

# CONTENTS

## I. EXECUTIVE ORDERS

DCT 82-5—Vessel Access to lower Mississippi .....	173
DCT 82-6—Add members to Task Force on Drinking and Driving .....	173

## II. EMERGENCY RULES

Health and Human Resources Department:	
Board of Cosmetology—Registration and licensing .....	174
Board of Medical Examiners—Foreign medical graduates licensure .....	180 ✓
Office of Human Development—Placement policies .....	182 ✓
Office of Licensing and Regulation—Disposal of fetal remains .....	182 ✓ <i>pay option</i>
Treasury Department:	
Board of Trustees, State Employees Group Benefits Program—Major medical coverage for certain persons .....	183

## III. RULES

Agriculture Department:	
Horticulture Commission—Rules and Regulations .....	183
Culture, Recreation and Tourism Department:	
Office of the State Library—Public documents depository system .....	187 ✓
Education Department:	
Board of Elementary and Secondary Education—Second grade skills test .....	188
Health and Human Resources Department:	
Board of Embalmers and Funeral Directors—Prepaid funeral services, unlawful practice .....	188 ✓
Office of Family Security—Cuban/Haitian program limitation .....	189 ✓
MAP exception to Medicare reimbursement .....	189 ✓
Optional state supplementation .....	189 ✓
Payment for abortions .....	189 ✓
Podiatry service implementation .....	190 ✓
Public Safety Department:	
Office of State Police—Hazardous materials regulations .....	190
Transportation and Development Department:	
Board of Registration for Professional Engineers and Land Surveyors—Rules and Regulations .....	190
Wildlife and Fisheries Commission:	
Wildlife and Fisheries Commission—Oyster lease applications .....	192

## IV. NOTICES OF INTENT

Agriculture Department:	
Market Commission—Farm youth loans .....	193
Grading and Certification .....	193
Produce assembly centers .....	194
Commerce Department:	
Cemetery Board—Rule eight .....	195
Office of Commerce and Industry—Enterprise zones .....	195
Office of Financial Institutions—Variable rate requirements .....	196
Education Department:	
Board of Elementary and Secondary Education—Summer school guidelines, Nonpublic testing, others .....	197
Health and Human Resources Department:	
Office of Family Security—General assistance foster care requirements .....	202 ✓
Retrospective budgeting .....	202 ✓
Office of Human Development—Reimbursement of shelter costs .....	203 ✓
Office of the Secretary—Block grants .....	203 ✓

This public document was published at a cost of \$2.09 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.

Natural Resources Department:	
Office of Environmental Affairs—Construction Grants Priority System .....	205
Public Safety Department:	
Office of State Fire Marshal—Smoke detection systems .....	206
Transportation and Development Department:	
Office of the Undersecretary—Amendments to purchasing regulations .....	207
Urban and Community Affairs Department:	
Office of Planning and Technical Assistance—Community Development block grants .....	208

**V. COMMITTEE REPORTS**

Natural Resources Department:	
Resource Recovery and Development Authority—Meeting date approved .....	213

**VI. POTPOURRI**

Agriculture Department:	
State Entomologist—Sweet potato weevil quarantine addition .....	213
Education Department:	
Board of Trustees for State Colleges and Universities—Hearing postponed .....	214
Health and Human Resources Department:	
Office of Family Security—Food stamp hearing scheduled .....	214 ✓
Natural Resources Department:	
Fishermen’s Gear Compensation Fund—Claims .....	214
Revenue and Taxation Department:	
Tax Commission—Statewide appraisals/assessments levels .....	215

**VII. ERRATA**

Public Safety Department:	
Office of State Fire Marshal—Numbering error .....	217
Transportation and Development Department:	
Board of Registration for Professional Engineers and Land Surveyors—Word change .....	217

# Executive Orders

## EXECUTIVE ORDER DCT 82-5

WHEREAS, The Lower Mississippi River from Baton Rouge to the Head of Passes is one of the largest port areas in the world; and

WHEREAS, Approximately 28 percent of the nation's total waterborne commerce moves through the Lower Mississippi River; and

WHEREAS, This waterborne commerce includes major shipments of bulk commodities such as grain, coal, ore and petroleum products; and

WHEREAS, The export of grain from the Lower Mississippi River is expected to double between now and the year 2000; and

WHEREAS, The United States has approximately 28 percent of the world's recoverable reserves of coal; and

WHEREAS, The President's Interagency Coal Task Force has predicted that there will be a major growth in the export of steam coal from the United States by the year 2000; and

WHEREAS, The Lower Mississippi River is at the end of the inland waterway system which serves as a natural tributary for the water transportation of coal from the eastern and western coal regions of the United States; and

WHEREAS, Existing and planned coal terminals along the Lower Mississippi River will provide extensive coal handling capabilities; and

WHEREAS, The ability of the United States to participate in the world trade of these commodities will be dependent on our ability to remain cost competitive with other trading nations; and

WHEREAS, A major component of the cost competitiveness of the United States will be the cost of marine transportation; and

WHEREAS, The world's bulk shipping fleets are utilizing larger and deeper draft vessels to take advantage of the transportation cost savings that occur through the "economy of scale" provided by such vessels; and

WHEREAS, The Lower Mississippi River is currently dredged to a depth of 40 feet which will not allow deep draft vessels to load to their full and most efficient depths; and

WHEREAS, For the Lower Mississippi River area to capture and enjoy the economic benefits of a major share of this expanding bulk trade, it is imperative that the Mississippi River be expeditiously dredged to a depth which will accommodate deep draft vessels;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me as Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby create the Governor's Task Force on Deep Draft Vessel Access to the Lower Mississippi River. The Task Force shall be appointed by the Governor, consisting of the following:

1. The Secretary of the Department of Commerce, or his designee;
2. The Secretary of the Department of Natural Resources, or his designee;
3. The Secretary of the Department of Transportation and Development, or his designee;
4. The Director of the Office of Public Works, or his designee;

5. The Executive Secretary to the Governor, or his designee;

6. The Governor's Executive Assistant for Economic Development, or his designee;

7. The Commissioner of the Division of Administration, or his designee;

8. A representative from the Greater Baton Rouge Port Commission;

9. A representative from the South Louisiana Port Commission;

10. A representative from the Board of Commissioners of the Port of New Orleans;

11. A representative from the Plaquemines Port, Harbor and Terminal District;

12. A representative from business and industry; and

13. A representative from labor.

The Governor shall appoint a chairman and a vice-chairman.

The Task Force shall complete the following responsibilities:

1. Evaluate the anticipated growth of major bulk commodities that move through the Lower Mississippi River area;

2. Determine the proportion of these bulk commodities that will be shipped through the Lower Mississippi River;

3. Using these bulk cargo projections, evaluate the anticipated savings in the cost of transportation that would occur if the Lower Mississippi River were dredged to accommodate deep draft vessels; and

4. Carefully identify and evaluate alternative sources of funding to finance the costs of providing deep draft vessel access to the Lower Mississippi River.

The Task Force shall report its findings to the Governor not later than six months after the issuance of this Executive Order.

The appropriate departments of the State of Louisiana are hereby directed to provide the necessary technical assistance required by the Task Force to carry out its responsibilities.

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 16th day of March, A.D., 1982.

David C. Treen  
Governor of Louisiana

## EXECUTIVE ORDER DCT 82-6

WHEREAS, the Governor's Task Force on Drinking and Driving was created by the authority of Executive Order No. 82-2 and amended by Executive Order No. 82-3; 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;

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

The Task Force shall be under the specific jurisdiction of the

Department of Public Safety and shall be composed of 19 members rather than 17 as previously stipulated. One of the additional members shall be selected from recommendations submitted by the Louisiana Police Jury Association. The second additional member shall serve as an at-large representative.

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 23rd day of March, A.D., 1982.

David C. Treen  
Governor of Louisiana

# Emergency Rules

## DECLARATION OF EMERGENCY Department of Health and Human Resources Board of Cosmetology

Registration and Licensing of Estheticians,  
Schools, and Beauty Shops. (Act 701)

RS: 37:492 Definition

“Esthetician” or “esthetics operator” means a person who, for compensation, whether direct or indirect, including tips, engages in any one or a combination of the following practices of esthetics: massaging the face or neck of a person, trimming eyebrows, dyeing eyelashes or eyebrows, or waxing, stimulating, cleansing, or beautifying the face, neck, arms, or legs of a person by any method with the aid of the hands or of any mechanical or electrical apparatus, or by the use of a cosmetic preparation; however, such practices of esthetics shall not include the diagnosis, treatment, or therapy of any dermatological condition.

RS: 37:502. 1 Qualification for certification as a registered esthetician.

A person is qualified to receive a certificate of registration as a registered esthetician who:

- (1) Is at least 16 years of age.
- (2) Is of good moral character and temperate habit.
- (3) Has completed and passed a course (750 hours) at a licensed school for estheticians or a licensed school teaching esthetics, approved by the Board.
- (4) Has passed satisfactorily an examination administered by the Board to determine his qualifications to receive a certificate of registration as a registered esthetician.
- (5) Has, at the time of completion of the required schooling, equivalent training as would be contemplated in the satisfactory completion of the tenth grade from an approved high school.

Number of Hours of Study Required  
for Standard Esthetician Course

- I. PROFESSIONAL PRACTICES ..... 100 hours
  - A. Bacteriology, Sterilization, and Sanitation
    1. Personal hygiene
    2. Public health
    3. Methods
    4. Procedures
  - B. Professional Ethics
    1. Personal Attitude and Image

- C. Business Practices
  1. Management practices
  2. Salon development
  3. Insurance
  4. Client records
  5. Salesmanship
- II. SCIENCES ..... 250 hours
  - A. Histology of skin
    1. Cell
    2. Tissue
  - B. Dermatology and Physiology
    1. Structure of the skin and glands
    2. Functions of the skin and glands
    3. Conditions and disorders of the skin
    4. Characteristics of the skin
      - a. Elasticity
      - b. Color
      - c. Skin types
    5. Nutrition
      - a. Nourishment of skin
      - b. Healthful diet
  - C. Structure and Function of Human Systems
    1. Skeletal
    2. Muscular
    3. Nervous
    4. Circulatory
  - D. Cosmetic Chemistry
  - E. Anatomy
- III. FACIAL TREATMENTS ..... 250 hours
  - A. Facial Massage
    1. Benefits
    2. Analysis
    3. Preparation
    4. Types of massage
    5. Manipulations
    6. Safety measures
  - B. Electrical Current Facial Treatments
    1. Types of current
    2. Purpose and effects
    3. Procedures
    4. Safety measures
    5. Equipment
  - C. Other Kinds of Facial Treatments
    1. Purpose and effects
    2. Types of Treatments
    3. Preparation
    4. Procedures
    5. Safety measures
- IV. HAIR REMOVAL ..... 25 hours
  - A. Depilatories
  - B. Tweezing
  - C. Waxing
- V. MAKEUP ..... 100 hours
  - A. Purpose and Effects
  - B. Supplies and Implements
  - C. Preparation
  - D. Procedures
  - E. Safety Measures
  - F. Physiology of Color
  - G. Morphology
- VI. BODY TREATMENT ..... 25 hours
  - A. Massage
  - B. Wraps
  - C. Cellulite
  - D. Aromatherapy

E. Lymph Drainage

F. Reflexology

TOTAL ..... 750 hours

RS: 37:502. 1. B Reciprocity

B. Any person who is an esthetician registered or licensed under the laws of another state or territory of the United States or of a foreign country or province may be granted a certificate of registration as a registered esthetician by the Board without an examination, upon payment of a fee, provided that he fulfill the requirements of Paragraphs (1) and (2) of Subsection A, provided the requirements for registration of license of estheticians in the state, territory, country, or province from which he moved shall have been in effect during the year preceding his application, and the state, territory, country, province has substantially equal requirements to those now in force in this state, upon a showing of active practice of esthetics in the home state, territory, country, or province of the applicant which was uninterrupted for three or more years prior to his application, he shall be deemed to have fulfilled this requirement.

#### GRANDFATHER CLAUSE

C. The proof of educational requirements as set forth in R.S. 37:502.1(A) (5) shall be:

(1) At least a tenth grade education or its equivalent.

(2) The determination of the Board, on examination for license, and the said level has been attained.

D. Any person who has been duly trained and qualified and who is practicing esthetics on the effective date of this Section may be granted a certificate of registration as a registered esthetician by the Board, upon application, by presenting proof of training and experience to the Board for review to determine whether or not the applicant must be examined by the Board, if the applicant fulfills the requirements of Paragraphs (1) and (2) of Subsection A of this Section.

RS: 37:503 APPROVED SCHOOLS OF COSMETIC THERAPY

E. No school of training of cosmetic therapy existing prior to or established after the effective date of this Part shall be required to establish or offer a course of esthetics other than as part of the curriculum required generally to teach cosmetology as provided in R.S. 37:492(2).

RS: 37:503. 1. APPROVED SCHOOLS OF ESTHETICS; COURSE OF STUDY

§503.1. Approved schools of esthetics; course of study required

A. No school of training of esthetics shall be approved by the Board unless:

(1) It maintains a course of practical training and technical instruction extending over a period of not less than three consecutive months and including not less than 750 hours for the basic course of esthetics. This course of study shall include lectures, discussion, instructions, and mechanical application, and shall include not less than 300 hours each of practical application and of lecture and not less than 200 hours of library study or research. The remaining hours may be made up of any combination of the above.

(2) It possesses apparatus and equipment sufficient for the ready and full teaching of its entire curriculum, as required by the Board by administrative Rule.

(3) It has not less than 3,500 square feet of floor space for a practical working area, a lecture area, a makeup area for the exclusive use of esthetics, a library, and a student lounge.

(4) It is in charge of and under the immediate supervision of a currently licensed teacher of cosmetology or esthetics in active

practice, with at least 18 months of teaching experience in an accredited school of cosmetology or esthetics approved by the Board.

(5) It maintains as teachers persons who have completed the curriculum for the teacher's training course and who are licensed currently as teachers in the active practice of cosmetology or esthetics by this Board.

(6) It keeps a daily record of the attendance of each student and a record of the progress of each student in achieving the required proficiency.

(7) It establishes grades and holds examinations before issuing diplomas.

(8) It has such other facilities as the Board may require by administrative Rule.

B. Nothing set forth in Subsection A hereof shall deprive any student of the benefit of studies made under the laws of another state, territory, foreign country, or province, or another licensed school within the state of Louisiana.

C. The Board may require existing schools of cosmetic therapy to be brought up to the standards set forth herein prior to issuance of renewal licenses to said schools for the calendar year 1982 and subsequent years, if such schools were established prior to the effective date of this Section. This provision shall affect only those schools which elect to teach a course of esthetics as required for the registration of a licensed esthetician.

D. All approved schools shall provide for a period of continuing study, (Brush Up or Advanced) including a course of not less than six weeks duration and containing not less than 200 hours of study.

#### §504.1. LICENSE TO CONDUCT SCHOOL

No school of esthetics shall operate within the state without a certificate of registration. Any person desiring to conduct a school of training in the vocation of esthetics shall make an application to the Board for a certificate of registration and license after such person has completed the following steps:

(1) Requests in writing to the Board for information relative to opening a new school.

(2) After receipt of the letter from the applicant, it shall be necessary for the prospective owner to select a location and request an inspection, notifying the Board of the location and the approximate floor space and type of construction. The inspection fee for the school premises shall be \$100.

(3) After the location and the floor space, ventilation, fire hazards, and the like have been checked and a report thereon has been made to the Board in an official meeting, the Board shall approve or disapprove the application, and shall notify the applicant in writing of the decision of the Board.

(4) If the location is approved, the applicant shall then be notified in writing to submit the following:

(a) A detailed floor plan of the proposed school, drawn to scale and showing the arrangement of classrooms, placement of equipment, electrical outlets, ventilating facilities, and plumbing and lighting facilities, and shall indicate that the school has an outside entrance and exit and that it contains no less than 3,500 square footage of floor space.

(b) A copy of the lease, if space is to be leased.

(c) A copy of the proposed curriculum and a daily schedule covering the entire outline of the required course of study, as determined by the Board.

(d) Letters of approval from the city fire inspector and city electrical inspector as to fire hazard requirements.

(e) Notarized statements from each of the licensed teachers to be employed, verifying their agreement to teach if the school is licensed.

(f) The applicant shall satisfy the Board of his financial

responsibility to such extent as may be determined by the Board. The Board may, at any time during the operation of licensed schools, require additional data to satisfy said Board that the licensee is financially responsible. In lieu thereof, however a surety bond executed by a licensed bonding company in the amount of \$5,000 in favor of the state of Louisiana shall be conclusive proof of economic responsibility. The beneficiaries of such bonds shall be the students, to the extent of the amount of the tuition paid by each.

(5) After all equipment has been installed, and the Board is satisfied of the financial responsibility, the applicant shall request final inspection from the Board, furnishing the Board with a new school application, properly executed, together with the fee therefor, which shall be \$300. The annual renewal certificate fee shall be \$150 and shall be payable on or before March 1 of each year. Failure to make payment prior to that date shall subject the licensee to an additional fee of \$150.

(6) The Board, or one of its agents, shall then make a final inspection to determine if the equipment and all details and requirements are met and shall report its findings to the Board.

(7) After final inspection by the Board or its agent and a report thereof has been made to the Board, the school shall be notified of its acceptance by the Board and its recognition for opening date, and the Board thereupon shall issue the license.

#### EQUIPMENT REQUIRED:

1. Every Esthetic school must have practical work room, equipped with not less than the following:
  - a. Four lavatory bowls
  - b. Eight facial chairs or massage cushioned tables
  - c. Four working stations or one station for each student
  - d. Manual, mechanical or electrical apparatus (at least one each of the following). Electrical heating mask, steamer, brushing, vacuum, ionization, glass electrode or high frequency, galvanic or cathodic current (prohibited faradic), decrustation machine, spray or mister, four analysis lamps.
  - e. Sufficient trays for facial supplies
  - f. One per station covered waste container
  - g. One dry sanitizer
  - h. Covered container for soiled towels or disposable towels
  - i. Locker space must be furnished each student
  - j. Sixteen desks or one per student
  - k. One properly lighted make-up area
  - l. One mannequin per student

#### SANITATION:

1. Esthetic schools are declared to be a business affecting the public health, public interest and public safety. The schools train our estheticians and make personal contact with the public. They help to promote health, safety, and manifest a general feeling of welfare through their teachings. It is, therefore, important that every precaution in sanitation is followed:

- a. Implements or detachable equipment must be thoroughly cleansed with soap and water, submerged in alcohol, and kept in a dry sanitizer; tongue depressants or spatulas should be of a disposable nature purchased at a surgical supply house.
- b. Lavatory bowls must be kept clean at all times.
- c. Towel used for each patron shall be clean and freshly laundered and should be kept in a closed cabinet, unless disposable towels are being used.
- d. Soiled towels should be kept in a closed cabinet.
- e. Head rest of every Esthetician shall be washed with soap and water immediately before serving each patron, unless disposal towels are being used.
- f. Hands of every Esthetician shall be washed with soap

and water immediately before serving each patron.

- g. All fluids, powders and creams must be applied to patron with the use of cotton, brushes or spatulas.
- h. Common powder puffs prohibited, sponges and make-up brushes of the washable kind are allowed.
- i. All teachers in Esthetician Schools shall be required to wear a uniform.

#### BOOKS:

1. The following text must be provided to each student on registration:
  - a. Standard Textbook for Professional Estheticians by My Lady Publishing Company, together with the Administrative Regulations of the Louisiana State Board of Cosmetology.
2. Every Esthetician school must maintain a library which will be available to students.
3. Every Esthetician school must have a classroom entirely separate from the practical work room, equipped with the following:
  - a. Modern Anatomy Charts
  - b. Blackboard
  - c. Sufficient seating with facilities for classroom work, such as taking notes
4. My Lady Publishing Company Teacher's Manual

#### ALL ESTHETICIAN SCHOOLS MUST MAINTAIN A CURRICULA HEREINAFTER PRESCRIBED FOR THE FOLLOWING:

1. Esthetician's course of practical training and technical instruction extending over a period of not less than three consecutive months and including not less than 750 hours for the basic course of esthetics. This course of study shall include lectures, discussion, instructions, and mechanical application, and shall include not less than 300 hours of practical application and of lecture and not less than 200 hours of library study or research. The remaining hours may be made up of any combination of the above.

2. Instructors course covering the curricula over a period of not less than 500 hours in a three month period, (12 weeks).

3. Continuing Education for Professional Estheticians Course must consist of hours set by the school.

#### ADMINISTRATIVE REGULATIONS:

1. On enrolling each student, the school owner must provide the Board with the following:
  - a. The student application
  - b. Birth certificate or equivalent
  - c. Educational proof or application for equivalency test
  - d. Two photographic prints
  - e. Student license fee as set forth in RS 37:514
  - f. The Board will accept student hours certified by schools licensed by this Board (out-of-state schools). Louisiana school owners may receive transfer students (out-of-state) by examining these applicants, and securing a verification of hours from the student's original school and the state Board supervising that school. This verification should cover the number of hours and curriculum studied. The results of your examination should then be certified to the Louisiana State Board, stating the number of hours you determined the transfer student to have completed satisfactorily. This certification should be accompanied with supporting data of verification from out-of-state schools and the out-of-state Boards.
  - g. When registering alien students from foreign countries schools will be responsible for transmitting with the student registration application Immigration Form I-20 A (certificate of eligibility for nonimmigrant "F-1" student status) and form I-17 (Petition for approval of school for attendance by nonimmigrant alien students). These forms may be obtained by the schools from the

Immigration Department, Federal Building, New Orleans, Louisiana.

1. When submitting a student registration, if the \$1 fee for the Administrative Regulations Booklet is not included, please stipulate on application that the student has already received her booklet.

2. A fee of \$10 per equivalency examination will be charged for such individual examinations as have been conducted in the past. The fee of \$10 must be presented to our Board personnel at the time the equivalency test is given. In the case of a failure, an equivalency may be retaken twice with the payment of the \$10 fee being made for the initial test only.

3. Re-registration applications will not be processed unless the accompanying student certificate has the former school owner's signature affixed thereon.

4. Students who transfer, re-register or forfeit their hours will not be allowed in any beauty school until all papers are cleared, and the "RE-REGISTRATION" licenses are posted in the school. HOURS WILL BEGIN FROM THE DATE OF REGISTRATION TYPED ON CERTIFICATES.

5. NAME OF SCHOOL AS WELL AS ADDRESS MUST APPEAR ON UPPER LEFT HAND SIDE OF ENVELOPE TO EXPEDITE THE HANDLING AND PROCESSING OF ALL SCHOOL MAIL.

6. Students eligible for examination must be cleared through the Board office at least ten days prior to the scheduled examination date. Supplementary hour reports on the Saturday commencing the ten day period. Any clearance received in the Board office after the ten day deadline will be processed for the following examination and there will be no exceptions.

7. Requirements to appear for the Examination:

a. Stamped Examination Certificate

b. Dated "Authority to Take State Board Examination."

When clearing a student for examination the student certificate in its entirety must accompany the application for examination.

8. Students will be credited with hours prior to two weeks of date of registration in this office, providing the date of registration shown on the applications falls within that period of time.

a. In addition to this regulation, if a student's registration application is not processed within the two week period allowed, the school must inform the student that he will not be credited with hours nor will he be permitted to participate in the school curriculum.

9. Schools are not to advertise beauty services but may advertise for new students. Schools that advertise in the "Yellow Pages" or any other type of advertisement should present their ad layout to the Board for approval.

#### FEES AND REMITTANCES TO BOARD RS 37:516

##### National Testing Fees:

Basic Cosmetology .....	\$3.50
Manicurist .....	3.50
Esthetician .....	7.50
Teacher .....	7.50
Esthetician Teacher .....	7.50

##### RETAKE FEES

Practical retake .....	\$15.00
Theory retake .....	18.50
Theory & practical .....	18.50
Teacher retake (Theory) .....	22.50
Teacher retake (Practical) .....	15.00

1A. Students will be credited with hours prior to two weeks of date of registration in this office, providing the date of registration shown on the applications falls within that period of time.

1B. When enrolling transfer students the school owner must provide your Board with the following:

a. Student application stipulating on application "Re-Registration."

b. Student Registration certificate, or notarized statement in lieu of student registration.

c. Re-Registration fee as set forth on RS 37:514.

d. All students transferring (Re-Registrations) their student licensing and source of hours from one school to another are required with that transfer to submit an affidavit, clearly stating their reason for transfer. If reasons for transferring are not sound, fair, and honorable, their statement will be presented to the Board at which time the Board may see fit to call the student before the Board.

2. Esthetic Schools are required to charge a minimum of \$500 per student.

3. School owner must register hours of each student with the Board office not later than Wednesday of each week of students attendance. Owner must certify students attendance for these hours and no over time or double time shall be permitted. Only hours devoted toward the prescribed curricula shall be included. A weekly summary of accredited hours earned by each student shall be posted in every school. A student is not allowed to exceed eight hours per day, whether attending day or night classes.

a. The Weekly Hour Report submitted by the schools to the Board office must be signed by the Senior Teacher or, in the absence of that Senior Teacher, the report must be signed by the person in charge, who will designate his capacity as acting Senior Teacher.

b. All schools must send in to the Board office, quarterly, a roster of their teachers giving names, addresses and number of their active teacher's license. The first report is to be submitted no later than May 10, and then should be followed by a report on August 10, November 10, and February 10, and this practice must be continued thereafter.

4. Application for Examination, and Application for Esthetician's Certificate of Registration after Examination must be accompanied by two pictures, student registration, and \$33.50 money order, of which \$18.50 is for examination and \$15 for the first or initial license.

a. When clearing students for examination, it is imperative that the school complete the yellow and white form in its entirety. Also, in the event that an examination application is returned because of lack of hours or time, student is not eligible to appear for examination until papers have been returned and have been processed by this office.

b. No additional hours will be accepted for the student after completion of 750 hours and 18 weeks.

5. No teacher is to do professional work in a school.

a. Each school owner must furnish, at a nominal fee to the student, a mannequin in order that the student may put in 75 working hours on said mannequin before they may go on the floor to work on patrons.

6. There shall be no professional departments within the school, nor shall any school owner own or operate a professional salon in connection with schools. No members of the school staff shall practice in an adjoining salon, while school is in session. There shall be no unsealed connecting doors between schools and shops under the same roof.

7. Schools are not to advertise beauty services; but may advertise for new students.

8. All schools are required to maintain a faculty of instructors, not fewer than one per each 20 students enrolled, who have completed the curricula for teacher's training and who are licensed as teachers.

a. Each school must be in charge of and under the immediate supervision of a licensed 18 month teacher of cosmetology or Esthetics approved by the Board, one who has 18 months teaching experience in an accredited school of Cosmetology or Esthetics.

b. Esthetic school must keep the Board advised weekly, on their hour report, signed by the school licensee, of the efforts being made to employ an 18 month teacher.

c. This ruling shall be tempered only by practical consideration that all employees are subject to illnesses, entitled to vacations, and other personal needs of rare instances.

9. Teachers in training shall, during school hours, be prohibited from rendering services to the public as operators and shall further be prohibited from acting as or receiving income as instructors.

10. Schools must post a sign no smaller than six inches by ten inches, easily legible, at the entrance of each school reading, "Student work only."

11. All students registrations must be posted in conspicuous place.

12. Students are not allowed to do any professional beauty work until they have completed training, taken the State Board examination and received the initial license. Any students found violating this ruling will forfeit all hours completed in esthetic school and the school knowingly permitting the violation of this provision will place its license in jeopardy.

a. Equivalency examination to ascertain tenth grade education, must be given within the first two weeks. Hours will not be accepted until proof of education has been fulfilled.

13. Students attending esthetic schools shall not frequent or work in any licensed beauty salon or skin care salon in any capacity whatsoever. This regulation applies even though the student's immediate family or the students themselves might be owner or have an interest in the beauty salon or skin care salon in question, on jeopardy of the students losing a portion of or all of their hours.

14. Brush-up Course (This means a person with a delinquent license).

a. Minimum tuition fee \$50

b. Student registration must be sent to Board office, with two photographic prints (2x2)

c. Registration fee \$9

d. Course must consist of 200 hours over a six week period. (If student desires to remain in school for additional hours, request must be made to the Board office for additional hours; request must be made to the Board office stipulating why student desires the additional hours.)

e. Students must wear uniform

f. Student must wear badge "BRUSH-UP"

g. May take customer service

h. Brush-up students must take complete examination

15. Refresher Course (This applies to a currently licensed operator who has not practiced in several years and would like to be brought up to date with additional training).

a. Minimum tuition fee \$75

b. Student registration must be sent to the Board office with two photographic prints

c. Registration fee \$9

Accompanied with this application, must be a statement from the student as to her or his last place of employment. (This is to show proof that the operator hasn't been working and is in need of this training).

Course must consist of 200 hours over a six week period. (If student desires to remain in school for additional hours, request must be made to the Board office stipulating why student desires

the additional hours).

16. Continuing Education for Profession Esthetician

a. Minimum tuition fee, \$15 per day. Esthetician's registration must be sent to Board office, with current license or a copy thereof. Registration fee \$30. Course must consist of hours set by the school. Esthetician should be attired professionally. School must notify Board of guest teacher.

b. When submitting Esthetician's registration for the above course, please designate as "CONTINUING EDUCATION FOR PROFESSIONAL ESTHETICIAN".

RS 37:505 Requirements for certification as a beauty shop, skin care salon, requirements.

H.B. NO. 187

§505. REQUIREMENTS FOR CERTIFICATION AS A BEAUTY SHOP;SKIN CARE SALON, REQUIREMENTS.

A. No person shall operate or accept employment in a beauty shop or salon in the state of Louisiana unless the shop has been issued a current certificate of registration designating it as such by the Board.

In order to receive a certificate of registration as a beauty shop or skin care salon, the owner of such business shall:

1. Employ no unregistered person to serve in any capacity or to perform any function for which registration is required under this Part.

2. Maintain such physical, sanitary, and administrative facilities as are required by administrative regulations adopted and promulgated by the board.

3. Submit the application for license, the required shop owner's fee of \$20, plus an inspection fee of \$25. Any shop moving to a new location must be reinspected and a \$25 inspection fee will be applicable, as well as the shop owner's fee of \$20 as a license is not transferable.

B. No person shall operate or accept employment in a skin care salon or in a skin care salon located within a beauty shop or salon unless the skin care salon has a valid certificate of registration by the Board.

In order to receive a certificate of registration, the owner of the skin care salon shall:

(1) Employ only registered persons to serve in any capacity or to perform any function for which registration is required.

(2) Maintain such physical, sanitary, and administrative facilities as are required by the regulations of the Board.

C. QUARTERS: No person, firm, corporation or association of individuals shall establish or maintain a skin care salon or in connection with a business where food is handled unless a separate room is provided therefor.

(1) The owners and managers of skin care salon established in homes or in connection with places where food is handled shall permanently close all doors leading to the living quarters or place where food is handled and establish a separate outside entrance leading directly into the shop.

(2) Every skin care salon shall be well lighted, well ventilated and kept in a clean, orderly and sanitary condition at all times.

(3) The practice of Esthetics shall be carried on only in quarters especially equipped therefor and for which a shop owner's certificate has been issued.

(4) Floors, walls and fixtures must be kept in a clean and sanitary condition at all times.

(5) The owner and manager of every skin care salon shall see that it is supplied with an adequate supply of running water, both hot and cold, at all times.

D. EQUIPMENT: No person, firm, corporation or association of individuals shall open or operate a skin care salon in the practice of Esthetics until the following industrial and sanitary



products and equipment have been secured and made ready for use in said shop:

- (1) One lavatory bowl
- (2) One facial chair or cushion massage table
- (3) Covered waste container for each station
- (4) Cabinet for accessories
- (5) Cabinet for clean linens
- (6) Covered container for soiled linens
- (7) Sufficient trays for facial supplies
- (8) One dry sterilizer per each station or electric sterilizer
- (9) Soap dispenser
- (10) One each of the electrical apparatus for facial

E. Shop licensee shall be responsible for persons and actions of persons performed upon the licensed premises, as well as the individual violating these provisions.

1. Shop owners are held responsible, that all operators have identifying pictures on their license, and said licenses shall be posted in a conspicuous place.

2. Shop owners absent from their respective shops, on a regular basis, of more than two working days of every week are required to employ a manager.

3. To qualify as a manager, applicant must be a licensed Esthetician.

#### F. SANITATION:

1. Instruments and appliances shall be thoroughly cleansed with soap and water and then disinfected. Sponges and make-up brushes of the washable kind are allowed.

2. Facial chair and massage cushion table must be kept clean at all times.

3. Head coverings must be washed or otherwise sterilized after each separate use.

4. Towels used for each patron shall be clean and freshly laundered, unless disposable towels are being used.

5. Soiled towels should be kept in a closed container.

6. Head rest of every esthetician chair shall be protected with fresh clean paper, or cloth before its use for any patron.

7. Hands of every esthetician shall be washed with soap and fresh water immediately before serving each patron.

#### §506. LICENSE AS TEACHER

A. No person shall teach cosmetology, esthetics, or allied courses without a certificate. Any operator is eligible for licensing as a teacher who possesses the following qualifications:

(1) Is a graduate of an approved senior high school

(2) Has completed the curriculum for the teacher's training course under the supervision of a licensed teacher of beauty culture for a minimum study of 500 hours in not less than three months.

(3) Has passed such examination as the Board shall prescribe for certification as a teacher.

B. The Board may license a person as an instructor in Esthetics who has practiced Esthetics for at least five years or has taught Esthetics for at least 18 months on the effective date of this Section, and who can present proof of training, experience, or both, to the Board for review to determine whether or not the applicant must be examined by the Board, if said applicant fulfills the requirements of Paragraphs (1) and (2) of Subsection A of Section 502.1 and is a graduate of an approved senior high school.

#### C. ESTHETIC TEACHER CURRICULUM: OUTLINE OF CONTENT

##### I. THE PROFESSIONAL TEACHER . . . . . 100 hours

###### A. The Teacher

1. Personality
2. Technical Knowledge
3. Teacher's Characteristics

###### 4. Teachers as Professionals

###### B. Preparation For Teaching

1. Planning the Course
2. Preparing Lesson Plans
  - a. Objectives
  - b. Outline
  - c. Student Activities
3. Steps of Teaching
  - a. Preparation
  - b. Presentation
  - c. Application
  - d. Testing

##### II. STUDENT MOTIVATION AND LEARNING . . . 100 hours

###### A. Laws Governing Learning Processes

- B. Student Motivation
- C. Student Participation
- D. Student Personalities
- E. Individual Differences
  1. Slow Learner
  2. Gifted Learner

##### III. METHODS, MANAGEMENT AND MATERIALS 200 hours

###### A. Methods, Procedures, and Techniques of Teaching

1. Lectures and Discussions
2. Demonstrations
3. Conducting Practice Activities
4. Questioning Techniques
5. Results
6. Special Situations

###### B. Classroom Management

1. Physical Environment
  2. Administrative Duties
  3. Student Discipline
  4. Class Supervision
  5. Classroom Routine
  6. Corrective Measures
- ###### C. Teaching Materials
1. Audio-Visual Aids (Types)
  2. Values of Different Teaching Aids
  3. Correct Usage
  4. Miscellaneous Teaching Materials
    - a. Textbooks
    - b. Workbooks
    - c. Reference Books
    - d. Creative Aids

##### IV. TESTING AND EVALUATION . . . . . 100 hours

- A. Testing
  1. Purpose
  2. Performance Tests
  3. Written Tests
  4. Standardized Tests
- B. Evaluation
  1. General Student Abilities
  2. Student Achievement
  3. Teacher Evaluation

#### THE TEACHING OF ESTHETICS AND THE ESTABLISHING OF A CONTINUING EDUCATION SEMINAR FOR TEACHERS OF COSMETOLOGY AND ESTHETICS

RS 37:503 APPROVED SCHOOLS OF COSMETIC THERAPY, COURSE OF STUDY REQUIRED.

A. No school of training of cosmetic therapy shall be approved by the board unless;

It is in charge of and under the immediate supervision of a currently licensed teacher of cosmetology or esthetics in active

practice, with at least 18 months of teaching experience in an accredited school of cosmetology or esthetics approved by the board.

It maintains as instructors persons who have completed the curriculum for the teacher's training course and who are currently licensed as teachers by the board, at least one of whom shall have been licensed as a teacher and in active practice for at least 18 months.

Teachers applying for credit on Continuing Educational Program Seminars held out of State, must submit to the Board a copy of the courses of study being offered at the seminar for approval 60 days prior to the beginning of the seminar---fee \$10. RS 37:506 1. CONTINUING EDUCATION SEMINAR REQUIREMENT, TEACHERS: LICENSE RENEWAL.

A. Those persons holding a teaching certificate for cosmetology or esthetics shall attend a seminar for continuing education, as approved by the Board, at least one time every two years in order to maintain a current teaching certificate. A continuing education seminar shall consist of at least 24 hours of training in related fields of cosmetology or esthetics, as approved by the Board.

Teacher Seminars should include the following Courses of study:

1. The Professional Teacher
2. Student Motivation and Learning
3. Methods, Management and Materials
4. Testing and Evaluation
5. Chemistry of Cosmetics
6. Chemistry of Hair and Skin
7. Communication Skills
8. Dispensary Operations and Inventory Control
9. Nutrition
10. Psychology of Human Relations
11. Record Keeping and Taxes
12. Salon Management
13. Art Theory (Principles of Line Design)
14. Professional Image
15. Public Relations
16. Salesmanship and Merchandising
17. Speech
18. Telephone Practices
19. Dollars and Sense for Hairdressers and School

Owners

B. A current teaching certificate shall be one held by a qualified person who annually renews the certificate under the requirements of this Chapter and satisfactorily attends the Board approved continuing education seminar. Any person who allows his teaching certificate to lapse and does not hold a current teaching certificate shall attend said seminar within 12 months of his return to employment as a teacher in order to teach in an approved school of cosmetology or esthetics with an approved renewed certificate.

Course must be attended in its entirety in order to qualify as a current teacher---No excuses accepted.

Proof of attendance must be submitted in the form of a sign-in sign-out book, together with an affidavit signed by the chairman of the seminar or someone so designated verifying completion of at least 24 hours of training in related fields of cosmetology or esthetics.

\*\*\*\*\*

Students completing 1,000 hours or more must be cleared immediately for the theory part of the examination, remitting the fee of \$18.50. The student must then remain in school for the balance of 500 hours of practical work after which they will be examined in that phase.

For student cosmetologist who desire to complete their education as an esthetician, not over 250 hours satisfactorily accredited shall be transferable.

Mrs. Joel Alice Mumphrey  
Chairman

## DECLARATION OF EMERGENCY

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

The Louisiana State Board of Medical Examiners ("Board"), within the Department of Health and Human Resources, is constituted under the Louisiana Medical Practice Act, LSA-R.S. 37:1261-91, and charged thereunder with the responsibility, *inter alia*, of licensing physicians and surgeons to practice medicine in the state of Louisiana. Among the criteria prerequisite to licensure, the Medical Practice Act requires that an applicant be a graduate of a medical college in good standing with the Board. LSA-R.S. 37:1272(4). By longstanding regulation, the Board has uniformly approved all United States and Canadian medical schools formally accredited by the Council on Medical Education of the American Medical Association or by the Royal College of Physicians and Surgeons of Canada, respectively. With respect to foreign medical schools, however, there is no recognized, reputable and reliable accrediting agency, institution or process, nor is it practicable for the Board to assess or pass upon the adequacy of instruction and training provided by such schools. Accordingly, the Board has made special provision for the licensure of graduates of foreign medical schools.

Toward satisfying the Board that a foreign medical graduate has received appropriate and adequate formal education, existing Board Rules require that such a graduate obtain three years of postgraduate clinical training in an approved training program sponsored by an accredited American medical school or college. Such Rules also provide for the issuance of permits to authorize foreign medical graduates to participate in approved training programs sponsored by Louisiana medical schools. Current Rules provide that such training programs must be independent of postgraduate residency programs.

Experience has proven the strict segregation of foreign graduate training programs to be unworkable in practice; foreign medical graduates in such programs have largely been incorporated into residency programs involving direct patient care. At the same time, recent studies by reputable agencies have questioned the overall quality of medical education and the adequacy of clinical resources provided by a number of recently established foreign medical schools. Both circumstances compel a revision of the Board's Rules governing the licensure of graduates of foreign medical schools to ensure that such applicants are competent and qualified to engage in the practice of medicine.

The Board finds that a revision of its existing Rules respecting graduates of foreign medical schools is necessary in the interest of the public health, safety and welfare. LSA-R.S. 37:1261. The Board also finds that, given pending inquiries and applications, such revisions must be adopted forthwith. Accordingly, exercising the authority conferred on the Board by LSA-R.S. 37:1270B(6) and by the Emergency Rule provisions of the Administrative Procedure Act, LSA-R.S. 49:953B, on March 18, 1982, the Board adopted the following Rules:

#### Rule 1 Definitions

As used in these Rules, the following terms shall have the meanings specified:

(a) The term "applicant" means a person on whose behalf the Board has received an application for unrestricted medical licensure or for a Graduate Medical Educational Temporary Permit.

(b) The term "Board" means the Louisiana State Board of Medical Examiners.

(c) The term "ECFMG" means the Educational Council for Foreign Medical Graduates.

(d) The term "FLEX" means the Federation Licensing Examination developed and administered by the Federation of State Medical Boards of the United States.

(e) The term "foreign medical graduate" or "FMG" means a graduate of a medical school which is not located in any of the several states of the United States, in the District of Columbia, in Puerto Rico nor in Canada and which is not approved or accredited by the Council on Medical Education of the American Medical Association, or by the Royal College of Physicians and Surgeons of Canada, or their successors.

(f) The term "Secretary" means the Secretary of the Louisiana State Board of Medical Examiners.

Rule 2  
Necessity for License  
or Graduate Medical Educational  
Temporary Permit

(a) No person may engage in the practice of medicine in the state of Louisiana unless he has in his personal possession a valid, current license issued by the Board.

(b) No foreign medical graduate may enroll or participate in any graduate or postgraduate medical educational program in the state of Louisiana unless he has in his personal possession a valid, current unrestricted license or a Graduate Medical Educational Temporary Permit issued by the Board.

Rule 3  
Qualifications For  
Unrestricted License

To be eligible for unrestricted medical licensure, a foreign medical graduate must:

- (a) Be at least 21 years of age;
- (b) Be of good moral character;
- (c) If the FMG applicant is not a citizen of the United States,

(1) Possess a valid, current VISA issued by the United States government;

(2) Be otherwise lawfully entitled to maintain a residence and employment within the United States;

(d) Possess a valid diploma certifying that the foreign medical graduate is a graduate of a medical school officially recognized by its domicile country and listed by the World Health Organization;

(e) Demonstrate his or her ability to speak, understand, read and write the English language; and

(f) Demonstrate his or her academic, professional and clinical competence in the practice of medicine by presenting or causing to be presented to the Board:

- (1) An original standard ECFMG certificate;
- (2) Satisfactory evidence that the FMG applicant has successfully passed the FLEX examination with a weighted average of 75.0 or higher. No partial examination scores will be considered. No FMG applicant shall be considered who has failed to achieve a weighted average of 75.0 upon four or more FLEX examinations. After three successive failures of the FLEX examination, the FMG applicant shall provide satisfactory evidence of having completed an additional six months of postgraduate training prior to taking the FLEX examination a fourth time; and

(3) Satisfactory evidence that the FMG applicant has successfully completed three years of postgraduate clinical training, or the equivalent thereof, in a program or programs at a medical institution or institutions in the United States or Canada approved by the American Medical Association or the Royal College of Physicians and Surgeons of Canada, or their successors.

Rule 4  
Qualifications For  
Graduate Medical Educational  
Temporary Permit

A foreign medical graduate who possesses all of the qualifications set forth in Rule 3, save for Section (f)(3) thereof, may be issued a Graduate Medical Educational Temporary Permit to participate in a medical training program in an institution in Louisiana for the purpose of fulfilling in whole or in part the requirements of Rule 3(f)(3), provided that:

(a) The graduate medical educational training program must be sponsored by a medical school or college of Louisiana approved by the Board;

(b) The application must be submitted through the Dean of the approved medical school or college in which the FMG applicant is to receive such training;

(c) The trainee is not permitted or authorized to sign any documents requiring unrestricted medical license; and

(d) The FMG trainee is not permitted to engage in the practice of medicine in any respect or to receive clinical training other than within the approved graduate medical educational program.

Rule 5  
Application for Licensure;  
Procedure

(a) Application for unrestricted licensure or for a Graduate Medical Educational Temporary Permit must be made upon forms supplied by the Board;

(b) Application for licensure or permit under these rules must include:

(1) Proof, documented in a form satisfactory to the Board as specified by the Secretary that the FMG applicant possesses the qualifications set forth in Rule 3 or in Rule 4; and such other documentation as the Board may require.

(c) All documents required to be submitted to the Board must be the original or certified copy thereof. For good cause shown, the Board may waive this requirement. All documents thus submitted which are not in the English language must be accompanied by a certified translation thereof into English.

(d) Each application submitted to the Board by an FMG applicant shall be accompanied by a nonrefundable fee of \$156.50 and, effective January 1, 1983, of \$200.

(e) The Board may reject or refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The Board may, in its discretion, require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

(f) Upon submission of a complete application form, an FMG applicant shall, by appointment, make a personal appearance before a member of the Board.

Rule 6  
Issuance of Licenses, Permits

(a) If the qualifications, requirements and procedures of Rules 3 and 5 are met to the satisfaction of the Board, the Board shall issue an unrestricted license to the FMG applicant.

(b) If the qualifications, requirements and procedures of Rules 4 and 5 are met to the satisfaction of the Board, the Board shall issue a Graduate Medical Educational Temporary Permit to the FMG applicant.

**Rule 7  
Renewals**

(a) Every license or permit issued under these Rules shall expire as of the last day of the year in which such license or permit was issued.

(b) Every license or permit issued under these Rules shall be renewed annually on or before the first day of January by submitting to the Board an application for renewal upon forms supplied by the Board. Each application for renewal shall be accompanied by a fee of \$25.

J. Morgan Lyons, M.D.  
Secretary-Treasurer

**DECLARATION OF EMERGENCY**

**Department of Health and Human Resources  
Office of Human Development**

Under the authority of Act 786 of the 1978 Louisiana Legislature, the Department of Health and Human Resources, Office of Human Development, has adopted the following procedures designed to avoid deficit expenditures in the Client Placement Program for the current fiscal year.

Except for court-ordered placements and placements in public and private long term care facilities, all placements shall be authorized by the Office of the State Placement Director.

Authorization for a placement will be given only when it can be done without exceeding available budgeted monies.

Roger P. Guissinger  
Secretary

**DECLARATION OF EMERGENCY**

**Department of Health and Human Resources  
Office of Licensing and Regulation**

The Department of Health and Human Resources, Office of Licensing and Regulation, does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective March 31, 1982, the following regulations for the disposal of fetal remains subsequent to an abortion. The regulations are being adopted in accordance with the provisions of La. R.S. 40:1299.35.14 et seq.

This will bring the State of Louisiana into full compliance with a judicial mandate requiring the adoption of these regulations by April 1, 1982.

**I. Adoption of Policies and Guidelines**

Each physician who performs or induces an abortion shall adopt policies and procedures which will address at a minimum the requirements contained herein. Each hospital licensed by the state of Louisiana shall be responsible for formally adopting in writing policies and procedures addressing the requirements of these regulations and applicable Louisiana law.

**II. Information as to Options for Disposal**

As required in La. R.S. 40:1299.35.14, the attending physician shall inform each woman upon whom he performs or induces an abortion of the provision of La. R.S. 1299.35.15 within 24 hours after the abortion is performed or induced. Such information shall include the provisions of these regulations relative to the

disposal of fetal remains.

**III. Acceptable Means of Disposal**

A. As provided in La. R.S. 8:651 et seq., alternative means to those provided in these regulations may be elected for the disposal of fetal remains. The right to control the disposal of these remains is provided for in La. R.S. 8:655 and vests in and devolves upon first the parents of the decedent and then the surviving brothers and sisters. 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 24 hours after election to dispose of remains under La. R.S. 8:651 et seq.

B. If disposition of the remains is not addressed according to La. R.S. 8:651 et seq. either through failure to elect alternative disposal within 24 hours of information thereof under La. R.S. 40:1299.35.14 or upon failure to remove the remains within 24 hours after election for alternative disposal, the disposition of remains becomes the responsibility of the physician and/or hospital.

1. The preferred means of disposal is the incineration of all fetal remains. 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. Disposal of remains should be accomplished within a 24-hour period subsequent to the conclusion of all medical studies and evaluations.

2. A non-preferred alternative means of disposal is available to physicians and medical facilities. This method is to be used only when the development of the fetus is of such a nature that examination by a lay person would not ascertain it to be recognizable fetal remains. Furthermore, this disposal means is applicable only to those fetuses that are a result of abortions performed during the first trimester of pregnancy. Non-preferred disposal may be accomplished using the sanitary disposal system provided by the municipality or other political subdivision and approved by the Office of Health Services and Environmental Quality of the Department of Health and Human Resources for the disposal of waste matter. Commercial facilities approved for the disposal of biological waste may also be used as a means of non-preferred disposal.

3. The disposal method outlined in III.B.1. above is the preferred disposal method for all fetal remains. All fetal remains shall be disposed of by the preferred method except in the circumstances provided in III.B.2. and as further conditioned in the following section.

**IV. General Disposal Policy**

A. In facilities that are equipped to dispose of tissue as per the preferred disposal methodology of III.B.1. above, all fetal remains shall be disposed of in conformity with the preferred methodology.

B. In those facilities that do not have adequate incineration equipment, the following policy shall be applicable:

1. Physicians or facilities may develop agreements with hospitals or other facilities to dispose of fetal remains in accordance with the procedures of III.B.1.

2. Under the circumstances outlined in III.B.2., and only in the event that it would be impractical or grossly uneconomical to practice disposal as per the preferred method, physicians or facilities may enter into agreements with hospitals or other facilities to perform III.B.2 non-preferred disposal or may practice such disposal in-house.

It is intended that this exception to the preferred disposal method be applicable only to licensed practitioners such as smaller clinics, physicians' offices, and ambulatory surgical centers where-

in it would be unreasonable to expect the installation of equipment necessary to conform to the preferred disposal method. Use of non-preferred disposal method is not available to hospitals licensed by the state of Louisiana.

George A. Fischer  
Secretary

### DECLARATION OF EMERGENCY

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

WHEREAS, the Board of Trustees of the State Employees Group Benefits Program, at its regular monthly meeting on February 24, 1982, voted to increase the major medical lifetime benefit limitation per person for active employees from \$100,000 to \$500,000, and for retired employees from \$50,000 to \$250,000, effective July 1, 1982; and

WHEREAS, some state employees or their dependents are now effectively without health coverage as they have already reached the major medical maximum limitation presently payable under this program:

THEREFORE, BE IT RESOLVED that the Board of Trustees of the State Employees Group Benefits Program therefore finds that there is an imminent peril to the public health, safety, and welfare which requires the amendment of this former resolution of the Board upon fewer than the 15 days notice required by the Administrative Procedure Act of the State of Louisiana. For this reason, be it further resolved by the Board that the major medical lifetime benefit be and is hereby increased from \$100,000 to \$500,000 per person for active employees and from \$50,000 to \$250,000 for retired employees effective May 1, 1982.

James D. McElveen  
Executive Director

# Rules

## RULES

### Department of Agriculture Horticulture Commission

The Louisiana Department of Agriculture, Horticulture Commission, pursuant to the authority granted under LSA 37:1961 F and in accordance with Notice of Intent published on March 20, 1982, adopted the following Rules and Regulations for administration of the Horticulture program at a public hearing held on April 5, 1982:

#### RULES AND REGULATIONS

Adopted Pursuant to L. R. S. 37:1961-1974

- 1.0 Administration of the affairs of the Commission
- 2.0 Enforcement
- 3.0 Qualifications for licensure or permitting
- 4.0 Procedures for application for licensure or permitting

- 5.0 Fees for license or permit and renewal thereof
- 6.0 Minimum examination performance levels required
- 7.0 Examination schedule
- 8.0 General requirements for all licenses or permittees
- 9.0 Required Standards of Practice
- 10.0 Prohibition
- 11.0 Re-issuance of suspended or revoked license or permit
- 12.0 Clarification

\* \* \* \* \*

- 1.0 Administration of the affairs of the Commission
  - 1.1 In the absence of the Chairman, the Secretary shall preside at meetings of the Commission.
  - 1.2 The Chairman may designate a Hearing Officer, who may or may not be a member of the Commission, to preside at all adjudicatory proceedings of the Commission.
  - 1.3 The Commission shall serve as a Hearing Body in all adjudicatory proceedings and shall make the final decision with respect to the disposition of all matters brought to adjudication.
  - 1.4 Whenever any member of the Commission desires to be represented at any meeting of the Commission, the member must give at least five working days' prior written notice to the Secretary, naming the individual who will represent the member at the meeting of the Commission.
  - 1.5 Meetings of the Commission shall normally be held at the domicile of the Commission but may be held at other locations throughout the state upon the determination of the Chairman of the Commission.
  - 1.6 The Commission shall be convened upon the call of the Chairman.
  - 1.7 The Commission may act to expel a member under the provisions of L. R. S. 37:1961 H only after its intent to do so has been advertised to all members of the Commission by placement of the expulsion matter on the agenda for the meeting at which the vote for expulsion will be taken.
- 2.0 Enforcement

#### Hearings

- 2.1 Investigative hearings shall be for the purpose of investigating alleged violations of the Horticulture Laws, Rules and Regulations.
- 2.2 Investigative hearings may be held upon the call of the Commission. Such hearings may be held in any part of the state.
- 2.3 The Chairman, the Secretary, a member designated by the Chairman, or a hearing officer designated by the Commission who need not be a member of the Commission, shall preside at investigative hearings. All witnesses shall be sworn or shall make affirmation.
- 2.4 Investigative hearings conducted by the Commission shall be open to the general public.
- 2.5 If the Commission determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall afford such person, upon request, an opportunity to appear as a witness; receive and dispose of requests from such persons to subpoena additional witnesses; and afford such person, or his attorney, upon request the opportunity to examine or cross-examine witnesses.
- 2.6 The Director of the Horticulture Commission, upon approval of the Chairman or Secretary, is authorized to sign subpoenas which require the attendance and giving of testimony by persons who may possess any knowledge concerning any offense under investigation at an investigative hearing or for investigative purposes. The subpoena shall set forth reasonable grounds therefor, and shall order the person to appear at a desig-