposal of their produced brine.

**Generator:** The producer of record of nonhazardous oilfield waste.

**Land Treatment:** A dynamic process involving the controlled application of nonhazardous oilfield waste onto or into the aerobic surface soil horizon by a commercial facility, accompanied by continued monitoring and management, to alter the physical, chemical, and biological state of the waste. Site, soil, climate, and biological activity interact as a system to degrade and immobilize waste constituents thereby rendering the area suitable for the support of vegetative growth and providing for beneficial future land use.

**Nonhazardous Oilfield Waste:** Waste generated by the drilling and production of oil and gas wells and which is not regulated by the provisions of the Louisiana Hazardous Waste Management Plan. Such wastes include, but are not limited to the following:

- 1) Oil base or water base drilling mud and cuttings.
- 2) Salt water (produced brine).
- 3) Drilling, workover and completion fluids.
- 4) Produced oily sands and solids.
- 5) Production pit sludges.
- 6) Production storage tank sludges.
- 7) Nonhazardous natural gas plant processing wastes which is commingled with produced formation water.
- 8) Produced formation fresh water.
- 9) Washout water generated from the cleaning of vessels (barges, tanks, etc.) that transport nonhazardous oilfield waste and are not contaminated by hazardous waste.
- 10) Rainwater from ring levees and pits at production and drilling facilities.
- 11) Pipeline test water which does not meet discharge limitations established by the appropriate state agency.
- 12) Pipeline pig water, i.e., waste fluids generated from the cleaning of a pipeline.
- 13) Washout pit water from oilfield related carriers that are not permitted to haul hazardous waste.

14) Waste from approved salvage oil operators who only receive waste oil (BS&W) from oil and gas leases.

15) Material used in crude oil spill clean-up operations.

16) Wastes from approved commercial Class II storage, treatment and/or disposal facilities.

**Oil-Based Drilling Muds:** Any oil-based drilling fluid composed of a water in oil emulsion, organophillic clays, drilled solids and additives for down-hole rheology and stability such as fluids loss control materials, thinners, weighting agents, etc.

**Pit:** An earthen surface impoundment constructed to retain nonhazardous oilfield waste, often referred to as a pond or lagoon.

**Salt Water (Produced Brine):** Produced water from an oil or gas well with a chloride content greater than 500 ppm.

**Transfer Station:** A nonhazardous oilfield waste receiving and storage facility, located off-site, but operated in conjunction with an approved commercial facility, which is used for temporary storage of manifested nonhazardous oilfield waste for a period of 30 days or less.

**Transporter:** A carrier of nonhazardous oilfield waste contained in trucks, barges, boats, or other transportation vessels.

**Water-Based Drilling Muds:** Any water based fluid composed of fresh water, naturally occurring clays, drilled solids and additives for fluid loss control, viscosity, thinning, pH control, weight control, etc., for down-hole rheology and stability.

13.2 Off-site Storage, Treatment, and/or Disposal of Non-hazardous Oilfield Waste at Commercial Facilities

A. Generators of Nonhazardous Oilfield Waste

The generator of any nonhazardous oilfield waste is responsible for the proper handling and transportation of such waste to assure its proper delivery to an approved commercial facility. Each shipment must be documented as required by Paragraph 13.6 below.

B. Approval of Commercial Facility Required

The storage, treatment, and/or disposal of nonhazardous oilfield waste by a commercial facility must be approved by the Commissioner. Subsurface disposal of salt water is required and regulated by Section XV of this order. The requirements of this Paragraph do not apply to community saltwater disposal systems.

C. Approval of Transfer Station Required

The construction and operation of a transfer station by an existing commercial facility must be approved by the Commissioner.

D. Location Criteria

Commercial facilities and associated saltwater disposal wells may not be located in any area:

1) Where the disposal well or related storage tanks, pits, treatment facilities or other equipment are within 500 feet of a residential, commercial, or public building, unless adherence to this requirement is waived by the owner of the building, or in the case of a public building, by the responsible administrative body. Any such waiver shall be in writing and must be made part of the permit application.

2) Where the subsurface geology of any proposed injection zone (reservoir) does not exhibit the following characteristics:

a) adequate thickness and areal extent of the proposed injection zone; and

b) adequate clay confining beds separating the top of the proposed injection zone and the base of the lowermost underground source of drinking water.

3) Where pits or land treatment facilities are located in a "V" or A zone as determined by flood hazard boundary or rate maps and other information published by the Department of Housing and Urban Development, Federal Insurance Administration. Said maps and data are on file and may be viewed by