



State of Louisiana
DIVISION OF ADMINISTRATION
DEPARTMENT OF THE STATE REGISTER

DAVID C. TREEN
GOVERNOR

MAI ABINGTON
DIRECTOR

E. L. HENRY
COMMISSIONER
OF ADMINISTRATION

January 20, 1984

Dear Subscriber:

We will be moving to the 5th floor of the Capitol Annex at 900 Riverside the week of January 23. Our mailing address will remain the same (P.O. Box 44095, Baton Rouge, Louisiana 70804) as will our central phone. (504) 342-5015.

We are looking forward to seeing you in our new quarters.

Sincerely,

A handwritten signature in cursive script that reads "Mai Abington".

Mai Abington
Director

MA/ks

CONTENTS

I. EXECUTIVE ORDERS

DCT 83-27—Extend report date for Task Force on Environmental Health	1+
DCT 83-28—Amend and supplement DCT 83-26, budget reductions	1+
DCT 83-29—Commuting fee for users of state vehicles	1+
DCT 83-30—Concerning Department of Environmental Quality and merger of Departments of Corrections and Public Safety	2+

II. EMERGENCY RULES

Education Department: Board of Elementary and Secondary Education—Computer Science as an elective course	3
Health and Human Resources Department: Office of Family Security—Transportation service for applicants of Title XIX, Medical Assistance	3+
Treasury Department: Bond Commission—Louisiana preference in non-traditional bond financing	4

III. RULES

Commerce Department: Office of Financial Institutions—Agreement corporations	4
Corrections Department: Office of the Secretary—Amend Regulation 30-14	4
Education Department: Board of Elementary and Secondary Education—Special Education; employee resignation, Vo-Tech and Special Schools; teacher certificates; change title of guidance counselor; high school credit for college vo-tech programs; authorized equipment	7
Natural Resources Department: Office of the Secretary—Applications for stay orders	7
Health and Human Resources Department: Office of Family Security—Earned income tax credits	7+
Limit reimbursement to non-profit providers of non-emergency transportation	8+
Payment for nursing home beds	8+
Prorated benefits for individuals added to existing certifications	8+
Reinstatement of Isosorbide Dinitrate	8+
Standard utility allowance for Food Stamps	9+
Office of Health Services and Environmental Quality—Staggered registration regulations	9+
Water vending machine regulations	10+
Office of the Secretary—Standards for registration of dieticians	11+
Revenue and Taxation Department: Tax Commission—Guidelines for value of property	14
Transportation and Development Department: Materials Laboratory—Sale of retail petroleum fuels	46
Treasury Department: Board of Trustees, State Employees Group Benefits Program—Exclude temporary appointment	46

IV. NOTICES OF INTENT

Agriculture Department: State Entomologist—Burrowing nematode	46
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Civil Service Department:	
Civil Service Commission—Military leave; leave of absence without pay; enforced annual leave; interruption of probationary period; extension of probationary period; compensation for overtime hours worked; state service	47
Commerce Department:	
Board of Examiners for Certified Shorthand Reporters—Fees	49
Licensing Board for Contractors—Annual license renewal fee	49
Office of Financial Institutions—Sale of thrift club membership	50
Corrections Department:	
Office of the Secretary—Amendments to Regulation 30-19	50
Education Department:	
Board of Elementary and Secondary Education—Certification for speech, language and hearing specialists; policies for dispersal of support services funds; Computer Science as an elective course	51
Governor's Office:	
Division of Administration—Louisiana Office of Women's Business Enterprise, rules and regulations	53
PPM No. 67, Policy on travel in state-owned aircraft	54
Health and Human Resources Department:	
Office of Family Security—Elimination of irregular transportation in	
GA program	57
Inclusion of specific persons in certification for GA	58
Limit of GA checks for recipients out-of-state	58
Medical Assistance Program provider fraud and abuse	59
Reporting lawfully admitted alien sponsor's income and resources in GA program	59
Transportation services for applicants of Title XIX	60
Natural Resources Department:	
Office of Conservation—Revision to Order 29-B concerning disposal of non-hazardous oilfield waste	61
Office of Environmental Affairs—Define "excessive concentration" in Section 17.14, stack heights	61
Treasury Department:	
Bond Commission—Louisiana preference in non-traditional bond financing	62

V. COMMITTEE REPORTS

Natural Resources Department:	
Legal Division, Coastal Management Program—Approval of amendments governing stay orders	63
Office of Environmental Affairs—Approval of construction grants priority list, 1984	63
Approval of emission standards for hazardous air pollutants	63
Approval of fee system of Air Quality Control Program	63
Office of Forestry—Approval of timber stumpage values	63
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Approval of oyster fisheries regulations	64

VII. POTPOURRI

Agriculture Department:	
State Entomologist—Sweet potato weevil quarantine	64
Governor's Office:	
State Planning Office—Official population projections listed	64
Natural Resources Department:	
Fishermen's Gear Compensation Fund—Claims	64
Treasury Department:	
Board of Trustees, State Employees Retirement System—Monthly meeting scheduled	67

Executive Orders

1983-84 Budget Reductions

	Amount	%
Executive	\$ 1,988,087	3.2%
Judiciary	172,573	1.6%
Agriculture	255,922	2.0%
Justice	138,692	2.0%
Insurance	73,699	4.0%
Elections	148,637	2.0%
Lt. Governor	12,804	*
State	495,523**	10.0%
Treasury	32,797	2.0%
Public Service		
Commission	26,764	1.0%
Commerce	298,623	2.5%
Culture, Recreation & Tourism	504,787	2.8%
DOTD	2,733,945	1.3%
Public Safety	1,308,591	1.7%
DHHR	7,788,750	1.04%
Corrections	-0-	-0-
Natural Resources	779,341	2.4%
Revenue	294,000	1.0%
Labor	75,349	5.8%
DUCA	303,497	7.6%
Civil Service	119,009	1.9%
Dept. of Education	1,693,824	1.02%
Minimum Foundation	9,799,843	1.0%
Other Education	430,113	1.9%
Higher Education	9,017,632	1.8%
Vo-Tech	558,312	1.0%
Parish Revenue		
Equalization	59,478	10.0%
Supp. Revenue		
Sharing	950,092	10.0%
Parish Transp. Fund	4,793,350	10.0%
Jury Commission	7,266	3.0%
TOTAL	\$44,861,300	

* Equates to 3% of budget plus amount approved by I.E.B.
 ** Includes \$240,000 in printing costs for Presidential Primary

NOTE: Tobacco Tax distribution to municipalities is not reduced.

EXECUTIVE ORDER NO. DCT 83-27

WHEREAS, it appears necessary that Executive Order No. 83-1 be amended to authorize additional time than that set forth in the original order for the Governor's Task Force on Environmental Health to complete its work and report to the Governor.

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 amend Executive Order No. 83-1 to extend the date on which a report is to be filed until February 15, 1984. In all other respects the Executive Order remains unchanged.

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 December, A.D., 1983.

David C. Treen
 Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-28

WHEREAS, Executive Order 83-26 was issued November 23, 1983, directing that budget reductions be effective December 16, 1983; and

WHEREAS, prior to the effective date of the reductions, the Legislature of Louisiana in Extraordinary Session has provided additional potential revenues to the state; and

WHEREAS, the additional revenues provided are not sufficient to eliminate the need for all budget reductions, the Legislature having indicated its desire to combine increasing revenues with continued, but lesser, reductions;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, pursuant to the authority granted me by the Constitution and laws of this state, including Section 10 of Act 14 of the 1983 Regular Session independently and as incorporated by Article IV, Section 5G (2) of the Louisiana Constitution, Article IV Section 5 (A) of the Louisiana Constitution and La. R.S. 39:55, it is hereby ordered that Executive Order 83-26 is hereby amended and supplemented insofar as inconsistent with this order and that budget reductions be effected in accordance with this order.

The Governor and the Commissioner of Administration, pursuant to Executive Order 83-26, have evaluated budget impact statements submitted by budget units; these statements having been considered, budget units are directed to make budget reductions in accordance with the schedule attached hereto. In implementing the reductions, budget units shall submit budget revisions for approval no later than January 10, 1984. Approval of the implementation of budget reductions and adjustments to the budget changes will be made not later than January 20, 1984.

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 December, A.D., 1983.

David C. Treen
 Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-29

WHEREAS, a number of state employees have been personally assigned state vehicles for use in carrying out their official functions and regularly use these vehicles for commuting to and from their residences; and

WHEREAS, the cost of operating state vehicles exceeds the amount attributable to official state business; and

WHEREAS, it is necessary and equitable to institute a policy by which the state will be reimbursed for the commuting mileage placed on state vehicles by state employees and the personal use of vehicles by State Police troopers assigned to field duties,

NOW, THEREFORE, I, DAVID C. TREEN, Governor of

the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby order and direct:

1. A monthly fee be imposed for all persons, except as provided in this order, who drive a state vehicle between their business domiciles and residences, ("commuting mileage,") on a regular basis. The fee shall be based on the monthly commuting mileage at a rate of \$.20 per mile, with a minimum fee of \$40 per month;

2. A monthly fee of \$25 be imposed for all state troopers assigned and performing primarily field duties and who make any personal use of their state vehicles (other than commuting); all other state troopers shall be regulated by paragraph 1, except that the maximum monthly fee shall be \$40.

3. Persons who do not report to an office on an average of more than twice a week, and can thereby document their status as field personnel or being assigned to multiple locations, are excluded from this fee;

4. The fee will be collected regardless of the state employee's official attendance for the month, unless the state vehicle was reassigned to another person who will pay the fee or split it proportionate to usage, or the vehicle is no longer used for commuting;

5. The fees shall be collected by all state agencies, including all state offices, departments, divisions, boards, commissions, councils, committees, state colleges or universities, and other entities of the executive branch of state government. Collection may be made by payroll deduction. Further instructions on collection and the approval process will be forthcoming from the Division of Administration;

6. The use of any state vehicle covered by this order shall constitute agreement by the employee to pay the fee as provided herein and to payment by payroll deduction;

7. The fee shall be effective for the month of February, 1984 and shall continue thereafter.

IN WITNESS WHEREOF, I have herewith set my hand officially and consent to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 22nd day of December, 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-30

Pursuant to the authority vested in and obligations imposed upon the Governor as chief executive officer of the State, the following findings are made:

1. Act 97 of the Regular Session of the Legislature of 1983 created the Department of Environmental Quality and merged the Departments of Public Safety and Corrections; and

2. Act 97 authorizes the appointment of certain positions effective December 1, 1983, and mandates full implementation of the Act as of February 1, 1984; and

3. The Governor of this state is mandated by Article IV, Section 5(a) of the Louisiana Constitution to see that the laws are faithfully executed; and

4. The legislature at its Second Extraordinary Session of 1983 purportedly approved an instrument entitled Senate Concurrent Resolution No. 3 (SCR No. 3) to suspend the effect of Act 97 but said subject matter was not within the proclamation issued by the Governor calling the legislature into extraordinary session; and

5. Suspension of laws is subject to the "same procedures and formalities required for enactment" except for veto and time limitation for introduction in accordance with Article III, Section 20

of the Louisiana Constitution; and

6. A suspension resolution must be specifically within the subject matter of the proclamation calling the legislature into extraordinary session since it is regulated by Article III, Section 20 and is clearly legislating rather than carrying out ministerial duties of the legislature; and

7. The following non-exclusive reasons indicate that SCR No. 3 was not within the scope of the proclamation:

(a) Item No. 18 within which proponents of SCR No. 3 urge that it was "specifically" included provides, "To legislate by appropriating funds for the expenses of state government."

(b) Nothing in Act 97 involves legislating "by appropriating funds" and nothing in SCR No. 3 involves legislating "by appropriating funds."

(c) The public was not reasonably put on notice by Item No. 18 that the legislature might reorganize the executive branch of government by the action purportedly taken in SCR No. 3.

(d) A common understanding of "appropriating funds" does not include reorganizing the executive branch of state government; the legal definition of "appropriation" in La. R.S. 39:2 provides, "authorization by the legislature to a budget unit to expend from public funds a sum of money for purposes designated."

(e) Act 97 is not an appropriation act. If it were it would violate Article III, Section 15(A) of the Constitution which provides only the general appropriation bill can have multiple objects; the single object of Act 97 was to reorganize state government, not the multiple objects of reorganizing and appropriating.

(f) SCR No. 3 would fail the constitutional test of *Henry v. Edwards*, 346 So. 2d 153 (La. 1977); "the legislature cannot through the appropriation process" circumvent the Governor's veto power over substantive legislation (like reorganization) by artfully drafting general law measures so that they appear to be true conditions or limitations on an item of appropriation." (346 So. 2d at 158); and

8. Purported legislative action of an extraordinary session when a matter is not "specifically" enumerated in the proclamation covering the session results in a "nullity" pursuant to Article III, Section 2(B) of the Louisiana Constitution; and

9. Additionally and independently of all other considerations, SCR No. 3 has no special effective date provision in the resolutive portion of the resolution; thus, pursuant to Article III, Sections 19 and 20 of the Louisiana Constitution, SCR No. 3, if it were not a nullity, would not be effective legislation until the sixtieth day after adjournment of the extraordinary session; that date is after February 1, 1984, at which time all aspects of Act 97 of the 1983 Regular Session are to be implemented; and

10. The consequences of the suspension of a law after it has become effective and fully implemented results in the prior law not being revived and thus no law in force on the subject. Such a potential consequence in the important environmental regulation area is intolerable; and

11. Additionally, SCR No. 3 does not even purport to affect Act 411 of the Regular Session of the Legislature of 1983 enacted subsequent to Act 97; Act 411 gives the Governor the final decision as to the responsibility of each department represented on the Governor's Resource Development and Environmental Quality Council, which includes, *inter alia*, the Department of Environmental Quality, the Department of Natural Resources and the Department of Public Safety (which is succeeded by the Department of Public Safety and Corrections pursuant to Section 15 of Act 97); and

12. Moreover, the merger of the Department of Public Safety and Corrections will not disturb the operations of either department because of the manner in which the merger is effected; and additionally, because pursuant to Section 12B of Act 97 the

Governor may retain all employees of each department in their present job classification until July 1, 1984; and

13. The nullity of SCR No. 3 renders all the potential adverse consequences moot; and

14. Despite the nullity of SCR No. 3, to avoid or lessen as much as possible confusion and untoward and intolerable potential results created by SCR No. 3, this Executive Order is issued.

Pursuant to the authority vested in the Governor as chief executive officer of the State, the following directive is issued:

I.

The provisions of Act 97 of the 1983 Regular Session of the Legislature shall be implemented in accordance with its provisions and pursuant to further direction of the Governor as provided in said Act and in accordance with Act 411 of the 1983 Regular Session of the Legislature.

II.

The Secretary of the Department of Natural Resources and the Secretary of the Department of Environmental Quality are directed to cooperate and coordinate their activities so as to minimize costs and assure adequate enforcement of the environmental laws of Louisiana. To the extent feasible, administrative positions, facilities, resources and support personnel shall be shared and not duplicated.

III.

Effective February 1, 1984, the person occupying the office of Secretary of the Department of Corrections shall be the Deputy Secretary for Correction Services of the Department of Public Safety and Corrections; the person occupying the office of Deputy Secretary of Public Safety shall be the Deputy Secretary for Public Safety Services of the Department of Public Safety and Corrections; and, the person occupying the office of Secretary of Public Safety shall be the Secretary of Public Safety and Corrections. Internal administrative actions shall be taken in such a manner as to cause the least disruption possible of the existing internal administration. Present accounting, payroll and purchasing procedures and support services of each Department shall continue except that the Secretary of the Department of Public Safety and Corrections shall have final authority as Secretary of the Department. In the event there is disagreement between the Deputy Secretary of Correction Services and the Secretary, the Governor will make the final decision.

IV.

Pursuant to the authority provided by Section 12B of Act 97 of the 1983 Regular Session and where applicable Act 411 of the 1983 Regular Session and Article IV, Section 5 of the Louisiana Constitution, all administrative employees of the Department of Public Safety and the Department of Corrections affected by Act 97 shall maintain their present job classification in the new department until July 1, 1984, or until further direction of the Governor.

V.

To avoid or lessen any adverse consequences to the public through uncertainty in enforcement of the regulatory laws of this state in the event there is a final judicial decree upholding the validity of SCR No. 3 of the Second Extraordinary Session of 1983, each department affected shall, insofar as practicable, implement the regulatory and enforcement functions in a manner to assure their validity under prior and existing law.

Cooperation and coordination among the affected departments are directed to assure that the regulatory laws of this state are effectively developed and enforced.

VI.

The purpose of this Order is to provide for the orderly conduct of the affairs of our state and to avoid unnecessary confusion, expense, uncertainty, and delay while still enforcing the laws of Louisiana. Those persons charged with the responsibilities hereunder should cooperate toward that goal. This order may be supplemented and amended by written directive of the Governor.

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 29th day of December, A.D., 1983.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of December 15, 1983, 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 directed that Computer Science may be used as an elective course if taught by a certified teacher having the necessary skills as verified by his/her school principal and parish or city superintendent.

This emergency adoption is necessary because Computer Science is listed in Bulletin 741 under mathematics and can be used as one of the three maths required for graduation. Schools are encouraged to offer Computer Science and certified teachers are not readily available. Secondary schools are presently being cited on the Annual School Report because teachers not certified in math are teaching Computer Science and this lowers their classification.

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. 49:953 B), to implement the following policy on arrangement of transportation service for applicants of Title XIX, Medical Assistance.

Emergency Rule

Effective January 1, 1984 Attachment 3.1-A, Item 18(a), C. of the Title XIX State Plan, entitled Authorization of Title XIX Funds shall have 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 or 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.

Roger P. Guissinger
Secretary

DECLARATION OF EMERGENCY

Department of the Treasury Bond Commission

The State Bond Commission at a regular meeting on December 13, 1983 unanimously adopted an amendment to its Rules regarding non-traditional tax-exempt bond issue applications as previously adopted and amended.

Due to the present economic situation in the State of Louisiana, specifically high unemployment, and after receiving correspondence and oral comments from representatives of the construction industry, and in an effort to assist the welfare of that industry in such dire times, the Commission by unanimous consent has adopted the following Emergency Rule pursuant to Louisiana Revised Statutes Title 49:950-970, Administrative Procedure Act:

(13) The Commission shall not grant preliminary approval of non-traditional bonds unless project beneficiaries certify that Louisiana manufacturers, contractors, sub-contractors and suppliers will be given an opportunity to bid on the project and further certify that preference and priority will be given to Louisiana manufacturers, contractors, sub-contractors, suppliers and labor.

Before final approval is granted, project beneficiaries must provide a certified list of names and business domiciles of manufacturers, contractors, sub-contractors and suppliers for the project and a statement as to whether Louisiana labor will be used. If Louisiana manufacturers, contractors, sub-contractors, suppliers and labor will not be used for the project, beneficiaries must provide detailed explanation as to why they will not be used.

Mary Evelyn Parker
Treasurer and Chairman

Rules

RULE

Department of Commerce Office of Financial Institutions

Agreement Corporations

Under authority granted by LRS 6:237(B), the Commissioner of Financial Institutions has adopted the following Rule which permits the formation of State-chartered "Agreement

Corporations."

Rule

Activities engaged in by a corporation ("Agreement Corporation") under an agreement with the Board of Governors of the Federal Reserve System (the "Federal Reserve"), including an agreement under Section 25 of the Federal Reserve Act (12 U.S.C. §§601-604(a)), pursuant to which agreement such corporation's activities are limited to those which may be performed by a corporation ("Edge Corporation") organized under Section 25(a) of such Act (12 U.S.C. §§611-631), shall be deemed not to constitute a banking business and an Agreement Corporation engaging in such activities shall be deemed not to be a bank, so long as its activities are at all times subject to regulation by the Federal Reserve and limited to those activities which may be performed in accordance with any regulations issued by or agreements with the Federal Reserve applicable to such Agreement Corporation. The Commissioner of Financial Institutions may, however, visit and examine an Agreement Corporation engaging in such activities in Louisiana whenever in his judgement an examination of its affairs is necessary or expedient.

Hunter O. Wagner, Jr.
Commissioner

RULE

Department of Corrections Office of the Secretary

DEPARTMENT REGULATIONS NO. 30-14 ADULT SERVICES

PLACEMENT AND TRANSFER OF OFFENDERS: Selection Criteria

1. **PURPOSE:** The purpose of this regulation is to establish selection criteria to be followed in placement and transfer of adult offenders to the various units within the Department of Corrections.

2. **RESPONSIBILITY:** The assistant secretary for adult services, wardens and classification personnel of adult institutions are responsible for the implementation of this regulation. They shall insure that necessary information and instructions are furnished to all affected employees and offenders.

3. **LEGAL REFERENCES:** R.S. 15:824, 15:832, 15:893.1, 15:1062

4. **GENERAL:** A comprehensive selection process for placement and transfer of offenders within the Department of Corrections is essential in order to fulfill the purposes and goals of the various institutions. Offenders should be able to benefit from the programs offered at the institution to which they are being assigned. The selection criteria outlined below should be considered the outside limits of acceptability. Other factors such as adjustment potential, as determined by psychological evaluation, excessiveness of the criminal records and observable behavior should also be considered in the selection process. The Secretary retains the right to make such assignments as he, in his sole discretion, deems appropriate.

5. **PROCEDURE:**

(A) All placements or transfers will be approved by the Secretary or by his designated representative.

(B) Only the Secretary, or in his absence, his designated representative, has the authority to waive any of the eligibility requirements listed below and then only for good cause.

6. **DEFINITIONS:** "Earliest release eligibility date" means the earliest date on which an offender is legally eligible for

release, even if actual release is predicted on a future decision of the Department or of the Parole Board.

7. SELECTION CRITERIA:

(A) Louisiana Correctional and Industrial School (L.C.I.S.)

* (1) Only first offenders are eligible.

(2) Offenders found guilty of escape or attempted escape by a court or institutional disciplinary board within the past seven years are ineligible.

(3) Persons who are currently under and/or who have demonstrated a need for intensive medical treatment (physically or psychologically) are ineligible. At the time treatment has been completed, and such termination or services has been documented by competent medical staff, persons may then be considered as eligible for transfer.

*May not be waived (R.S. 15:1062)

(4) Persons who have demonstrated an overt-aggressive pattern of homosexual behavior, to the extent that it would disrupt the smooth daily operation of the institution, are ineligible. Evidence must be documented and of a firsthand rather than of a hearsay nature.

(5) Persons who have a balance of time extending beyond eight years remaining to serve on their sentence prior to their earliest release eligibility date are ineligible.

(6) Persons serving a life sentences will not be eligible unless there is a demonstrated need by the institution for the skill of the offender. Such an offender must meet all other requirements.

(7) Persons who have demonstrated a consistent pattern of poor institutional adjustment and/or have a poor institutional conduct record are not eligible. Evidence must be documented and of a firsthand rather than of a hearsay nature.

(8) Persons who are young in age should be given priority over the older first offenders who satisfy all other requirements.

(9) When bed space is not available for all offenders meeting the criteria in (1) thru (8) above, priority will be given to those offenders convicted of offenses other than:

(a) Aggravated, forcible or simple rape or an attempt to commit these crimes.

(b) Carnal knowledge of a juvenile.

(c) Aggravated crime against nature.

(d) Aggravated arson.

(e) Aggravated kidnapping.

(f) Armed robbery or attempted armed robbery.

(g) Distribution or possession with intent to distribute any controlled dangerous substance — (with the exception of marijuana offenses).

(h) Possession of any drug listed in Schedule I, Section A or B, in Schedule II of the Controlled Dangerous Substance Law (R.S. 40:964).

(i) Murder or attempted murder (first and second degree).

(j) R.S. 15:529.1 (Habitual Offender Law).

(B) Dixon Correctional Institute (D.C.I.), Hunt Correctional Center (H.C.C.), Wade Correctional Center (W.C.C.), Washington Correctional Institute (W.C.I.)

(1) Persons with a history of criminal activity which reflect an assaultive (violent) personality are ineligible. This includes both arrest and/or institutional records.

(2) Persons presently serving sentences for the commission of the following crimes are ineligible:

(a) Aggravated, forcible, or simple rape.

(b) Attempted aggravated rape.

(c) Attempted forcible rape.

(d) Aggravated crime against nature.

(e) Murder (first or second degree).

(f) Aggravated arson.

(g) Armed robbery - second or subsequent offense.

(h) Aggravated kidnapping.

(NOTE: Persons convicted of the above may be considered for transfer upon recommendation of the Warden of LSP after serving a minimum of five years of their sentence).

(3) Persons who are currently under and/or have demonstrated a need for extensive and/or intensive medical treatment (physically or psychologically) are ineligible. At the time treatment has been completed, and such termination of service has been documented by competent medical staff, persons may then be considered as eligible for transfer.

(4) Offenders who have demonstrated an overt-aggressive pattern of homosexual behavior, to the extent that it would disrupt the smooth daily operation of the institution, are ineligible. Evidence must be documented and of a firsthand rather than of a hearsay nature.

(5) Persons who have a balance of time extending beyond ten years remaining to serve on their sentence prior to their earliest release eligibility date are ineligible.

(6) Persons serving life sentences will not be eligible unless there is a demonstrated need by the institution for the skill of the offender. Such an offender must meet all other requirements.

(7) Persons who have demonstrated a pattern of poor institutional adjustment and/or have a poor institutional conduct record are not eligible. Evidence must be documented and of a firsthand rather than of a hearsay nature.

(C) Woodworth Forestry Camp

(1) Any offender who is transferred to Woodworth Forestry Camp must meet the criteria for assignment to Work Training Facility/North (Camp Beauregard).

(2) Offenders currently housed at Work Training Facility/North will be given first preference.

(3) Since offenders at Woodworth Forestry Camp will be allowed a quarterly furlough, only offenders who qualify for furloughs (See Department Regulation 30-7) may be considered for transfer.

(D) Work Training Facility/North (Camp Beauregard) and Work Training Facility/South (Jackson Barracks) (See Department Regulation No. 30-14 A for Work Release Criteria)

(1) Offenders having detainers or warrants for pending felony charges are ineligible. This does not apply to detainers for traffic violations or for court costs.

(2) Persons presently serving sentences for the commission of the following offenses are ineligible: * (a) Aggravated, forcible, or simple rape or of an attempt to commit these crimes.

* (b) Carnal knowledge of a juvenile.

* (c) Aggravated crime against nature.

* (d) Aggravated arson.

* (e) Murder (first or second degree).

* (f) Distribution of any controlled dangerous substance — (with the exception of marijuana offenses).

(g) Possession of any drug listed in Schedule I, Section A or B, or in Schedule II of the Controlled Dangerous Substance Law (R.S. 40:964).

(h) Attempted Murder.

(i) Armed robbery.

(j) Attempted armed robbery.

* (k) Aggravated kidnapping.

* (l) R.S. 15:529.1 (Habitual Offender Law)

*May not be waived (R.S. 15:893.1)

*(m) Indecent behavior with a juvenile.
*(n) Incest
*(3) Persons who have escaped and/or have abetted an escape and/or have attempted to escape within the last seven years are ineligible.

*(4) Persons who are currently under and/or who have demonstrated a need for intensive medical treatment (physically or psychologically) are ineligible. At the time treatment has been completed, and such termination of services has been documented by competent medical staff, persons may then be considered as eligible for transfer.

*(5) Persons who have demonstrated an overt-aggressive pattern of homosexual behavior, to the extent that it would disrupt the smooth daily operation of the institution, are ineligible. Evidence must be documented and of a firsthand rather than of a hearsay nature.

*(6) Persons having a balance of time extending beyond five years to the earliest release eligibility date are ineligible.

(7) Persons who have demonstrated a consistent pattern of poor institutional adjustment and/or have a poor institutional conduct record are not eligible. Evidence must be documented and of a firsthand rather than of a hearsay nature.

*May not be waived (R.S. 15:893.1)

*(8) Persons with a history of criminal activity which reflects an assaultive (violent) personality are ineligible. This includes both arrest and/or institutional records.

(E) Sheriff or Police Maintenance

(1) The offender must be specifically requested by the Sheriff or Chief of Police.

(2) The Sheriff or the Chief of Police and the Department must enter into a written contract which conforms with the requirements set forth in R.S. 15:832 (D).

(3) The offender must be domiciled in, or sentenced from, the parish which is requesting him, unless specifically exempted from this requirement by the Secretary of Corrections.

(4) Offenders who have been found guilty of escape or attempted escape by a court or institutional disciplinary board in the last seven years are ineligible.

(5) Persons who are currently under and/or who have demonstrated a need for intensive medical treatment (physically or psychologically) are ineligible. At the time treatment has been completed, and such termination of services has been documented by competent medical staff, persons may then be considered as eligible for transfer.

*May not be waived (R.S. 15:893.1)

(6) Persons who have demonstrated an overt-aggressive pattern of homosexual behavior, to the extent that it would disrupt the smooth daily operation of the institution, are ineligible. Evidence must be documented and of a firsthand rather than of a hearsay nature.

(7) Persons serving life sentences will not be eligible unless there is a demonstrated need by the institution for the skill of the offender. Such an offender must meet all other requirements.

(8) Persons presently serving sentences for the commission of the following offenses are ineligible:

(a) Aggravated, forcible, or simple rape or of an attempt to commit these crimes.

(b) Carnal knowledge of a juvenile.
(c) Aggravated crime against nature.
(d) Aggravated arson.
(e) Murder or attempted murder (first and second degree).
(f) Distribution or possession with intent to distribute any controlled dangerous substance — (with the exception of marijuana offenses).

(g) Possession of any drug listed in Schedule I, Section A or B, or in Schedule II of the Controlled Dangerous Substance Law (R.S. 40-964).

(h) Armed robbery or attempted armed robbery.

(i) Aggravated kidnapping.

(j) R.S. 15:529.1 (Habitual Offender Law).

(k) Indecent behavior with a juvenile.

(l) Incest.

(9) Offenders having detainers or warrants for pending felony charges are ineligible. This does not apply to detainers for traffic violations or for court costs.

(10) Offenders on maintenance programs will be assigned to the appropriate probation and parole district supervisor for monitoring purposes.

(F) State Police Barracks

(1) Offender must be specifically requested by State Police.

(2) Offenders found guilty of escape or attempted escape by a court or institution disciplinary board within the past seven years are ineligible.

(3) Persons who are currently under and/or who have demonstrated a need for intensive medical treatment (physically or psychologically) are ineligible. At the time treatment has been completed, and such termination of services has been documented by competent medical staff, persons may then be considered as eligible for transfer.

(4) Persons who have demonstrated an overt-aggressive pattern of homosexual behavior, to the extent that it would disrupt the smooth daily operation of the institution, are ineligible. Evidence must be documented and of a firsthand rather than of a hearsay nature.

(5) Persons serving life sentences will not be eligible unless there is a demonstrated need by the institution for the skill of the offender. Such an offender must meet all other requirements.

8. PROTECTION: Before transferring an offender to protective status at Wade Correctional Center, the Warden at the institution of assignment must certify, in writing, to the Office of Adult Services the reasons as to why adequate protection cannot be provided at said institution or any other unit within the Department of Corrections. Upon receipt of the Warden's assessment the Administrator of Classification at Headquarters will review and certify to the Assistant Secretary for Adults why the offender needs to be protected and should be placed in protective status.

9. DETAINERS:

(A) Detainers for traffic violations or misdemeanors should not be considered with the exception that misdemeanors other than traffic or cost of court detainers would be considered for Maintenance inmates only;

(B) A detainer for a felony which a conviction could result in a sentence that would disqualify the inmate from assignment to a certain security class should serve to disqualify the inmate from that assignment in fact;

(C) A detainer for a concurrent sentence which is shorter than the sentence which the inmate is serving within the Department of Corrections should be disregarded unless the sentence itself changes the inmate's security class.

10. ESCAPES:

(A) An escape other than the returning late from a pass from any Department of Corrections facility shall result in as-

signment to at least one higher security class;

(B) A documented aggravated escape from a DOC facility or any penal institution within the past seven years should require the classification of an inmate as Maximum Security; and

(C) A documented history of non-aggravated escapes totaling more than two would result in classification of an inmate as Maximum Security and as a high escape risk.

11. CANCELLATION: This regulation supercedes Department Regulation No. 30-14, dated 1 January 1979, and will not operate to require the transfer of any offender who was transferred to a facility for which he does not now qualify, provided he was transferred to that facility prior to January 20, 1984.

John T. King
Secretary

RULES

Board of Elementary and Secondary Education

Rule 4.00.04.g

The Board deleted Section 507 D.3 from Bulletin 1706, *Regulations for Implementing the Exceptional Childrens' Act*.
Rule 4.03.04 and 3.02.04.d

The Board adopted a policy authorizing vocational technical school directors and BESE's special school superintendents to accept the resignation of employees on behalf of the Board, with the effective date of termination to be the date of receipt by the director/superintendent of the school.

Rule 4.05.01

The Board directed that certification fees for Temporary Certificates be eliminated, effective January 1, 1984.

Rule 3.01.70.bb

The Board amended Bulletin 746, page 104 to change the title of position as Guidance Counselor to Personnel Service Officer and directed that certification requirements for Guidance Counselor become the requirements for Student Personnel Service Officer. The Board noted that this change applies only to vocational technical Guidance Counselors.

Rule 3.01.51.z(2)

The Board adopted the revision of high school credit for college courses in Vocational Education as required in Bulletin 741 (page 35-B).

Rule 4.00.72.c(2)

The Board amended Bulletin 1196, *School Food Services Program Policies of Operation* to include pedestal and ceiling fans (including installation and electrical connection) in the Table of Authorized School Food Service Equipment (page 39).

James V. Soileau
Executive Director

RULE

Department of Natural Resources Office of the Secretary

Under the authority of the State and Local Coastal Resources Management Act, La. R.S. 49:213.1 et seq., in particular, Section 213.16 B, and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., and upon the approval of the Louisiana Coastal Commission on July 3, 1984, the following amendments are hereby adopted:

I.

Part IV A. (1), Appendix cl, Stay of Activities Under Permits

Pending Appeal, is hereby rescinded.

II.

Part V, Appendix cl, Modification, Suspension or Revocation of Permits, is renumbered and identified as Part IV, Modification, Suspension or Revocation of Permits; Part VI General Permits, is renumbered and identified as part V, General Permits; Part VII, Determinations as to Whether Uses are of State Concern or Local Concern, is renumbered and identified as Part VI, Determinations as to Whether Uses are of State Concern or Local Concern; and Part VIII, Determination as to Whether a Coastal Use Permit is Required, is renumbered and identified as Part VII, Determination as to Whether a Coastal Use Permit is Required.

III.

The Procedural Rules for the Hearing of Appeals by the Louisiana Coastal Commission, Appendix c5, is hereby amended to add a new Section "P" which shall read as follows:

P. APPLICATIONS FOR STAY ORDERS.

1. There shall be a Stay Order Committee comprised of the chairman plus four members elected by the Commission from its membership. Two of the elected members shall be parish government appointees and two shall be appointees of the governor.

2. Any person who has timely filed an appeal from a decision on a coastal use permit or approval of a local program or who has timely intervened in an appeal, may request the Commission to stay all or a portion of the activities authorized under the permit.

3. Requests for stay orders shall comply with the requirements of Section C. Pleadings, Section H. Burden of Proof, and Section N. Service of Pleadings and Orders, and shall also be served upon the applicant, the Administrator, any affected local government, and any interested person who has filed a written request for notification of the subject appeal with the Clerk of the Coastal Commission.

4. Upon notification that a request for a stay order has been properly filed, the chairman shall convene the Stay Order Committee, which shall hold an adjudicatory hearing upon the stay order request within seven days of the chairman's call, unless later, because of force majeure. Any absent Committee member's alternate on the Commission may participate and vote in his behalf. In the interest of justice, the Committee may stay all or a portion of the authorized permit activities or local program. A majority vote of the total membership of the Committee is required for the issuance of a stay order.

5. Stay orders shall terminate upon disposition of the appeal by the Commission or upon an earlier date or event fixed in the order.

Any interested party may seek judicial review of the decision on the stay order in accordance with the Administrative Procedure Act.

Frank P. Simoneaux
Secretary

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 AFDC and Refugee Programs in accordance with 45 CFR 233.20(a)(ix) as published in the *Federal Register* of Friday, February 5, 1982, Volume 47, Number 25 Page 5676.

RULE

AFDC and Refugee recipients who are determined to be potentially eligible for the Earned Income Tax Credit (EITC) will be allowed 14 days to apply for and receive advance EITC payments. If after the 14 day period the recipient has not provided verification of ineligibility for EITC or of their employer's refusal to cooperate in paying EITC, the amount of EITC which the recipient is eligible to receive as determined from tables provided by the Secretary of the Treasury shall be budgeted as income in determining eligibility and grant amount.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, hereby amends the Title XIX State Plan, Attachment 4.19 B, Item 18a. entitled Transportation Services, to limit the amount reimbursed to providers of non-emergency medical transportation for the transport of an attendant needed to accompany a Title XIX recipient.

RULE

Effective February 1, 1984, Attachment 4.19 B, Item 18 a. I. B. 1. (b) shall read as follows:

(b) \$5.00 per one-way pick up for each additional person and for an Attendant;

Effective February 1, 1984, Attachment 4.19 B, Item 18 a.

I. B. 3. first sentence shall read as follows:

3. Non-Profit organization - all non-profit organizations may be reimbursed for providing transportation for a recipient and an attendant to accompany him at a rate equal to the amount currently paid state employees for mileage traveled on official business, except that the maximum to be paid for the attendant shall not exceed \$5 for a one-way pickup.

This action is being taken to comply with recommendations made by the United States Department of Health and Human Services in their 1983 State Assessment of the Medical Assistance Program.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, hereby amends the Title XIX State Plan, Methods and Standards for Payment for Medical and Remedial Care and Services - Skilled Nursing and Intermediate Care Facilities.

RULE

Effective February 1, 1984, the Title XIX State Plan, Attachment 4.19-D, paragraph E.1 page 16 and 17; page 103, paragraph 2; and page 114 after paragraph E will be amended as follows:

Page 16 and 17 of Paragraph E.1. will include the following sentence: Failure to do so will result in withholding of Title XIX

reimbursement for the number of beds which have not been approved in accordance with the Social Security Act (42 USC Section 1320 a-1 et. seq.).

Page 103, Paragraph 2. will include the following wording: 2. . . . and shall not include expenditures made without required Section 1122 of P.L. 92-603 approval.

Page 114, After Paragraph E. New paragraph F. shall read as follows:

4. F. Payment will be made in amount not to exceed the total number of beds which will have been approved in accordance with the Social Security Act (42 USC Section 1320 -1 et. seq.) times (x) the number of days in the month. Such payment will be considered the total agency payment for all Title XIX recipients in the facility. The number of beds reflected in current provider agreements shall be considered to be approved beds. The capital expenditures allowable in cost reports shall be based on approvals in accordance with the Social Security Act (42 USC Section 1320 a-1 et. seq).

The intent of the proposed rule change is to ensure that payment is not made to facilities for any beds which have not been approved in accordance with the Social Security Act (42 USC Section 1320 a-1 et. seq.) and to delete such capital expenditures in determining allowable costs for rate setting purposes.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, shall implement the following Rule in the AFDC Program. The Rule is authorized by 45 CFR 206.10 as published in the *Federal Register* of Tuesday, June 21, 1983, Volume 48, Number 120, pages 28407 and 28408.

RULE

All individuals applying for inclusion in an existing Aid to Families with Dependent Children or Refugee certification shall be considered applicants for assistance and file an application form. The date the application form is received in the parish office shall be considered their filing date and if found eligible during that initial month of application, the initial month's benefits shall be prorated from the date of application to the end of the month.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, hereby adopts the following Rule in the Medical Assistance Program:

RULE

Effective February 1, 1984, Title XIX reimbursement will be reinstated for the following drug:

TRADE NAME	ACTIVE INGREDIENT	DOSAGE FORM/ROUTE	FIRM
ISOSORBIDE	ISOSORBIDE	TAB/subl	Bolar
DINITRATE	DINITRATE	TAB/oral	
		SRT/oral	

Reimbursement for this drug was discontinued in a Final Rule, effective August 20, 1983, as published in the *Louisiana Register*, Vol. 9, No. 8, page 552, because it was determined to be "less than effective" by the Food and Drug Administration (FDA). However, the Medical Assistance Program was advised by the United States Department of Health and Human Services, Health Care Financing Administration by Transmittal No. 8, Part 4, of the State Medicaid Manual, dated September, 1983, that the above stated drug, Isosorbide Dinitrate, manufactured by Bolar, has been determined to be effective by the FDA, and therefore payment may be made for this drug.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, shall adopt the following Rule in the Food Stamp Program as mandated by federal regulations as published in the *Federal Register*, Tuesday, June 21, 1983, Vol. 48, No. 120 pp. 28190-28193. The Rule entitled "Standard Utility Allowance for the Food Stamp Program" which was published in the *Louisiana Register* of February 20, 1983, Vol. 9, No. 2, page 64, is hereby amended.

RULE

Effective October 1, 1983, the standard utility allowance in the Food Stamp Program shall be \$145.

A cooling cost is a verifiable utility expense relating to the operation of air conditioning systems or room air conditioners.

Roger P. Guissinger
Secretary

RULE

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

Effective January 20, 1984, the Department of Health and Human Resources, Office of Health Services and Environmental Quality, Food and Drug Control Unit, in order to implement the provisions of LSA R.S. 40:627, will revise the registration procedures for foods, drugs, cosmetics and prophylactic devices for the registration period beginning August 1, 1984, and codify the revised registration procedures in accordance with the codification system in the "State of Louisiana Food, Drug and Cosmetic Laws and Regulations", dated September, 1968 (the 'Red Book'). There will be a one year transition period during which registration certificates will be issued for varying periods of time in accordance with the following regulation:

2.218. In accordance with the provisions of LSA R.S. 40:627 and in order to establish a staggered registration period during the calendar year, manufacturers, packers, processors and distributors of all processed foods, proprietary or patent medicines, prophylactic devices and cosmetics in packaged form, whose names appear on the labels, must submit an application for registration of such products on or before August 1, 1984 in accordance with the following schedule:

Category	-Domicile- Parish, State and/or Foreign Country	New Expira- tion Date	Initial Regis- tration Interval- Months	New Certificate Renewal Date
1	Acadia - St. John	1/31	6	2/1
2	St. Landry - Winn Alaska - Idaho	4/30	9	5/1
3	Illinois - Ohio (Excluding N.Y.)	7/31	12	8/1
4	New York - Wyoming (Excluding North Carolina, North Dakota & Ohio) Foreign Countries	10/31	15	11/1

The above listed categories include firms with domiciles in the following parishes, states and/or foreign countries:

CATEGORY 1

PARISHES

Acadia	Jackson
Allen	Jefferson
Ascension	Jefferson Davis
Assumption	Lafayette
Avoyelles	Lafourche
Beauregard	LaSalle
Bienville	Lincoln
Bossier	Livingston
Caddo	Madison
Calcasieu	Morehouse
Caldwell	Natchitoches
Cameron	Orleans
Catahoula	Ouachita
Claiborne	Plaquemines
Concordia	Pointe Coupee
DeSota	Rapides
East Baton Rouge	Red River
East Carroll	Richland
East Feliciana	Sabine
Evangeline	St. Bernard
Franklin	St. Charles
Grant	St. Helena
Iberia	St. James
Iberville	St. John

CATEGORY 2

PARISHES

St. Landry	Vermilion
St. Martin	Vernon
St. Mary	Washington
St. Tammany	Webster
Tangipahoa	West Baton Rouge
Tensas	West Carroll
Terrebonne	West Feliciana
Union	Winn

STATES

Alabama	Delaware
Alaska	District of Columbia
Arizona	Florida
Arkansas	Georgia
California	Hawaii
Colorado	Idaho
Connecticut	

CATEGORY 3

Illinois	Missouri
Indiana	Montana
Iowa	Nebraska

Kansas	Nevada
Kentucky	New Hampshire
Maine	New Jersey
Maryland	New Mexico
Massachusetts	North Carolina
Michigan	North Dakota
Minnesota	Ohio
Mississippi	

CATEGORY 4

New York	Utah
Oklahoma	Vermont
Oregon	Virginia
Pennsylvania	Washington
Rhode Island	West Virginia
South Carolina	Wisconsin
South Dakota	Wyoming
Tennessee	Foreign
Texas	Countries

Firms are required to submit registration fees based on the life of their Certificate of Registration.

CATEGORY 1:

- 1 product-\$1.25
- 2 products-\$2.50
- 3 products-\$3.75
- 4 or more products-\$5.00

CATEGORY 2:

- 1 product-\$1.88
- 2 products-\$3.75
- 3 products-\$5.63
- 4 or more products-\$7.50

CATEGORY 3:

- 1 product-\$2.50
- 2 products-\$5.00
- 3 products-\$7.50
- 4 or more products-\$10.00

CATEGORY 4:

- 1 product-\$3.13
- 2 products-\$6.25
- 3 products-\$9.38
- 4 or more products-\$12.50

The current procedures for registration of foods, drugs, cosmetics and prophylactic devices are on an annual schedule beginning August 1 of each year and ending July 31 of the following calendar year. The registration fees are currently \$2.50 per product up to a maximum of \$10 for any one firm.

This is a temporary measure allowing the issuance of registration certificates on a staggered basis. After the initial issuance of certificates on August 1, 1984, all firms will apply for annual re-registration based on the new registration dates assigned them. Registration certificates issued with new registration dates after this initial issuance will be valid for one year in accordance with Sect. 2.215 of this Part.

Roger P. Guissinger
Secretary

RULE

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

Effective January 20, 1984, the Department of Health and Human Resources, Office of Health Services and Environmental Quality, Food and Drug Control Unit, in order to implement the provisions of LSA R.S. 40:661 through LSA R.S. 40:661.5, will adopt regulations for vending machines designed to dispense water intended for human consumption. This is done to assure that consumers using such machines are given appropriate information as to the nature of the vended water and to assure that the quality of the water vended meets an acceptable standard for potability and that the vending equipment is installed, operated and maintained so as to protect the health, safety and welfare of the consuming public. These regulations are codified in accordance with the codification system in the "State of Louisiana Food, Drug and Cosmetic Laws and Regulations", dated September,

1968 (the 'Red Book'); as follows:
2.120 Definitions.

(A) "Water vending machine" shall mean any self-service device which, upon insertion of money or tokens or upon receipt of payment by other means, dispenses unit servings of water in bulk into a container, without the necessity of refilling the machine between each operation.

(B) "Permit" shall mean and be limited to a permit issued under and pursuant to the provisions of these regulations.

(C) "Vended water" shall mean that water dispensed by means of a water vending machine.

(D) "Person" shall mean any individual, public or private corporation, company, association, partnership, municipality or any other legal entity or its legal representative, agent or assigns.

(E) "Operator" shall mean any person who owns or operates a water vending machine.

(F) "Potable water" shall mean water which meets the requirements of Chapter VIII of the Louisiana State Sanitary Code of January 1, 1977 and any subsequent revisions.

(G) "Spring water" shall mean water obtained from a water source which flows naturally from an underground spring or is obtained from such spring by means of drilling and/or pumps.

(H) "United States Pharmacopeia" shall mean "the Pharmacopeia of the United States of America prepared under authority of the United States Pharmacopeial Convention"; a book of standards for drugs, tests, waters and reagents.

(I) "Purified water" shall mean water produced by distillation, deionization, reverse osmosis or other methods as defined in the current edition of the "United States Pharmacopeia."

(J) "Non-toxic materials" shall mean materials which are free of substances which may render the water injurious to health or which may adversely affect the flavor, color, odor or microbiological quality of the water.

(K) "Approved" means approved in writing by the designated representative of the State Health Officer.

(L) "Sanitary" shall mean promoting or pertaining to health and, therefore, free of harmful or deleterious contaminants.

2.121 Operating Requirements.

Each water vending machine operator shall:

(A) Obtain a permit for each water vending machine operated.

(B) Install each water vending machine to a potable water supply in accordance with the State Sanitary Code and any applicable, local plumbing codes.

(C) Operate and maintain all water vending machines in a sanitary manner.

(D) Maintain adequate water quality monitoring by analyzing one sample every three months bacteriologically from each water vending machine.

(E) Take investigative or corrective action, in cooperation with the Food and Drug Control Unit, as necessary when a vending machine malfunctions to assure that a pure, wholesome and potable water supply is supplied to consumers.

2.122 Permits.

(A) Each person desiring to operate a water vending machine in Louisiana shall, prior to such operation, apply to the State Health Officer for a permit.

(B) Any application for a permit shall be on a form as prescribed by the State Health Officer and shall contain the following:

(1) Name and principal address of the applicant.

(2) Address of the proposed water vending machine location. A separate application for permit must be filed for each water vending machine location.

(3) Signature of a responsible officer of the firm and his/her title.

(4) Any additional information needed for the orderly maintenance of records and data processing requirements.

(5) The model number or name of the water vending machine.

(6) Evidence with respect to each model of machine intended to be used, that:

(a) Said model complies with the construction standards of the National Sanitation Foundation (NSF) and/or the National Automated Merchandising Association (NAMA). Such standards are available from the National Sanitation Foundation, 3475 Plymouth Rd., Ann Arbor, Michigan 48105 and/or the National Automated Merchandising Association, 7 S. Dearborn St., Chicago, Illinois 60603.

(b) All exterior and interior surfaces and component parts of said machine are designed and constructed to permit easy cleaning and maintenance.

(c) All parts and surfaces of said machine with which the water comes into contact are of non-toxic, corrosion resistant, non-absorbent material capable of withstanding repeated cleaning and sanitizing treatment.

(d) Said machine has a recessed or guarded corrosion resistant dispensing spout.

(e) All treatment of the vended water by distillation, ion-exchange filtration, ultraviolet light, reverse osmosis, mineral addition or any other process is done in a manner so as to accomplish its intended purpose of purifying water.

(f) All vending machines are located in an area that can be maintained in clean condition and in a manner that avoids insect and rodent harborage.

(g) The source of water supply is from a community water supply approved by the State Health Officer as defined in the State Sanitary Code, Sect. 8.1.

(h) All machines have a system of collection and handling of drip, spillage and overflow of water.

(i) All connections with the public water supply have a backflow prevention device approved by the State Health Officer.

(j) All vending machines display, in a position clearly visible to customers, the following information: the name, license number and address of the operator, the fact that the water is obtained from a public water supply, a statement describing the treatment process; if no treatment process is utilized, then a statement to that effect, chemical names and concentrations of any preservatives or additives and a local telephone number than may be called for further information, service or complaints.

(k) Prior to delivery into the customer's container, water vended by the machine is disinfected by ultraviolet light or other method approved by the State Health Officer.

(l) All water vending machines are equipped with monitoring devices designed to shut down operation of the machine when the disinfection unit fails to function.

(m) All vending machines are equipped with a self-closing, tight fitting door on the vending compartment.

(n) No vended water is described on a machine or elsewhere as "spring water" or "purified water" unless such water conforms to the definition contained in this Part.

(o) Activated carbon, if used, complies with the American Water Works Association (AWWA) specifications for granular, activated carbon used in the treatment of potable water (AWWA B604—74).

(p) All vending machines are maintained in a clean and sanitary condition, free from dirt and vermin.

(C) Evidence that the person applying for permit has:

(1) A competent and responsible staff approved by the State Health Officer for the local supervision of the operation of the machines. Competent staff shall be construed to mean a person or persons with at least one year's experience concerning the proper

operation of the type of water vending machine they will operate, (or similar training or experience in this or related operations.)

(2) An acceptable maintenance program for the routine servicing of water vending machines. The program shall include written servicing instructions for the operator, technical manuals of the machine and of the water treatment appurtenances involved and regularly scheduled service visits.

(D) Issuance of permit. The State Health Officer, after a reasonable period of time, shall either grant or deny an applicant a permit.

(E) Permit revocation and cancellation. Each permit issued in accordance with the provisions of this Part, shall be for a period of one year and shall remain in force and effect for that period unless terminated, revoked or cancelled upon due notice and hearing.

(F) Fees. Each person applying for a permit to operate a water vending machine within Louisiana shall pay an initial and an annual permit fee of \$50 (Reference - LSA R.S. 40:701, Act No. 510 of 1983).

(G) Each water vending machine permitted for use in Louisiana shall display, in the upper right hand corner of the front panel, a permit decal furnished by the State Health Officer.

2.123 Service, Sampling and Records.

(A) All parts and surfaces of the water vending machines shall be maintained in clean condition by the water vending operator. The vending chamber and vending nozzle of each machine shall be cleaned and sanitized each time the machine is serviced. A record of cleaning and maintenance operations shall be kept by the operator for each water vending machine.

(B) The vended water from each water vending machine shall be analyzed once every three months for total coliforms. The analysis shall be performed by a laboratory approved by the State Health Officer in accordance with the provisions of the EPA Manual #600/8-78-008 titled "Manual for the Interim Certification of Laboratories Involved in Analyzing Public Water Supplies' Criteria and Procedures, May, 1978". This manual is prepared by the United States EPA, 1201 Elm St., Dallas, Texas 75270.

(C) The vended water from each water vending machine utilizing silver-impregnated carbon filters in the treatment process shall be analyzed once every three months for silver. The analysis shall be performed by a laboratory approved by the State Health Officer in accordance with the provisions of the EPA Manual #600/8-78-008 titled "Manual for the Interim Certification of Laboratories Involved in Analyzing Public Water Supplies' Criteria and Procedures, May, 1978".

(D) A more frequent analysis of the above parameters, or additional analysis may be required by the State Health Officer if there is some presumption of unfitness of the vended water because of the presence of undesirable elements, compounds or materials caused by the passage of water through the machine.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources Office of the Secretary

In accordance with Act 197 of the 1982 Regular Session (R.S. 37:3081 et seq.), the Department of Health and Human Resources, Office of the Secretary has adopted the following Rule pertaining to the requirements of dietitians and registered dietitians: