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This public document was published at a cost of \$2.21 per copy, by Baton Rouge Printing Co., Inc., P. O. Box 97, Baton Rouge, La. as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:951-968. This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

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

Executive Orders

EXECUTIVE ORDER DCT 82-10

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

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

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

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

The Task Force shall continue under the jurisdiction of the Department of Public Safety and shall be composed of 20 members rather than the 19 as previously stipulated. The additional member shall be a municipal police chief.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 13th day of May, A.D., 1982.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY Board of Elementary and Secondary Education

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

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

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

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

James V. Soileau
Executive Director

Rules

RULE

Department of Agriculture Market Commission

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

Bob Odom
Commissioner of Agriculture

RULE

Department of Agriculture Market Commission

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

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

1.0 Definitions

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

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

1.3 "Commission" means the State Market Commission.

1.4 "Commissioner" means the Commissioner of Agriculture.

1.5 "Department" means the Department of Agriculture.

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

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

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

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

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

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

2.0 Applicant Eligibility Requirements

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

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

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

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

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

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

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

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

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

3.0 Time and Manner of Filing Application

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

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

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

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

4.0 Contents of the Application

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

4.2 Name and address of recommending supervisor of the project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.0 Re-application; Review of Determination

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

8.0 Conditions for Disbursement of Loan Proceeds to the Borrower

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

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

and conditions under which the loan will be repaid.

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

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

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

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

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

9.0 Conditions for Concurrence in Loan Guarantees

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

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

10.0 Procedure Upon Default for Non-Payment

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

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

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

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

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

Bob Odom
Commissioner of Agriculture

RULE

Department of Agriculture Market Commission

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

Market Commission

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

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

* * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.0 Time Limitation for Issuance of Certificate

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

4.0 Waiver of Specification Requirements

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

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

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

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

5.0 Final Delivery of Product

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

5.2 Products may be rejected for the following reasons:

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

without appropriate written notice of changes in specification requirements

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

6.0 Contractor's Obligations

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

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

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

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

Bob Odom
Commissioner of Agriculture

RULE

Department of Agriculture Market Commission

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

MARKET COMMISSION

Rules and Regulations

Governing Operations of Produce Assembly Centers

1.0 Operation of center

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

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

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

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

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

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

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

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

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

3.0 Consignment of produce and payment policy

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

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

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

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

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

revenues from the sale of the produce.

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

4.0 Marketing advisory service

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

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

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

5.0 Right of Refusal

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

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

Bob Odom
Commissioner of Agriculture

RULE

Department of Agriculture Livestock Sanitary Board

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. EXPOSED HERD

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

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

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

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

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

Bob Odom
Commissioner of Agriculture

RULE

Department of Agriculture Livestock Sanitary Board

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

Regulation 28, Section 3, Paragraph 4 was amended to

read as follows:

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

Bob Odom
Commissioner of Agriculture

RULE

Department of Agriculture State Entomologist

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

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

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

Bob Odom
Commissioner of Agriculture

RULE

Department of Corrections Office of the Secretary

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

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

John T. King
Secretary

RULE

Department of Corrections Office of the Secretary

Adult Services

Adult Offender Furlough and Temporary Releases

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

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

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

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

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

5. DEFINITIONS.

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

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

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

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

6. PROCEDURES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. LENGTH AND FREQUENCY OF FURLOUGHS.

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

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

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

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

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

9. ADMINISTRATIVE REQUIREMENTS.

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

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

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

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

John T. King
Secretary

RULE

Department of Corrections Office of the Secretary

Inmate Rules and Regulations

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

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

John T. King
Secretary

RULE

Department of Corrections Office of the Secretary

Adult Services

Classification, Initial Classification and Reclassification Board

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

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

3. DEFINITIONS.

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

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

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

3. Designation to proper housing assignment within the institution;

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

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

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

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

4. PROCEDURES.

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

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

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

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

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

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

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

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

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

f) A reassignment/reclassification may be requested by:

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

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

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

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

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

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

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

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

John T. King
Secretary

RULE

Department of Corrections Office of the Secretary

Parole Hearings

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

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

John T. King
Secretary

RULE

Department of Corrections Office of the Secretary

Student Rules and Regulations

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

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

John T. King
Secretary

RULES

Board of Elementary and Secondary Education

Rule 3.07.12

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

Rule 4.01.92

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

GUIDELINES FOR SUMMER SCHOOL PROGRAMS FUNDED BY THE STATE - 1982

Eligibility

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

Standards

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

Pupil/Teacher Ratio

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

Funding

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

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

Student Assessment and Exit Criteria

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

Evaluation

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

Rule 3.08.00

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

Rule 3.07.10.a

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

Rule 3.07.11.c

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

Rule 4.01.50.a

The Board Adopted the *Nonpublic School Testing Guidelines*.

James V. Soileau
Executive Director

RULE

Louisiana State University Board of Supervisors

Amendment to Regulations

Chapter II

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

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

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

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

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

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

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

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

M. D. Woodin
Secretary to the Board

RULE

Division of Administration Property Control Section

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

SECTION I.

5.0 ITEMS OF PROPERTY TO BE INVENTORIED.

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

Dan Pickens
Assistant Director

RULE

Department of Health and Human Resources Office of Human Development

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

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

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

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

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

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

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

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources Office of Licensing and Regulation

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

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

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

ACCEPTED METHODS

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

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

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

1. The hospital shall be so equipped as to have the capability of total destruction of all pathology (including fetal remains) by incineration. The incinerator shall be of such size and design as to have the capability of total consumption of all material processed. Processing procedures will be equivalent to those which are being utilized in hospitals which have been accredited by the Joint Commission on Accreditation of Hospitals. All fetal remains will be processed through this system when disposal becomes the responsibility of the physician and/or hospital.

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

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

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

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

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

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

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

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

Roger P. Guissinger
Secretary

6-20-82

RULE

Department of Health and Human Resources Office of the Secretary

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

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

The CASP will offer the following services:

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