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Executive Orders

EXECUTIVE ORDER DCT 81-4

WHEREAS, the Department of Natural Resources is mandated by state law to oversee the State's sovereign and proprietary rights regarding oil and gas and, in order to carry out these responsibilities, relies upon the professional judgments of petroleum geologists and petroleum engineers of the state classified service; and

WHEREAS, the rights of over 200,000 individual landowners receiving royalty and bonus income, as well as the largest landowner, the State itself, are protected by these professionals; and

WHEREAS, over 40 percent of the State's treasury funds are generated directly from oil and gas related revenue such as royalties, bonuses, severance taxes and petroleum product taxes; and

WHEREAS, an emergency situation exists due to problems and unanticipated complications that have arisen with respect to the hiring and retention of petroleum engineers and petroleum geologists within the Department of Natural Resources; and

WHEREAS, the State of Louisiana, in its classified service, has lost 43 petroleum engineers and petroleum geologists in the last seven years, which represents 31 percent of the positions authorized by the State Civil Service; and

WHEREAS, such loss of these professionals, together with the increase in oil and gas exploration, monitoring, enforcement and regulatory programs relating to same, has culminated in an overburdening of the remaining petroleum engineers and petroleum geologists to such an extent as to decrease their effectiveness and efficiency and to jeopardize the programs and functions which they oversee;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the powers vested in me as Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby create and establish the Governor's Special Task Force on Petroleum Engineers and Petroleum Geologists.

Said Task Force shall be composed of 20 members and shall be charged with the responsibility of reviewing and recommending appropriate salary ranges for the professional disciplines of petroleum engineers and petroleum geologists.

The Task Force shall take whatever steps necessary and proper for the State of Louisiana to recommend a sound salary administrative package to reestablish and maintain the professional expertise and effectiveness required to carry out the legislatively mandated responsibilities charged to the Department of Natural Resources relative to oil and gas.

In view of this charge, I hereby authorize the Governor's Special Task Force to request the assistance of the Department of Natural Resources and the Department of Civil Service, and to request and utilize such counsel, assistance, personnel, facilities and advice as may be obtained from other sources, public and private, including but not restricted to, business, labor and private research agencies, individuals and related organizations.

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 9th day of October, A.D., 1981.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 81-5

WHEREAS, the state and its citizens can greatly benefit from the management expertise and experience of persons who are employed in the private sector of business and industry; and

WHEREAS, certain businesses and industries in this state have top management personnel, who have particular expertise in the field of reviewing and analyzing business practices, to counsel and advise the state's governmental management personnel with respect to more efficient management practices, programs and procedures; and

WHEREAS, it is in the best interest of the State of Louisiana and its citizens to request that such individuals participate in a program to generally review and analyze the operation of state government on all levels for the expressed purpose of making recommendations for the improvement of the operation of state government;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me as Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby create and establish a commission to be known as the Governor's Cost Control Commission, whose duty and function shall be to analyze and review any and all areas of state government.

Said commission shall be comprised of individuals appointed by me, for the purpose of reviewing and analyzing the general operating practices of state government in all of its areas. The commission members shall report directly to me their findings and recommendations for improving the efficiency of state government.

The members of said commission shall be authorized to make use of any and all state personnel and facilities in order to accomplish the purposes set out herein and all state employees and personnel are charged with the responsibility of giving full cooperation to the commission members in order to facilitate the successful accomplishment of the goals of said commission.

Said commission shall be authorized to work through a nonprofit corporation which may receive donations both in-kind, including executives loaned from business and industry and other sources, and monetary so as to carry out its functions and duties.

After its report has been issued, said commission shall monitor the implementation of the recommendations made and shall issue periodic reports on the status of implementation.

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 15th day of October, A.D., 1981.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 81-6

WHEREAS, the savings and loan industry across the nation is facing serious problems; and

WHEREAS, this problem is also facing the industry in the State of Louisiana; and

WHEREAS, many of our savings and loan associations have suffered operating losses in 1981; and

WHEREAS, these associations represent the backbone of our financial sources for home buying and residential construction; and

WHEREAS, in order that the state may react to this problem in a positive manner;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me as

Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby order and direct the following:

The Governor's Thrift Industry Advisory Council is created and established. Said council shall be comprised of five executive officers of state chartered savings and loan associations appointed by me from the following areas:

- Greater New Orleans 2
- Greater Baton Rouge 1
- North Louisiana 1
- Southwest Louisiana 1

The terms of the office of each member shall be four years. In case of a vacancy, the newly appointed member shall serve for the remainder of the unexpired term. A member of the council is eligible for reappointment.

The council shall meet four times annually or more frequently, if deemed necessary, at the call of the Commissioner of Financial Institutions.

Members of the council shall serve without compensation but shall be entitled to reimbursement of expenses incurred in the performance of their duties.

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 15th day of October, A.D., 1981.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 81-7

WHEREAS, in early 1682, French explorer Rene Robert Cavelier, Sieur de La Salle, set forth to descend the Mississippi River, intending "to hold the whole country for the French King, from the Great Lakes to the Gulf of Mexico and establish colonies;" and

WHEREAS, on April 9, 1682, after completing his historic and epic journey down the entire length of the Mississippi River from Canada to the head of the "passes," which form the river's mouth, La Salle, on that date and at that place, erected a marker and laid claim for King Louis XIV to all lands through which he had traveled, naming the territory "Louisiane" after his revered king and queen; and

WHEREAS, most of the new territory was made up of the land involved in the famed Louisiana Purchase; and

WHEREAS, 1982 will mark the 300th anniversary or tricentennial of this most significant event in the history of the United States of America; and

WHEREAS, the state of Louisiana and the Republic of France are planning a joint celebration of this event, including numerous cultural, social, civic and political events, which will be scheduled around this historical occasion; and

WHEREAS, such an observance is another effective means of providing our own Louisiana citizens with a sense of their state's dramatic history and a sense of their own unique heritage; and

WHEREAS, there will be a joint promotion of Louisiana imports in France and French imports in Louisiana;

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 declare 1982 as the year of the Tricentennial of La Salle's "Louisiane."

BE IT FURTHER RESOLVED, that a Tricentennial Commission be appointed to promote and to encourage the commemoration of this courageous and historical event throughout our State.

BE IT FURTHER RESOLVED, that I appoint the following

members to the Tricentennial Commission of La Salle's "Louisiane:"

- 1) The Secretary of the Department of Culture, Recreation, and Tourism, or her designee;
- 2) The President of the Senate, or his designee;
- 3) The Speaker of the House, or his designee;
- 4) Two members from the Board of Directors of the Louisiana State Museum;
- 5) Two members from the Louisiana Tourist Development Commission;
- 6) The Chairman of the Council for the Development of French in Louisiana, or his designee;
- 7) The Secretary of the Department of Commerce, or his designee;
- 8) The Consul General of France to Louisiana, or his designee; and
- 9) Two members from the State at large.

The members of the Commission shall receive the same per diem and travel allowance in the performance of their duties as is provided for members of the legislature. Such per diem and travel allowance and all other expenses incurred by the Commission shall be paid for out of such funds as may be made available to the Commission by the Governor or the presiding officer of the Louisiana Legislature.

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 19th day of October, A.D., 1981.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 81-8

WHEREAS, the Community Development Block Grant (CDBG) program (Public Law 93-383) has been amended to authorize the states to assume the administration of the "Small Cities" grant so that each state may most effectively design its community development program to meet its specific needs; and

WHEREAS, the 1981 Omnibus Reconciliation Act (Title III, Subtitle A) requires the states to establish their community development goals and plans for using their CDBG monies to implement their goals; and

WHEREAS, the states have the opportunity to formulate a set of guidelines for the CDBG program which reflects the priorities of their people;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me as Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby create and establish the Governor's Community Development Advisory Committee.

Said committee's duties shall be to identify the community development problems in Louisiana and their causes and to recommend guidelines to govern the distribution of the CDBG funds that the State of Louisiana shall receive so that these monies will be most effective in mitigating community development problems in Louisiana.

Said committee shall be comprised of members appointed by me from both parish and municipal governments, the legislature and from the public at large.

The Secretary of the Department of Urban and Community Affairs shall designate a program liaison to serve as an ex officio,

non-voting member of the committee. The Executive Director of the State Planning Office, or his designee, shall serve as the committee's executive secretary. Said executive secretary shall secure adequate staff assistance for the committee and shall be responsible for transmitting a report containing the committee's recommendations to me and to the Secretary of the Department of Urban and Community Affairs. The executive secretary shall serve as an ex officio, non-voting member of the committee.

The recommendations of the committee and the program design developed by the Department of Urban and Community Affairs and the State Planning Office shall be reviewed for me by an interagency review panel selected by me from among my staff and departmental officials with responsibilities related to the objectives of the CDBG program.

The interagency review panel shall review the organizational structure of the Department of Urban and Community Affairs and shall recommend to me such revision to the structure as will allow for efficient administration of the community development program and optimum coordination of this program with similar programs of other departments.

Upon my approval of the program design, said program shall then be administered by the Department of Urban and Community Affairs.

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 6th day of November, A.D., 1981.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture Livestock Sanitary Board

The Livestock Sanitary Board has determined that equine infected with equine infectious anemia are being maintained adjacent to concentration points of healthy, non-infected equine in some area of the State, which creates a severe health hazard for the non-infected equine. Therefore, under the authority contained in LSA 49:954 B (2), notice is hereby given that the Livestock Sanitary Board, at its meeting on October 28, 1981, adopted the following amendments and/or additions to its Rules and Regulations on an emergency basis in order to preserve the health of the non-infected equine:

EMERGENCY RULES

Section 9 E of Regulation 3 is amended to read as follows:

"E. Auction operators will be in violation of Livestock Sanitary Board regulations if livestock that is to be sold for immediate slaughter is sold to anyone other than authorized buyers."

Section 13 A of Regulation 3 is amended to read as follows:

"A. * * * * *

"Exceptions:

"a) Horses consigned and/or sold for immediate slaughter

shall be sold to authorized buyers only. Such animals shall be branded with the letter "S" on the left shoulder prior to leaving the auction market and shall be accompanied by VS 1-27 to an approved slaughtering establishment."

A new Section 5 is added to Regulation 28, to read as follows:

"1. Definitions

"A. "Authorized buyer" means (a) an employee of an USDA-approved slaughtering establishment who buys horses that move from the auction market directly to the slaughtering establishment, with no period of time spent in a holding area of any kind; or (b) a buyer who has a permit issued by the Livestock Sanitary Board to operate a quarantine holding area for EIA positive and "S" branded horses.

"B. "Buyer" means any individual, partnership, corporation, or association which handles EIA positive and/or "S" branded horses.

"C. "Permit" means a document issued by the Livestock Sanitary Board on an annual basis authorizing a buyer to handle EIA positive and/or "S" branded horses in a quarantine holding area.

"D. "Quarantine holding area" means an area where EIA positive and/or "S" branded horses are kept where such horses are separated by at least .25 miles from all other horses.

"2. Requirements for Permit for Operation of Quarantine Holding Area

"A. Any buyer desiring to operate a quarantine holding area must file an application for approval of the facility on forms to be provided by the Board.

"B. The facility to be operated as a quarantine holding area must meet the requirements of the definition in Section 5.1.D above.

"C. The facility must be approved by the Board in an inspection of the premises prior to the issuance of the permit.

"D. The buyer desiring to operate a quarantine holding area must agree in writing to comply with the Rules and Regulations of the Livestock Sanitary Board and to permit inspection of the premises at any reasonable time by the Board.

"E. No other horses except horses consigned for slaughter may be kept in a quarantine holding area.

"F. All permits must be renewed annually."

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Agriculture Market Commission

Notice is hereby given that, because no otherwise eligible applicant for a Farm Youth Loan at the October 1981 closing on said loans was able to secure a health certificate on an animal to be purchased with the proceeds of an approved Farm Youth Loan, the State Market Commission, under the authority of LSA 49:953 B, took the following action at its meeting on October 20, 1981:

Suspension of Rule

Rule 4.7 of the Rules and Regulations governing the Farm Youth Loan Program was suspended on an emergency basis, and the provisions thereof transferred to Rule 8.0 to require submission of a health certificate on any animal purchased with proceeds of a Farm Youth Loan prior to disbursement of said funds.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of October 22, 1981, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following as an emergency rule:

Guidelines for Textbook Adoption
Pursuant to Act 872, 1981 R.S.

(Amendment to BESE Policy 3.01.80)

Annually, the first State textbook adoption hearings shall be held within the first two weeks of January, at which time the names of the State committee members will be made public. After receiving the names of the members at the first meeting, the publishers will mail their samples to the committee members and will have no personal contact with the committee members.

Copies of basal textbooks being considered for adoption shall be placed in cooperating public libraries in those cities named in Act 872 (New Orleans, Baton Rouge, Shreveport, Monroe, Alexandria, Lake Charles, Lafayette and Houma) with the addition of Natchitoches. Public libraries must be contacted initially for use of their facilities for public display, and if they are unable to accommodate the display, then the State Department of Education may select an alternate site, including, for Baton Rouge, the Textbook Division Library, State Department of Education. Alternate sites must be advertised.

All oral objections to textbooks under consideration may be made at the second hearing of the adoption committees and shall not exceed five minutes per person, per publisher, per subject and shall be limited to those objections that have been previously filed in writing at least five working days prior to the second hearing in order to facilitate scheduling of time.

At least one-third of each textbook adoption committee shall be non-educator parents of children who are enrolled in schools or school programs that received funds for state approved textbooks.

The adoption of reading and science textbooks shall be held as scheduled for 1981-82 and the various systems and parishes shall be given the option to purchase or order either program either year, or both years. From 1981-82 on, for future adoptions, science shall be separated from reading to enable the parishes more realistically to implement programs within available funds. Science will be placed in the 1983-84 cycle and a moratorium on all adoptions will be placed on that year. The previous 1983-84 cycle will be advanced to 1984-85, etc. (See adoption cycle.)

Time Schedule for Textbook Adoptions
(Five-year cycle of adoptions)

The Textbook and Media Advisory Council may review the cycle every year in order that any needed changes can be made and recommended to the Board. The adoption schedule is as follows:

STATE TEXTBOOK ADOPTION CYCLE

1981-82	Aerospace Education Driver Education Drug Abuse Education (new material only) Health and First Aid Physical Education Reading Safety Education Science Special Education
1982-83	No adoption

1983-84	Art Career Education Guidance Handwriting Industrial Arts Mathematics Trade and Industrial Education Special Education
1984-85	Agriculture Business Education Distributive Education Foreign Languages Home Economics Music Music — Instrumental and Vocal Special Education
1985-86	Black Studies Free Enterprise Louisiana Studies Social Studies Special Education
1986-87	Language and Composition Language and Composition - Dictionaries Language and Composition - English Language and Composition - Journalism Language and Composition - Speech Language and Composition - Spelling Literature Special Education
1987-88	Reading Special Education
1988-89	Driver Education Drug Abuse Education Health and First Aid Physical Education Safety Education Science Special Education

In order to meet the requirements of the Legislative Mandate of Act 872, Section 415 of Title 17, Materials - Adoption Procedures, it is necessary that the changes in the adoption procedures as proposed by the Textbook and Media Committee become effective immediately since we are scheduling our regular textbook adoption for January, 1982, in reading, science, and other areas.

The preliminary preparations, forms, and procedures must be completed immediately to allow us to hold the adoption at the time it has been scheduled. The call for bids should be mailed during the first part of November to enable the publishers to prepare their proposals and submit samples of material to the various locations. The Bureau of Materials of Instruction and Textbooks, State Department of Education, should proceed immediately to make selections of committee members to serve on the various textbook adoption committees.

The effective date for implementation of this emergency is October 22, 1981.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Board of Veterinary Medicine

At a meeting of the Louisiana Board of Veterinary Medicine held on October 29, 1981 pursuant to notice, at which a quorum was present, the following emergency rule was adopted:

Emergency Rule No.1

The Louisiana Board of Veterinary Medicine hereby adopts the examination prepared by the National Board of Veterinary Medical Examiners, and requires that all applicants for licensure to practice veterinary medicine in the State of Louisiana shall pass the examination prepared by the National Board of Veterinary Medical Examiners (hereafter referred to as "the National Exam") in addition to any and all State examinations. A passing score on the National Exam shall be deemed to be the correct answering of at least 70 percent of the questions contained on the National Examination.

The Administration of the National Exam shall be in accordance with Rules prescribed by the National Board of Veterinary Medical Examiners or its designees, or any persons with whom the National Board of Veterinary Medical Examiners shall have contracted to administer said exam, and the National Exam may be administered by members of the Board of Veterinary Medicine, or their agents, employees or designees. The scoring of the National Exam shall be in accordance with the rules and regulations adopted by the National Board of Veterinary Medical Examiners, or in accordance with rules, regulations and policies adopted by the agents, employees or designees of the National Board of Veterinary Medical Examiners.

The Board has found that the above emergency rule has been necessitated by the following circumstances. For the past two years, the Board has adopted the examination prepared by the National Board of Veterinary Medical Examiners and required it as a part of the requirements for licensure to practice veterinary medicine in the State, all in accordance with R.S. 37:1521 (B). In that certain matter entitled "Davida McNutt, et al vs. Louisiana Board of Veterinary Medical Examiners, et al", bearing Docket No. 250,719 on the Docket of the Nineteenth Judicial District Court within and for the Parish of East Baton Rouge, State of Louisiana, the actions of the Louisiana Board of Veterinary Medicine in adopting the examination prepared by the National Board of Veterinary Medical Examiners, and in establishing a passing point of 70 percent, less one standard deviation, were deemed ineffective for lack of substantial compliance with the provisions of the Administrative Procedure Act.

The Louisiana Board of Veterinary Medicine has been advised by the office of the Attorney General and by private counsel, that, as a result of the above described civil litigation, the Board is presently unable to require the successful completion of the National Board Exam prior to the issuance of a license to practice veterinary medicine in this state, and that any passing points previously established by the Board for said examination are or may be without effect.

The Board finds that successful completion of the National Exam is a necessary requirement for applicants to prove themselves competent persons to practice veterinary medicine in the State of Louisiana, as required by R.S. 37:1521 (B). In the absence of such a requirement, the Board finds that the competence of persons who would otherwise be qualified to practice veterinary medicine in the state of Louisiana is sufficiently low that a clear and present danger to the public welfare exists.

The Board further finds that the time remaining for the administration of the next National Exam, in December of 1981, allows insufficient time for the adoption of rules pursuant to regular procedures under the Administrative Procedure Act, and necessitates the Board's invocation of its emergency rule making powers.

Simultaneously with the invocation of these emergency rule making powers, the Board is implementing the procedures necessary for the adoption of permanent rules and regulations concerning the qualifications for licensure to practice veterinary medicine in the State of Louisiana, the passing points required on the several examinations to be required, and other rules and regulations necessary and appropriate to the functions of the Board.

Allan R. Albritton, D.V.M.
Secretary-Treasurer

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective October 1, 1981, the following polices in the Aid to Families with Dependent Children (AFDC) Program. Emergency Rulemaking is necessary in order to comply with the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35).

I. EARNED INCOME DISREGARDS AND FOUR MONTH LIMIT

Each individual in the assistance unit who has earned income is entitled to a standard deduction, to a deduction for child care and to the earned income exemption. The deductions from earned income shall be applied in the following order:

- (1) Standard deduction
- (2) Child care deduction
- (3) Earned income exception

No other deductions are allowed.

A. Standard Deduction:

Maximum allowable standard deduction is \$75. This amount is reduced if employed less than full time or less than a full month.

B. Child Care:

Maximum deduction allowed is determined by the number hours the wage earner is actually engaged in employment.

Maximum allowed shall be \$1 per hour employment per child or incapacitated individual up to \$160 per month each.

Verified amount actually paid by the wage earner up to the maximum shall be deducted.

C. Earned Income Exemption:

EIE applied for FOUR months ONLY.

AFDC recipient shall not be entitled to this deduction again until after the expiration of 12 CONSECUTIVE months during which he was not included in any AFDC certification.

II. RESOURCE LIMIT

\$1,000 per assistance unit.

Exclusions are:

- a) Home.
- b) Equity value up to \$1,200 in one power-driven land conveyance.

Equity value is fair market value less encumbrances.

III. LUMP SUM PAYMENTS

Lump sum payments received by any members of the income unit shall be considered as income to the AFDC assistance unit unless the income is excluded;

The lump sum payment will be divided by the need standard for the appropriate size income unit.

The assistance unit will be ineligible for the whole number of months that the pro-rated incomes meet their need. Remaining income, after this computation, will be considered as income

received in the first month following the period of ineligibility regardless of whether the income is available.

IV. EARNED INCOME CREDIT

EIC shall be considered as income which is potentially available to clients who have earned income; therefore all clients who have earned income shall be required to file an IRS Form W-5 with an employer to receive advance EIC.

EIC shall be budgeted as earned income.

If the client who has earned income refuses to file an IRS Form W-5 and apply for EIC, the cases shall be rejected or closed because need cannot be established.

V. STEPPARENT LIABILITY

Income of a stepparent residing in home shall be considered in determining eligibility.

VI. STRIKERS

AFDC benefits cannot be paid to families in which the caretaker relative or stepparent is participating in a strike on the last day of the month and, if any other member of the household is participating in a strike, his or her needs cannot be considered in computing the AFDC benefits.

VII. DEPENDENT CHILD AGE LIMIT

Under 16 years of age.

16-18 years of age exempt from WIN/Work registration or registered for employment/participating in the WIN Program.

18-19 years, if a full-time student in a secondary school or in the equivalent level of vocational or technical training, and reasonably expected to complete the program before reaching age 19.

VIII. UNBORN CHILD COVERAGE

Unborn children will no longer be eligible for AFDC.

Pregnant woman who has completed fifth month of pregnancy may be certified if otherwise eligible (unborn is not eligible).

IX. PAYMENTS BELOW \$10

AFDC grant payments in an amount of less than \$10 will be prohibited but the AFDC family will remain eligible for Medicaid.

X. ADJUSTMENTS FOR INCORRECT PAYMENTS

All AFDC losses regardless of reason for overpayment will be subject to collection either by recoupment or recovery.

Recipients who failed to timely report a change in earned income will not be given the benefit of the earned income deductions and exemptions in the computation of overpayments/ineligible payments.

XI. ALIEN ELIGIBILITY FOR AFDC

Legally admitted aliens who apply for benefits for the first time after September 30, 1981, shall have the income and resources of their sponsor and the sponsor's legal spouse (if residing in the home) considered available for their support for a period of three years after their entry into the U.S.

XII. TRAINING ALLOWANCE

The \$28 allowance to meet the cost of training connected expenses shall no longer be allowed for future training in lieu of employment.

XIII. INCOME LIMIT OF 150 PERCENT OF NEED STANDARD

At application, redetermination or any time there is a change in circumstances, the household must meet a pre-test of eligibility based on need. In this pre-test, gross income from employment plus profit from self-employment plus countable unearned income must be less than 150 percent of the appropriate need standard.

XIV. WORK OR WORK REGISTRATION REQUIREMENTS FOR AFDC RECIPIENTS

All AFDC children age 16 to 19 will be required to work or register for work unless attending school full-time. Caretaker relatives and parents will be required to work or register unless personally caring for a child under age six with only brief and occasional

absences from the child. The caretaker relative under age 21 in a training course which will be completed within two years will be required to register for work and accept employment if available.

XV. RETROSPECTIVE BUDGETING/MONTHLY REPORTING

The amount of assistance for AFDC recipients who have earned income, stepparent's income, voluntary contributions or unemployment compensation included in the budget or those whose grant amount is less than \$10 will be based on the actual income or circumstances which existed in the previous month. These AFDC recipients will be required to submit monthly reports of household circumstances including verification of income to the local Office of Family Security.

The monthly reports shall be received in the local Office of Family Security no later than the third of each month. Failure to submit a *completed* report, including verification, by the third of each month may result in suspension or closure of the case.

George A. Fischer
Secretary

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:453 B) to delete from the Title XIX Medical Assistance Program effective October 30, 1981, the following list of drugs. Identical products made by manufacturers not shown on the list are also excluded from payment.

DESI DRUG PRODUCTS AND KNOWN RELATED DRUG PRODUCTS THAT LACK SUBSTANTIAL
EVIDENCE OF EFFECTIVENESS AND ARE SUBJECT TO A NOTICE OF OPPORTUNITY FOR HEARING
SEPTEMBER 25, 1981

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Adrenosem Salicylate	Carbazochrome Salicylate	Tab/Oral Sol/IM	Beecham Labs	
Alevaire	Tyloxapol	Sol/Inh	Breon Winthrop	
Amesec	Aminophylline Amobarbital Ephedrine Hydrochloride	ECT/Oral Cap/Oral	Lilly	
Aminophylline & Amytal	Aminophylline Amobarbital	Cap/Oral	Lilly	
Amphocortin	Calcium Amphomycin Hydrocortisone Acetate Neomycin Sulfate	Crm/Top	Warner-Lambert Co./ Warner-Chilcott	
Ananase	Bromelains	ETC/Oral	Rorer	
Antora-B.T.D	Pentaerythritol Tetranitrate Secobarbital	Cap/Oral	Mayrand	
Aridin	Nylidrin Hydrochloride	Tab/Oral	USV	
Avazyme	Chymotrypsin	ECT/Oral	Wallace	
Azo Gantanol	Phenazopyridine Hydrochloride Sulfamethoxazole	Tab/Oral	Roche	
Bentyl/Phenobarbital	Dicyclomine Hydrochloride Phenobarbital	Cap/Oral Tab/Oral	Merrell Dow Pharmaceuticals	NOOH does not apply to syrup
Betadine Vaginal Gel	Povidone-Iodine	Gel/Vag	Purdue Frederick	
Brophed	Ephedrine Sulfate Hydroxyzine Hydrochloride Theophylline	Tab/Oral	Cord	
Butazolidin Alka	Aluminum Hydroxide Magnesium Trisilicate Phenylbutazone	Tab/Oral	Geigy	
Cantil w/Phenobarbital	Mepenzolate Bromide Phenobarbital	Tab/Oral	Merrell Dow Pharmaceuticals	
Caldecort	Calcium Undecylenate Hydrocortisone Acetate	Ont/Top	Pennwalt	
Caldecort	Calcium Undecylenate Hydrocortisone Acetate Neomycin Sulfate	Ont/Top	Pennwalt	
Carbrital	Carbromal Sodium Pentobarbital	Cap/Oral Elx/Oral	Warner-Lambert Co./ Parke-Davis	
Cartraz	Hydroxyzine Hydrochloride Pentaerythritol Tetranitrate	Tab/Oral	Roerig	
Celestone w/ Neomycin	Betamethasone Neomycin Sulfate	Crm/Top	Schering	
Cetacaine	Benzocaine Tetracaine Hydrochloride	AER/Top Ont/Top Gel/Top Liq/Top	Cetyllite	
Chymoral	Chymotrypsin Trypsin	ECT/Oral	Armour Pharm	
Combid	Isopropamide Iodide Prochlorperazine Maleate	SRC/Oral	SKF	
Car-Tar-Quin	Coal Tar Solution Dihydroxyquin Hydrocortisone	Crm/Top Lot/Top	Dome	
Cordran-N	Flurandrenolide Neomycin Sulfate	Ont/Top Crm/Top Lot/Top	Lilly	
Corovas	Pentaerythritol Tetranitrate Secobarbital	SRC/Oral	Amfre-Grant	

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Cortisporin	Gramicidin Hydrocortisone Neomycin Sulfate Polymyxin B Sulfate	Crm/Top	Burroughs-Wellcome	
Cortomeyn	Hydrocortisone Neomycin Sulfate	Ont/Top	Bryant Pharmaceutical	
Cyclandelate	Cyclandelate	Tab/Oral	Cord Premo	
Cyclospasmol	Cyclandelate	Cap/Oral Tab/Oral	Ives	
Dainite	Aminophylline Benzocaine Dried Aluminum Hydroxide Gel Ephedrine Hydrochloride Phenobarbital	Tab/Oral	Wallace	
Dainite-KI	Aminophylline Benzocaine Dried Aluminum Hydroxide Gel Ephedrine Hydrochloride Phenobarbital Potassium Iodide	Tab/Oral	Wallace	
Daricon PB	Oxyphenycyclimine Hydrochloride Phenobarbital	Tab/Oral	Beecham Labs	
Deaner	Deanol Acetamidobenzoate	Tab/Oral	Riker	
Deprol	Benactyzine Hydrochloride Meprobamate	Tab/Oral	Wallace	
DI-Ademil-K	Hydroflumethiazide Potassium Chloride	Tab/Oral	Squibb	
Dibenzyline	Phenoxybenzamine Hydrochloride	Cap/Oral	SKF	
Diutensen	Methyclothiazide Cryptenamine Tannates	Tab/Oral	Wallace	
Donnatal Extentabs	Atropine Sulfate Hyoscine Hydrobromide Hyoscyamine Sulfate Phenobarbital	SRT/Oral	Robins	NOOH applies only to controlled release product
Equmgestic	Aspirin Meprobamate Ethoheptazine Citrate	Tab/Oral	Wyeth	
Equanitate	Meprobamate Pentaerythritol Tetranitrate	Tab/Oral	Wyeth	
Erythrocin	Erythromycin	Ont/Top	Abbott	
Erythromycin	Erythromycin	Ont/Top	Upjohn	
Florinef	Fludrocortisone Acetate Gramicidin Neomycin Sulfate	Lot/Top	Squibb	
Hydrocortisone-Neomycin	Hydrocortisone Acetate Neomycin Sulfate	Crm/Top	Byk-Gulden	
Hydromet	Hydrocortisone Neomycin Sulfate	Lot/Top	Merek Sharp & Dohme	
Ilotycin No. 90	Erythromycin	Ont/Top	Lilly	
Iodochlorhydroxyquin w/ Hydrocortisone	Hydrocortisone Iodochlorhydroxyquin	Crm/Top	Byk-Gulden	
Isordil w/Phenobarbital	Isosorbide Dinitrate Phenobarbital	Tab/Oral	Ives	
Isoxsuprine HCL	Isoxsuprine Hydrochloride	Tab/Oral	Cord Premo	
Librax	Chlordiazepoxide Hydrochloride Clidinium Bromide	Cap/Oral	Roche	

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Lufyllin-EPG	Dyphlline Ephedrine Hydrochloride Guaifenesin Phenobarbital	Tab/Oral Elx/Oral	Wallace	
Luftodil	Ephedrine Hydrochloride Guaifenesin Phenobarbital Theophylline	Tab/Oral	Wallace	
Kenalog-8	Gramicidin Neomycin Sulfate Triamcinolone Acetonide	Ont/Top Crm/Top Lot/Top	Squibb	
Marax	Theophylline Ephedrine Sulfate Hydroxyzine Hydrochloride	Tab/Oral Syr/Oral	Roerig	
Mepergan Fortis	Meperidine Hydrochloride Promethazine Hydrochloride	Cap/Oral	Wyeth	
Meti-Derm w/Neomycin	Neomycin Sulfate Prednisolone	Ont/Top Aer/Top	Schering	
Midrin	Acetaminophen Dichloralphenazone Isometheptene	Cap/Oral	Reed & Carnrick	
Migral	Caffeine Cyclizine Hydrochloride Ergotamine Tartrate	Tab/Oral	Burroughs Wellcome	
Milpath	Meprobamate Tridihexethyl Chloride	Tab/Oral	Wallace	
Miltrate	Meprobamate Pentaerythritol Tetrantrate	Tab/Oral	Wallace	
Mycotriacet	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Ont/Top	Premo	
Mycolog	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Ont/Top Crm/Top	Squibb	
Myconef	Fludrocortisone Acetate Gramicidin Neomycin Sulfate Nystatin	Ont/Top	Squibb	
Naturetin w/K	Bendroflumethiazide Potassium Chloride	Tab/Oral	Squibb	
Neo-Aristocort	Neomycin Sulfate Triamcinolone Acetonide	Crm/Top Ont/Top	Lederle	
Neo-Aristoderm	Neomycin Sulfate Triamcinolone Acetonide	Aer/Top	Lederle	
Neo-Cort-Dome	Hydrocortisone Neomycin Sulfate	Lot/Top Crm/Top	Dome	
Neo-Cortef	Hydrocortisone Acetate Neomycin Sulfate	Ont/Top Lot/Top Crm/Top	Upjohn	
Neo-Decadron	Dexamethasone Sodium Neomycin Sulfate	Crm/Top	Merck Sharp & Dohme	
Neo-Decaspray	Dexamethasone Neomycin Sulfate	Aer/Top	Merck Sharp & Dohme	
Neo-Delta-Cortef	Neomycin Sulfate Prednisolone Acetate	Ont/Top Lot/Top	Upjohn	
Neo-Diloderm	Dichlorisone Neomycin Sulfate	Crm/Top	Schering	
Neo-Domeform-HC	Hydrocortisone Iodochlorhydroxyquin Neomycin Sulfate	Crm/Top	Dome	

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Neo-Hydrasol	Neomycin Sulfate Prednisolone Sodium Phosphate	Lot/Top Ont/Top	Merck Sharp & Dohme	
Neo-Hytone	Hydrocortisone Neomycin Sulfate	Crm/Top	Dermik Labs	
Neo-Magnacort	Hydrocortamate Hydrochloride Neomycin Sulfate	Ont/Top	Pfizer	
Neo-Medrol Acetate	Methylprednisolone Acetate Neomycin Sulfate	Crm/Top	Upjohn	
Neo-Nysta-Cort	Hydrocortisone Neomycin Sulfate Nystatin	Ont/Top	Dome	
Neo-Oxylone	Fluorometholone Neomycin Sulfate	Ont/Top	Upjohn	
Neo-Resulin-F	Hydrocortisone Neomycin Sulfate Resorcinol Monoacetate Sulfur	Crm/Top	Schleiffelin	
Neo-Synalar	Fluocinolone Acetonide Neomycin Sulfate	Crm/Top	Syntex	
Neo-Tarcortin	Coal Tar Extract Hydrocortisone Neomycin Sulfate	Ont/Top	Reed & Carnrick	
NeoDecadron	Dexamethasone Sodium Phosphate Neomycin Sulfate	Crm/Top	Merck Sharp & Dohme	
Neomycin Sulfate- Hydrocortamate Hydrochloride	Hydrocortamate Hydrochloride Neomycin Sulfate	Ont/Top	Ulmer Pharnacal	
Neomycin Sulfate- Hydrocortisone	Hydrocortisone Neomycin Sulfate	Ont/Top	Kasco-Efco Labs Byk-Gluden Premo Doak Pharnacal Ferndale Labs Clay-Park Labs	
Neomycin Sulfate- Hydrocortisone Acetate	Hydrocortisone Acetate Neomycin Sulfate	Ont/Top	American Pharmaceutical Biocraft Labs Ambix Labs	
Neosporin	Neomycin Sulfate Polymyxin B Sulfate	Lot/Top	Burroughs-Wallcome	
Neosporin-G	Gramicidin Neomycin Sulfate Polymyxin B Sulfate	Crm/Top	Burroughs-Wallcome	
Nycin-HC	Hydrocortisone Neomycin Sulfate	Ont/Top	Schlicksup Drug	
Nylidrin HCL	Nylidrin Hydrochloride	Tab/Oral	Cord	
Nysta-Cort	Hydrocortisone Nystatin	Lot/Top	Dome	
Nystaform-HC	Hydrocortisone Iodochlorhydroxyquin Nystatin	Ont/Top Lot/Top	Dome	
Nystatin-Neomycin Sulfate-Gramicidin- Triamcinolone Acetonide	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Crm/Top	Premo Byk-Gluden	
Nystatin-Neomycin Sulfate-Gramicidin- Triamcinolone Acetonide	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Ont/Top	Byk-Gluden Clay-Park	
Onycho-Phytex	Alcohol Boric Acid Salicylic Acid Tannic Acid	Sol/Top	Unimed	
Orenzyme	Trypsin Chymotrypsin	ECT/Oral	Merrell Dow Pharmaceuticals	
Oxaine M	Aluminum Hydroxide Gel Magnesium Hydroxide Oxethazaine	Sus/Oral	Wyeth	

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Papase	Proteolytic Enzymes from Carica Papaya	Chewable Tab/ Oral or Bucc	Warner-Lambert Co./Parke-Davis	
Pathibamate	Meprobamate Tridihexethyl Chloride	Tab/Oral	Lederle	
Pathlon Sequels	Tridihexethyl Chloride	SRC/Oral	Lederle	NOOH does not apply to conventional dosage forms of Pathlon
Pathlon/Phenobarbital	Phenobarbital Tridihexethyl Chloride	Tab/oral SRC/Oral	Lederle	
Peritrate w/ Phenobarbital	Phenobarbital Pentaerythritol Tetranitrate	SRT/Oral Tab/Oral	Warner-Lambert Co./Parke-Davis	
Pentylentetrazol containing products				
Aminobrain-PT			Pan Americana	
Cenalene			Central	
Cenalene-M			Central	
D-Vasco			Dunhall	
Gevizol			Saron	
Halizol			Halsom	
Metrazol			Knoll	
Mivert			Misemer	
Nialene			Winston	
Nialex			Mallard	
Nico-Metrazol			Knoll	
Nicozol			Hyrex-K	
Nioric			B.F. Asher	
Pansol Forte			Pan American	
Panalate			Mayrand	
Pentylentetrazol			Chromalloy	
Pentylentetrazol & Niacin			Chromalloy	
Ru-Vert			Rucker	
Seniflex			O'Neal	
Senilezol			Edwards	
Su-Ton Liquid			Rucker	
Su-Zol Liquid			Rucker	
T-Lex			Thera-Medic	
Tenaplex			Blaine	
Treia			O'Neal	
Vasotim			Dunhall	
Vertab			UAD	
Vita-Metrazol			Knoll	
Vital			Daniels	
Potaba	Aminobenzoate Potassium	Tab/Oral Cap/Oral Pwr/Oral	Glenwood	
Priscoline	Tolazoline Hydrochloride	Sol/IM-IV-SC	Ciba	
Pro-Banthine/ Phenobarbital	Phenobarbital Propantheline Bromide	Tab/Oral	Searle	
Propazine	Isopropamide Iodide Prochlorperazine	Cap/Oral	Cord	
Propion Gel	Propionate Calcium Propionate Sodium	Gel/Vag	Wyeth	
Quadrinal	Ephedrine Hydrochloride Phenobarbital Potassium Iodide Theophylline Calcium Salicylate	Tab/Oral	Knoll	
Quibron Plus	Butabarbital Ephedrine Hydrochloride Guaifenesin Theophylline	Cap/Oral Elx/Oral	Mead Johnson	
Racet	Hydrocortisone Iodochlorhydroxyquin	Crm/Top	Lemmon Parmacal	
Rautrax	Plumethiazide Potassium Chloride Rauwolfia Serpentina	Tab/Oral	Squibb	

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Rautrax Improved	Hydroflumethiazide Potassium Chloride Rauwolfia Serpentina	Tab/Oral	Squibb	
Rautrax-N	Bendroflumethiazide Potassium Chloride Rauwolfia Serpentina	Tab/Oral	Squibb	
Rautrax-N Modified	Bendroflumethiazide Potassium Chloride Rauwolfia Serpentina	Tab/Oral	Squibb	
Roniacol	Nicotinyl Alcohol Tartrate	Tab/Oral SRT/Oral	Roche	
	Nicotinyl Alcohol	Elx/Oral		
Ruhexatal Pb	Mannitol Hexanitrate Phenobarbital	Tab/Oral	Lemmon	
Ruhexatal & Reserpine	Mannitol Hexanitrate Reserpine	Tab/Oral	Lemmon	
Sterazolidin	Dried Aluminum Hydroxide Gel Magnesium Trisilicate Phenylbutazone Prednisone	Cap/Oral	Geigy	
Supertah H-C	Coal Tar Hydrocortisone	Ont/Top	Purdue Frederick	
Synalgos	Aspirin Caffeine Promethazine Hydrochloride	Cap/Oral	Ives	
Synalgos DC	Aspirin Caffeine Dihydrocodeine Bitartrate Promethazine Hydrochloride	Cap/Oral	Ives	
T.C.M.	Meprobamate Tridihexethylchloride	Tab/Oral	Zenith	
Terra-Cortril	Hydrocortisone Oxytetracycline Hydrochloride	Ont/Top	Pfizer	
Terra-Cortril	Hydrocortisone Oxytetracycline Hydrochloride Polymyxin B Sulfate	Aer/Top	Pfizer	
Tigan	Trimethobenzamide Hydrochloride	Cap/Oral Supp/Rectal	Beecham	NOOH does not apply to capsules in 200 mg or 400 mg strengths
Tri-Statil	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Crm/Top	Clay-Park	
Trocinata	Thiphenamil Hydrochloride	Tab/Oral	Poythress	
Valpin PB	Anisotropine Methylbromide Phenobarbital	Tab/Oral	Endo	
Vasocor-A	Antazoline phosphate Naphazoline Hydrochloride	Sol/Oph	Cooper	
Vasodilan	Isoxsuprine Hydrochloride	Tab/Oral Sol/IM	Mead Johnson	
Vioform-Hydrocortisone	Hydrocortisone Iodochlorhydroxyquin	Crm/Top Ont/Top	Ciba	
Vytone	Dilodohydroxyquin Hydrocortisone	Crm/Top	Dermik Labs	

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Wyanoids HC	Belladonna Extract Bismuth Subcarbonate Bismuth Oxyiodide Boric Acid Ephedrine Sulfate Hydrocortisone Acetate Peruvian Balsam Zinc Oxide	Sup/Rtl	Wyeth	
Zactane	Ethoheptazine Citrate	Tab/Oral	Wyeth	
Zactirin	Aspirin Ethoheptazine Citrate	Tab/Oral	Wyeth	
Zactrin Compound 100	Aspirin Caffeine Ethoheptazine Phenacetin	Tab/Oral	Wyeth	
Ze-Tar-Quin	Coal Tar Dilodihydroxyquin Hydrocortisone	Crm/Top	Dermik Labs	
Zetone	Coal Tar Hydrocortisone	Crm/Top	Dermik Labs	

ABBREVIATIONS

Dosage Forms

Aer	Aerosol
Cap	Capsule
Crm	Cream
Dps	Drops
ECT	Enteric coated tablets
Elx	Elixir
Liq	Liquid
Lot	Lotion
Ont	Ointment
Pwr	Powder
Pwr Recon	Powder for reconstitution
SRC	Sustained release capsule
SRT	Sustained release tablet
Sol	Solution
Sup	Suppositories
Sus	Suspension
Syr	Syrup
Tab	Tablet

Routes of Administration

Bucc	Buccal
IM	Intramuscular
IV	Intravenous
Inh	Inhalation
Oph	Ophthalmic
Rtl	Rectal
SC	Subcutaneous
Top	Topical
Vag	Vaginal

This action is necessary in order to comply with a rule and general notice published in the Federal Register on October 1, 1981 (46 FR 48550) and October 23, 1981 (46 FR 51646) respectively. These regulations were to implement Section 2103 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) which prohibits the use of federal funds, therefore discontinuing reimbursement, under Medicare Part B and Medicaid for expenses incurred on or after October 1, 1981, for the drugs identified in Section 2103. Although both the rule and general notice cited above purport to grant a 90 day grace period extending to January 1, 1982, this grace period was declared invalid in a civil lawsuit entitled National Council of Senior Citizens v. Schweiker (civ. Action No. 81-2462) United States District Court for the District of Columbia. In that suit the Department of Health and Human Resources was ordered to implement Section 2103 of the Act effective October 30, 1981. The Department of Health and Human Resources received notice of this action via telegram on October 29, 1981.

George A. Fischer
Secretary

Rules

RULES

Department of Agriculture Advisory Commission on Pesticides

The Commissioner of Agriculture, pursuant to the authority contained in LSA 3:1623 A and upon the advice and recommendation of the Advisory Commission on Pesticides and in accordance with Notice of Intent published on September 20, 1981 has adopted the following rules and regulations after due consideration at a public hearing conducted on October 21, 1981, by the Advisory Commission on Pesticides:

Rules and Regulations on Certification and Recertification of Pesticide Sales Supervisors

1. Definitions

a. "Commissioner" means the commissioner of agriculture or his duly authorized representative acting at his direction.

b. "Commercial Applicator" means an individual, whether or not he is a private applicator with respect to some uses, who uses or supervises use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided by the definition of private applicator.

c. "Pesticide Sales Supervisor" means any individual who is certified to supervise the sale of any pesticides with restricted uses.

d. "Private Applicator" means an individual who uses or supervises the use of any pesticide which is classified for restricted use for the purposes of producing any agricultural commodity on property owned or rented by him or his employer or if applied without compensation on the property of another person. "Producing an agricultural commodity" shall include related aspects of production such as storage or transportation of an agricultural commodity produced by the private applicator.

e. "Pesticide(s) with restricted uses" means a pesticide(s) that is classified for restricted use by the administrator of the Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (86 Stat 973, 987, 997), or the commissioner under Section 1623 D of Title 3 of the Revised Statutes of 1950.

2. General Regulations

a. Pesticide Sales Supervisors shall be certified by passing a written examination measuring his competence in the use and handling of pesticides against established standards as set forth by the commissioner. This certification shall be valid for one year unless revoked, suspended, or cancelled by the commissioner, and shall be renewable each year by application and payment of certification fee. This certification shall be on a calendar year basis beginning on January 1 and expiring on December 31.

b. Certified Pesticide Sales Supervisors shall be required to attend a training session once every three years to remain eligible for recertification. Training sessions and examinations shall include use, handling, labeling, safety, effects on the environment, laws and regulations on pesticides.

c. Any individual holding a valid commercial applicator certification may qualify as a pesticide sales supervisor and not be required to meet the requirements of a certified pesticide sales supervisor.

d. Certification or recertification of a Pesticide Sales Supervisor received prior to October 21, 1981, shall be valid until December 31, 1982.

Bob Odom
Commissioner

RULE

Department of Civil Service Board of Ethics for Elected Officials Election Campaign Finance Disclosure Act

The Board of Ethics for Elected Officials, in the Department of State Civil Service, as the Supervisory Committee for the Election Campaign Finance Disclosure Act adopts the following:

CHAPTER 9

Supplemental Rules of the Board as Supervisory Committee of the Louisiana Campaign Finance Disclosure Act

Section 1

9.1 The rules set forth in this Chapter shall apply to the Board whenever the Board is in session as the Supervisory Committee of the Louisiana Campaign Finance Disclosure Act.

9.2 Except as hereinafter provided, the rules set forth in Chapters 1 through 8 hereof shall apply unless by their particular terms they are limited in application to the Code of Governmental Ethics; and, where there is a conflict between the rules set out in Chapters 1 through 8 hereof, and the rules set out in Chapter 9 hereafter, the latter rules shall control when the Board is in session as the Supervisory Committee for the Louisiana Campaign Finance Disclosure Act.

Section 2

Organization, Rules, Procedures and Powers of the Supervisory Committee

9.2.10 Those rules set out in Chapter 2, Section 2.1 through 2.10 hereof, shall apply.

9.2.11 Public Inspection.

(a) The Board shall make available for public inspection:

All rules and all other written statements of policy or interpretations formulated, adopted, or used by it in the discharge of its functions.

(b) Each complaint received by the Supervisory Committee, each review by the Committee of the reports for compliance with the provisions of the Campaign Finance Disclosure Act, and all information forwarded to or gathered by the Supervisory Committee with regard to such complaints or reviews and all investigations and proceedings of the Supervisory Committee with regard to the same shall be kept strictly confidential until at least such time that action with which the Supervisory Committee or the District Attorney has proceeded has become a public record, the prescriptive period has elapsed or the matter is otherwise finally disposed of.

(c) In no event shall such records, evidence, testimony, notes or other data become public record unless and until civil or criminal charges have been instituted in accordance with the Louisiana Campaign Finance Disclosure Act.

(d) Nevertheless, the Board may issue statistical information concerning complaints, reviews, or alleged violations, referrals to District Attorneys, and similar matters; and may reveal to the public that a review or investigation was made or a complaint received with regard to a person or political committee and that, upon investigation, no substantial reason was found to believe that a violation of the Campaign Finance Disclosure Act had occurred.

Section 3

Duties of the Executive Secretary

9.3.1 Duties of the Executive Secretary — The Executive Secretary shall have all of those duties enumerated in Section 3.1 of Chapter 3 of these rules, with those additional duties to be set out hereinafter.

9.3.2 Oaths and affirmations — The Executive Secretary shall have power to administer oaths in matters related to the business of the Board and during the course of such hearings on investigations as the Board may conduct pursuant to the provisions of the Louisiana Campaign Finance Disclosure Act.

9.3.3 In addition to the duties of the Executive Secretary as set out in Section 3.1 of Chapter 3 hereof, the Secretary shall have the following duties:

(a) To receive all reports filed by Political Committees and Political candidates pursuant to the provisions of the Campaign Finance Disclosure Act.

(b) To receive all complaints filed pursuant to the provisions of the Election Campaign Finance Disclosure Act.

(c) The Executive Secretary may, after establishing procedures for the receipt of reports and complaints, delegate that responsibility to the staff.

(d) To receive all requests for opinions and to forward copies of same to each Board member and to the Attorney for the Board.

9.3.4 The Executive Secretary shall, at the close of each date upon which Financial Disclosure Reports are due, or as soon thereafter as may be practicable, make a determination of the names of those candidates and political committees required to file such report but failed to do so, and shall make a reasonable effort to contact each such candidate or political committee between midnight of the day the report was due and midnight of the third day following such due date and remind them of the necessity of filing said reports.

If a report required to be filed by the Campaign Finance Disclosure Act is not filed by 11 a.m. of the fourth day following the date upon which the report was due, the Executive Secretary shall immediately institute legal proceedings in the appropriate court pursuant to the provisions of Sections 1505.4, 1505.5, and 1511.5 of the Campaign Finance Disclosure Act.

9.3.5 Within five days of the receipt of a Campaign Finance Disclosure report the Executive Secretary shall examine each such

report, and upon discovering significant omissions, shall contact the candidate or political committee filing such report and request an amendment thereto. When a requested amendment has not been received by the Executive Secretary within five days after such request, the Executive Secretary shall immediately institute enforcement proceedings in the appropriate court.

9.3.6 The Executive Secretary may delegate responsibilities to the staff.

Section 4

General Counsel

9.4.1 The provisions of Rules 4.1 and 4.2 of Chapter 4 of these rules shall apply; however, the Board, as Supervisory Committee of the Campaign Finance Disclosure Act, may retain private counsel to perform the duties described in Rules 4.1 and 4.2 of Chapter 4, with regard to the Board's responsibilities as Supervisory Committee of the Louisiana Campaign Finance Disclosure Act.

Section 5

Complaints

9.5.1 Rules 5.1, 5.2, 5.3, and 5.4 of Chapter 5 of these Rules shall not apply when the Board is in session as, or in otherwise acting as Supervisory Committee of the Louisiana Campaign Finance Disclosure Act.

9.5.2 Any person may file a written complaint with the Board as Supervisory Committee. The complaint shall be signed under oath by the person filing it. Such person must be willing to appear before the Board in a hearing to testify in support of his complaint.

9.5.3 Each complaint must be filed with the Executive Secretary who shall formulate a procedure to insure the secretary of each complaint filed.

9.5.4 The Executive Secretary shall cause the delivery of a copy of each complaint to each member of the Board, and to the attorney for the Board, in such a manner as to insure the confidentiality of each complaint.

9.5.5 At its next regularly scheduled meeting, or at a meeting especially called, the Board, as Supervisory Committee, shall consider such complaint in Executive session and shall determine the appropriate action to be taken with regard to such complaint.

9.5.6 At each meeting of the Board next following a date upon which Campaign Finance Disclosure reports are due, the Executive Secretary shall report to the Board the names of those candidates and political committees who should have filed finance disclosure reports, but who failed to do so. The Secretary shall report to the Board the actions taken by the Executive Secretary in connection with those candidates and political committees. The Board may determine what additional action, if any is to be taken. This information shall be presented to the Board in Executive Session, closed to the public, and the Board's determination of any action to be taken thereupon shall also be made in Executive Session closed to the public.

9.5.7 Within 30 days following the date upon which Campaign Finance reports are due in connection with any election, the Executive Secretary shall report to the Board the names of those political candidates and political committees whose reports failed to contain all the required information, contained omissions, or which is in any other respect questionable. The Board may determine what, if any, action should be taken. This presentation by the Executive Secretary to the Board and the Board's determination shall be made in Executive Session closed to the public. This rule should not bar the Supervisory Committee from commencing action against any person or political committee for violation of the Act where the violation is discovered or reported more than 30 days following the date upon which the report was discovered or filed. The Board may, at any time, require the Executive Secretary

to provide the Board any information the Board may desire concerning the status of reports, the contents of reports, the status of any enforcement actions taken by the Executive Secretary, the results of any examinations of disclosure reports, or any other information relative to the enforcement of the Act; and, the Board may, at any time, instruct the Executive Secretary to perform any actions in connection with the collection, or correction of reports and with regard to the institution or cessation of any enforcement procedures.

Section 6 Hearings

9.6.1 Private and public hearings shall be conducted pursuant to the procedure set forth in Chapter 6 of these Rules.

9.6.2 All hearings concerning complaints of violations of the Campaign Finance Disclosure Act, and all hearings concerning possible or alleged violations of the Disclosure Act shall be private hearings.

9.6.3 At all private hearings the political candidate and/or political committee under investigation shall have a right to representation by an attorney at law and shall have a right to compulsory process.

9.6.4 The Executive Secretary shall, upon receipt of a request by a political candidate or political committee who is the subject of an investigation by the Board, issue such subpoenas and subpoenas duces tecum as may be requested by such political candidate or political committee.

Section 7 Discovery

9.7.1 Discovery procedures for hearings conducted by the Board shall be as follows:

Any political candidate or political committee who is the subject of a hearing relative to an investigation of a complaint involving a violation of the statute or relative to information discovered by the Board through its inspection of its records, shall be entitled to:

(a) A copy of any complaint filed against such political candidate or political committee;

(b) Any reports filed with the Board pursuant to the Campaign Finance Disclosure Act.

9.7.2 The political candidate or political committee involved in such private hearing shall have a right to take depositions on oral examination and pursuant to the provisions of applicable Code of Civil Procedure articles, to the extent practicable, and of any witnesses whose testimony may be relevant to the inquiry.

Section 8 Records and Reports

9.8.1 Custodian — The Executive Secretary shall be the Custodian of all records, reports and files of the Board.

9.8.2 The Executive Secretary shall establish a procedure for the dating, numbering, and filing of all Campaign Finance Disclosure reports received by the Board as Supervisory Committee. The Executive Secretary shall establish a procedure for the filing of such reports and shall establish to make said reports immediately available to the public.

9.8.3 The Executive Secretary shall establish a procedure for providing for copies of Campaign Finance Disclosure reports to the general public upon request and shall establish the fee to be charged for said copies and the collection thereof, such fee to reflect only the actual cost of duplication.

9.8.4 The provisions of Chapter 8 of these Rules shall not apply to the Board when the Board is acting as the Supervisory Committee of the Campaign Finance Disclosure Act, nor shall those provisions apply to the executive secretary of the Board

when he is acting as executive secretary of the Board as Supervisory Committee of the Campaign Finance Disclosure Act.

Section 9 Advisory Opinions

9.9.1 Upon the requests of any public official, any candidate for public office, any political committee, or upon its own initiative, the Board may render an advisory opinion to qualify a provision of the Campaign Finance Disclosure Act, define a term used in the Act, or apply a general provision of the Act to specific circumstances (R.S. 18:1511.2(B)). A request for an advisory opinion must be made in writing to the Executive Secretary.

9.9.2 Upon receipt by the Executive Secretary of a request for an advisory opinion, the Executive Secretary shall issue copies of said request to each member of the Board, and to the attorney for the Board. The Executive Secretary shall place said request upon the agenda for the next regularly scheduled meeting of the Board.

9.9.3 The Supervisory Committee may render an advisory opinion upon the vote of a majority of the committee members present, or may, by the same vote, elect to pretermitt the question to a subsequent meeting.

9.9.4 Advisory opinions shall be promulgated in the manner provided for the promulgation of opinions of the Board of Ethics.

9.9.5 Where the Executive Secretary, upon receipt of a request for an advisory opinion, determines that said opinion should be delivered prior to the next regularly scheduled meeting of the Board, the Executive Secretary may, after consultation with one member of the Board and with the attorney for the Board, issue an advisory opinion in writing. Such opinion issued by the Executive Secretary may be relied upon with impunity until such time as the Board adopts a contrary or qualifying opinion.

9.9.6 Requests for advisory opinions must be in writing and must contain the current name and address of the person or committee requesting the opinion. Requests for opinions must be delivered to the Executive Secretary.

R. Gray Sexton
Executive Secretary

REPORT OF RECEIPTS AND DISBURSEMENTS
FOR A CANDIDATE TO AN ELECTIVE OFFICE

NO.

1. Name of Candidate _____

2. Residence (Street & No., Suite, Apt., City, State and Zip Code) _____

3. Mailing Address, City, State, & Zip (Check if address different than previously reported _____)

4. TYPE OF REPORT:

___ 180th day prior to primary	___ 10th day prior to general	___ Annual Report
___ 90th day prior to primary	___ 40th day after general	(January 15)
___ 30th day prior to primary		___ Supplemental/Deficit
___ 10th day prior to primary	___ Amended Report	(July 10)

5 OFFICE SOUGHT: _____ PARISH AND/OR DISTRICT _____

6. NAME AND MAILING ADDRESS OF CAMPAIGN TREASURER AND DEPUTY

Campaign Treasurer _____

Deputy Campaign Treasurer _____

7. SUBSIDIARY COMMITTEES: (Reports of Subsidiary Committees should be consolidated with this report).

Name of Committee

Mailing Address

8. BANKS, DEPOSITORIES OR SAFETY DEPOSIT BOXES USED FOR CANDIDATE'S FUNDS:

Name of Depository _____

Mailing Address: _____

9. WE CERTIFY that the information contained in this report and attached schedules is true and correct to the best of our knowledge, information and belief, and that no expenditures have been made, and no contributions in excess of the reporting amount have been received that have not been reported herein, and that no information requested by the Act has been deliberately omitted.

Dated at _____ this _____ day of _____, 19____.
(City and State)

Candidate's Signature

Telephone Number

Campaign Treasurer's Signature

Telephone Number

Name of Official Preparing this Report

Telephone Number

10. This report covers the period from _____ to _____
month/day/year month/day/year

The original of this report should be mailed or delivered to:

Reporting Officials
Board of Ethics for Elected Officials
7434 Perkins Road - Suite B
Baton Rouge, Louisiana 70808

(Please retain a copy of this report for your records).