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LOUISIANA ADMINISTRATIVE CODE/LOUISIANA REGISTER

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Order No.	Description	Last Amended Date	Compiled Date	Price
Complete LAC	<i>Louisiana Administrative Code</i> - Complete set including supplement and amendments	varies		\$ 1,080.00
19	Corporations and Business	1/97	3/97	\$ 15.00
22:IX-1	Felony Sentencing Guidelines	7/94	12/96	\$ 25.00
25:I-IX	Cultural Resources: Cultural Development; State Museums; State Library; State Parks	1/96	12/96	\$ 22.75
33:I	DEQ - Part I - Office of the Secretary	3/97	6/97	\$ 18.00
33:III-2	DEQ - Part III - Air	12/96	12/96	\$ 115.50
33:V-2	DEQ - Part V - Hazardous Waste and Hazardous Materials	11/96	12/96	\$ 164.75
33:VII-2	DEQ - Part VII - Solid Waste	6/97	6/97	\$ 43.00
33:IX/XIII	DEQ - Part IX, XIII - Water Quality; Groundwater Protection	6/97	6/97	\$ 85.00
34-2	Government Contracts, Procurement and Property Control	1/97	3/97	\$ 27.25
42-2	Louisiana Gaming: Charitable Bingo, Keno, Raffle; T.V. Bingo; Casino Gambling; Video Poker; Riverboat Gaming	1/97	2/97	\$ 51.00
42:XI-2	Video Poker	1/97	1/97	\$ 6.00
43:IX-XIII	Natural Resources: Office of Conservation-Natural Gas Policy Act, Pipeline Division, and Pipeline Safety	9/95	3/97	\$ 35.25
43:XIX	Natural Resources: Office of Conservation-General Operations	5/97	6/97	\$ 23.00
43:XXVII	Natural Resources: State Land Office	4/93	3/97	\$ 32.00
46:III	Professional and Occupational Standards-Auctioneers	12/94	3/97	\$ 3.50
46:XXI	Professional and Occupational Standards-Certified Shorthand Reporters	12/96	12/96	\$ 3.25
46:XXXIII	Professional and Occupational Standards-Dental Health Profession	2/97	3/97	\$ 7.50
46:XXXVII	Professional and Occupational Standards-Embalmers and Funeral Directors	11/95	3/97	\$ 3.75
67-1	Social Services: Secretary, Family Support, Community Serv., Rehabilitation Services	6/97	6/97	\$ 33.50
76	Wildlife and Fisheries	2/97	2/97	\$ 33.25

Executive Orders

EXECUTIVE ORDER MJF 97-26

Individual Wastewater Treatment Systems Task Force

WHEREAS: Executive Order MJF 97-9, signed on January 31, 1997, established the Task Force on Individual Wastewater Treatment Systems (hereafter "Task Force"); and

WHEREAS: it is necessary to amend a provision in that Order;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 3 of Executive Order MJF 97-9 is amended to provide as follows:

The Task Force shall consist of at least 17 members who shall be appointed by and serve at the pleasure of the governor. The membership of the Task Force shall be selected as follows:

* * *

M. a representative of the Lake Pontchartrain Basin Foundation;

N. a representative of consumer organizations or groups; and

O. an at-large member.

SECTION 2: All other sections and subsections of Executive Order MJF 97-9 shall remain in full force and effect.

SECTION 3: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 23rd day of June, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9707#014

Emergency Rules

DECLARATION OF EMERGENCY

**Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Advisory Commission on Pesticides**

**Pesticide Use Restrictions—Azinphos-Methyl
(LAC 7:XXIII.13138)**

In accordance with the Administrative Procedure Act, R.S. 49:953(B) and R.S. 3:3203(A), the commissioner of Agriculture and Forestry is exercising the emergency provisions of the Administrative Procedure Act in adopting the following rules for the implementation of regulations governing the use of the pesticide, azinphos-methyl.

Azinphos-methyl is an essential pesticide in the control of sugarcane pests. Without its use a substantial portion of the sugarcane crop in Louisiana could be damaged by pests. Because of its effectiveness as a pesticide Azinphos-methyl poses a substantial threat to the environment if it is misapplied. It was the cause of substantial fishkills in 1991. Because of its substantial threat to the environment the department has severely limited the use of Azinphos-methyl, even though its label allows a wider use. The application of Azinphos-methyl in accordance with its label, but inconsistent with the department's rules and regulation and the misuse of this pesticide poses an imminent peril to the public health, safety and welfare and to the environment, especially if it gets into the waterways of this state.

The department has, therefore, determined that these emergency rules are necessary in order to implement a monitoring program and registration and permitting requirements during the current crop year. Information will be gathered to determine whether the effectiveness of this chemical outweighs any potential risk to the public or the environment. The rule becomes effective upon signature and will remain in effect 120 days.

Title 7

AGRICULTURE AND ANIMALS

Part XXIII. Pesticides

Chapter 131. Advisory Commission on Pesticides

Subchapter I. Application of Pesticides

§13138. Application of Azinphos-Methyl

A. Registration Requirements

1. The commissioner hereby declares that prior to making any aerial application of azinphos-methyl to sugarcane, the aerial owner/operator must first register such intent by notifying the Division of Pesticides and Environmental Programs (DPEP) in writing.

2. The commissioner hereby declares that prior to selling azinphos-methyl to be applied on sugarcane, the dealer must first register such intent by notifying the DPEP in writing.

3. The commissioner hereby declares that prior to making recommendation for application of azinphos-methyl to sugarcane, the agricultural consultant must first register such intent by notifying the DPEP in writing.

B. Grower Liability. Growers of sugarcane shall not force or coerce applicators to apply azinphos-methyl to their crops when the applicators, conforming to the Louisiana pesticide laws and rules and regulations or to the pesticide label, deem it unsafe to make such applications. Growers found to be in violation of this Section shall forfeit their right to use azinphos-methyl on their crops, subject to appeal to the Advisory Commission on Pesticides.

C. Azinphos-methyl Application Restriction

1. Application of Azinphos-methyl on sugarcane is limited to one application per season.

2. Do not apply by ground within 25 feet, or by air within 150 feet of lakes; reservoirs; rivers; permanent streams, marshes or natural ponds; estuaries and commercial fish farm ponds.

D. Procedures for Permitting Applications of Azinphos-methyl

1. Prior to any application or recommendation for application of Azinphos-methyl, approval shall be obtained in writing from the Louisiana Department of Agriculture and Forestry (LDAF). Such approval is good for five days from the date issued. Approval may be obtained by certified agricultural consultants from the DPEP. Where farmers do not use agricultural consultants, approval must be obtained by the private applicator or aerial applicators employed by such farmers from DPEP.

2. The determination as to whether a permit for application is to be given shall be based on criteria including but not limited to:

- a. weather patterns and predictions;
- b. soil moisture;
- c. propensity for run-off;
- d. drainage patterns;
- e. quantity of acreage to be treated;
- f. extent and presence of vegetation in the buffer zone between application site and water body;
- g. water monitoring results;
- h. targeted pest must exceed the following prescribed thresholds: yellow sugarcane aphid, 20 - 25 live aphids per leaf or sugarcane borer—a three-fold threshold (15 percent) i.e., one or more live borers in 15 different stalks per 100 stalks;
 - i. Azinphos-methyl total acreage target shall not exceed 80,000 acres; and
 - j. any other relevant data.

E. Monitoring of Azinphos-methyl. Agricultural consultants registered to recommend azinphos-methyl on sugarcane shall report daily to the DPEP, on forms prescribed

emergency rule, reimbursement for out-of-state inpatient hospital services was at 72 percent of billed charges. After a review of the prior authorization process for out-of-state care, the bureau has determined it is necessary to revise the reimbursement methodology for out-of-state inpatient hospital services rendered to recipients under the age of 21 by increasing the payment to 72 percent of billed charges. Outpatient services will continue to be reimbursed at 50 percent of billed charges except for ambulatory surgical procedures and outpatient laboratory procedures which are reimbursed in accordance with a fee schedule. This action is necessary to assure the health and welfare of these recipients by maintaining access to medical services when a recipient requires emergency care while out of state or when the medical services are not available in this state.

A subsequent emergency rule was published in the *Louisiana Register* (Volume 23, Number 3), effective April 1997.

Emergency Rule

Effective for dates of service on or after August 2, 1997, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases reimbursement to out-of-state hospitals to 72 percent of billed charges for inpatient services provided to recipients under the age of 21.

Bobby P. Jindal
Secretary

9707#045

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Medically Needy Program

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This emergency rule is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted an emergency rule to terminate the Title XIX Medically Needy Program as an eligibility category under the Medicaid Program (*Louisiana Register*, Volume 22, Number 6). This action was taken to avoid a budget deficit in the medical assistance program due to the lack of sufficient state funds required to match the federal financial participation required under Title XIX of the Social Security Act. A subsequent

Program with limitations (*Louisiana Register*, Volume 22, Number 7).

In compliance with House Concurrent Resolution Number 108 of 1997, the department adopts the following rule to terminate the state-funded Medically Needy Program and reinstate the Title XIX Medically Needy Program for the month of July 1997. This action is necessary to protect the citizens of Louisiana from an imminent peril to their health and welfare that would result if they were unable to continue to receive necessary medical services. It is anticipated that the implementation of this emergency rule will increase expenditures by approximately \$5,000,000 for fiscal year 1997-98.

Emergency Rule

Effective for the month of July 1997, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing terminates the state-funded Medically Needy Program and reinstates the Title XIX Medically Needy Program in accordance with the House Concurrent Resolution Number 108 of 1997.

Interested persons may submit written comments to Thomas D. Collins, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this emergency rule.

A copy of this emergency rule is available for review by interested parties at parish Medicaid offices.

Bobby P. Jindal
Secretary

9707#005

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Medically Needy Program Restrictions

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This emergency rule is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted an emergency rule to terminate the Title XIX Medically Needy Program as an eligibility category under the Medicaid Program, effective July 1, 1996 (*Louisiana Register*, Volume 22, Number 6). This action was taken to avoid a budget deficit in the Medicaid Program due to the lack of sufficient state funds required to match the federal financial

participation required under Title XIX of the Social Security

compliance with Executive Order MJF 96-17 to establish a state-funded Medically Needy Program with limitations (*Louisiana Register*, Volume 22, Number 7).

The department adopted an emergency rule to reinstate the Title XIX Medically Needy Program, effective July 1, 1997 (*Louisiana Register*, Volume 23, Number 7). The department has subsequently determined it is necessary to amend the July 1, 1997 emergency rule to place restrictions in service coverage under the reinstated Title XIX Medically Needy Program. The eligibility criteria under the reinstated Title XIX Medically Needy Program shall remain the same as the eligibility criteria utilized in the Title XIX Medically Needy Program prior to July 1, 1996. Service coverage under the reinstated Title XIX Medically Needy Program shall be restricted to:

- (1) inpatient and outpatient hospital services;
- (2) Intermediate Care Facility for the Mentally Retarded (ICF/MR) services;
- (3) Intermediate Care and Skilled Nursing Facility (ICF and SNF) services;
- (4) physician services and medical/surgical services by a dentist;
- (5) nurse midwife services;
- (6) Certified Registered Nurse Anesthetist (CRNA) and anesthesiologist services;
- (7) lab and x-ray services;
- (8) prescription drugs;
- (9) EPSDT (KIDMED) screening services;
- (10) rural health clinic services;
- (11) hemodialysis clinic services;
- (12) ambulatory surgery clinic services;
- (13) prenatal clinic services;
- (14) Federally Qualified Health Center (FQHC) services;
- (15) family planning services;
- (16) durable medical equipment;
- (17) rehabilitation services (PT, OT, ST);
- (18) nurse practitioner;
- (19) medical transportation (emergency and nonemergency);
- (20) home health services for individuals needing skilled nursing services only; and
- (21) radiation therapy.

The following services shall not be covered under the Title XIX Medically Needy Program:

- (1) dental services or dentures;
- (2) chiropractic;
- (3) optometry;
- (4) podiatry;
- (5) alcohol and substance abuse clinic services;
- (6) mental health clinic services;
- (7) home and community based waiver services;
- (8) home health (nurse aid and physical therapy);
- (9) case management services;
- (10) mental health rehabilitation services; and
- (11) psychiatric inpatient services for individuals under 22 years of age;
- (12) audiology;
- (13) Sexually Transmitted Disease (STD) Clinics; and
- (14) Tuberculosis Clinics.

All other components of the Title XIX Medically Needy Program shall be reinstated in accordance with the federal requirements as stated in the *Code of Federal Regulations*.

This action is necessary to protect the citizens of Louisiana from an imminent peril to their health and welfare that would result if they were unable to continue to receive necessary medical services and to avoid a budget deficit in the Medicaid Program.

It is anticipated that the implementation of this emergency rule will decrease expenditures by approximately \$11,444,191 for fiscal year 1997-98.

Emergency Rule

Effective August 1, 1997, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing establishes the following service coverage restrictions in the reinstated Title XIX Medically Needy Program:

Covered Services

- (1) inpatient and outpatient hospital services;
- (2) Intermediate Care Facility for the Mentally Retarded (ICF/MR) services;
- (3) Intermediate Care and Skilled Nursing Facility (ICF and SNF) services;
- (4) physician services and medical/surgical services by a dentist;
- (5) nurse midwife services;
- (6) Certified Registered Nurse Anesthetist (CRNA) and anesthesiologist services;
- (7) lab and x-ray services;
- (8) prescription drugs;
- (9) EPSDT (KIDMED) screening services;
- (10) rural health clinic services;
- (11) hemodialysis clinic services;
- (12) ambulatory surgery clinic services;
- (13) prenatal clinic services;
- (14) Federally Qualified Health Center (FQHC) services;
- (15) family planning services;
- (16) durable medical equipment;
- (17) rehabilitation services (PT, OT, ST);
- (18) nurse practitioner;
- (19) medical transportation (emergency and nonemergency);
- (20) home health services for individuals needing skilled nursing services only; and
- (21) radiation therapy.

Noncovered Services

- (1) dental services or dentures;
- (2) chiropractic;
- (3) optometry;
- (4) podiatry;
- (5) alcohol and substance abuse clinic/services;
- (6) mental health clinic services;
- (7) home and community based waiver services;
- (8) home health (nurse aid and physical therapy);
- (9) case management services;
- (10) mental health rehabilitation services; and
- (11) psychiatric inpatient services for individuals under 22 years of age;
- (12) audiology;

- (13) Sexually Transmitted Disease (STD) Clinics; and
- (14) Tuberculosis Clinics.

All other components of the Title XIX Medically Needy Program shall be in accordance with the federal requirements as stated in the *Code of Federal Regulations*.

Interested persons may submit written comments to Thomas D. Collins, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this emergency rule.

A copy of this emergency rule is available for review by interested parties at parish Medicaid offices.

Bobby P. Jindal
Secretary

9707#047

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Mentally Retarded/Developmentally Disabled Waiver Program—Annualized Individual Cost Cap

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This emergency rule is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing administers the Mental Retardation/Developmentally Disabled (MR/DD) Waiver under the Home and Community Based Services Waiver Program. The department adopted an emergency rule to establish an annualized individual cost cap not to exceed \$100,000 for waiver services in the Mental Retardation/Developmentally Disabled (MR/DD) Waiver Program and to transfer authority for the issuance of the waiver services authorization (MR-14) form to the Health Standards Section (*Louisiana Register*, Volume 23, Number 4). This action was taken to assure continued cost effectiveness of the waiver and to maintain the integrity of the approved plan of care.

The department has subsequently determined that it is necessary to repeal the April 21, 1997 emergency rule that established an annualized individual cost cap and transferred authority for the issuance of the waiver services authorization (MR-14) form.

Emergency Rule

Effective July 1, 1997, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repeals the April 21, 1997 emergency rule establishing an annualized individual cost cap of \$100,000 for waiver services in the Mental Retardation/Developmentally

Disabled (MR/DD) Waiver Program and transferring authority for the issuance of the waiver services authorization (MR-14) form.

Bobby P. Jindal
Secretary

9707#003

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Pharmacy Program—Maximum Allowable Overhead Cost

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act and as directed by the 1996-97 General Appropriation Act, which states:

"The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening, and utilization review, and other measures as allowed by federal law."

This emergency rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed by the Act.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides a pharmacy dispensing fee in the Pharmacy Program in accordance with the methodology approved in the State Plan for the Maximum Allowable Overhead Cost which includes a \$.10 provider fee collected on all prescriptions dispensed to Louisiana residents by pharmacists. This dispensing fee is called the Louisiana Maximum Allowable Overhead Cost and is determined by updating the base rate through the application of certain economic indices to appropriate cost categories to assure recognition of costs which are incurred by efficiently and economically operated providers. During state fiscal year 1995-1996 the bureau maintained the Louisiana Maximum Allowable Overhead Cost at the state fiscal year 1994-1995 level. The following emergency rule continues the Louisiana Maximum Allowable Overhead Cost at the state fiscal year 1994-1995 level. This action is necessary to avoid a budget deficit in the medical assistance programs. It is estimated that this action will reduce expenditures in the Pharmacy Program by approximately \$7,242,000 for state fiscal year 1997 and 1998.

Emergency Rule

Effective for dates of service July 1, 1997 and after, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions applicable to the Maximum Overhead Cost under the Pharmacy Program.

Maximum Allowable Overhead Cost

1. For state fiscal year 1997-98, the Maximum Allowable Overhead Cost will remain at the level established for state fiscal year 1994-95. This Maximum Allowable Overhead Cost was established by applying the 1993 indices to appropriate cost categories for a one-year period.

2. No inflation indices or any interim adjustments will be applied to the Maximum Allowable Overhead Costs for the time period July 1, 1997 through June 30, 1998.

Interested persons may submit written comments to Thomas D. Collins, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding the emergency rule.

A copy of this emergency rule may be obtained from the Medicaid parish office.

Bobby P. Jindal
Secretary

9707#004

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Substance Abuse Clinics

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule in the Medical Assistance Program, as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act, and as directed by the 1997-98 General Appropriation Act, which states:

"The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening, and utilization review, and other measures as allowed by federal law."

This emergency rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing currently provides coverage for substance abuse clinic services under the Medicaid Program. In February of 1996, the bureau adopted a rule to reimburse substance abuse clinics for only one service-per-day-per-recipient (*Louisiana Register*, Volume 22, Number 2). The bureau has now determined it is necessary to establish a maximum service limit of 26 visits per year for recipients age 21 and older for individual and group counseling/therapy. A maximum service limit of 12 visits per year per eligible recipient is established for family counseling/therapy for recipients age 21 and older. Additionally, coverage for collateral counseling services is terminated under the Medicaid program. The reimbursement

rate for group counseling/therapy is reduced to \$10 per eligible recipient in the group up to a maximum of six participants. The department adopts the following emergency in accordance with Act 18 of the 1997-98 General Appropriation Act. It is estimated that this emergency rule will reduce expenditures in the Substance Abuse Clinic Program by approximately \$6,246,845 for state fiscal year 1997-98.

Emergency Rule

Effective August 1, 1997, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing establishes service limits in the Substance Abuse Clinic Program as follows: 26 visits per year for individual and group counseling therapy and 12 visits per year per eligible recipient for family counseling therapy for recipients age 21 and older. Coverage for collateral counseling service in a substance abuse clinic is terminated. The reimbursement rate for group counseling/therapy is reduced to \$10 per eligible recipient in the group up to a maximum of six participants.

Interested persons may submit written comments to Thomas D. Collins, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this emergency rule.

A copy of this emergency rule is available for review by interested parties at parish Medicaid offices.

Bobby P. Jindal
Secretary

9707#044

DECLARATION OF EMERGENCY

**Department of Public Safety and Corrections
Office of State Fire Marshal**

Suspension of Use of Internal Inspection Tags for Portable Fire Extinguishers (LAC 55:V.3035)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act and the authority, R.S. 40:1651(B), the Department of Public Safety and Corrections, Office of the State Fire Marshal hereby finds that an imminent peril to public safety may exist in that the National Fire Protection Association (NFPA) is in the process of reconsidering its recommended method of internally marking of portable fire extinguishers when serviced and accordingly adopted on June 30, 1997 the following emergency rule.

This emergency rule, effective immediately, hereby amends LAC 55:V:3035.C, D, E and F in that enforcement of those provisions is hereby suspended to allow the Office of the State Fire Marshal to adequately research the issue and make a determination as to the appropriate type of internal marking to be adopted.

This emergency rule shall take effect on June 30, 1997 and shall remain in effect for 90 days. At the conclusion of this

period, the Office of the State Fire Marshal will either resume enforcement of the suspended provisions, as they exist, or promulgate new rules and regulations in accordance with its findings.

**Title 55
PUBLIC SAFETY**

Part V. Fire Protection

Chapter 30. Fire Extinguisher and Fire Detection and Alarm System

§3035. Installation, Inspection and Service

* * *

G. Enforcement of foregoing Subsections C, D, E and F is hereby suspended effective June 30, 1997 for a period of 90 days, during which time the Office of the State Fire Marshal shall reconsider the issue of internal inspection stickers required by the suspended provisions. At the conclusion of the 90-day period, enforcement of the existing provisions will resume or new provisions shall be promulgated, depending upon the findings during the period of reconsideration.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 17: 273 (March 1991), amended LR 23:

Thomas H. Normile
Undersecretary

9707#024

DECLARATION OF EMERGENCY

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

**Plan Document—Pre-Existing Condition
for Overdue Application; Special Enrollment**

Pursuant to the authority granted by R.S. 42:871(C) and 874(A)(2), vesting the Board of Trustees with the sole responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the Board of Trustees hereby invokes the emergency rule provisions of R.S. 49:953(B) to adopt amendments to the Plan Document of Benefits.

The board finds that it is necessary to amend the Plan Document relative to the pre-existing condition exclusion for overdue applicants and to provide for special enrollments in order to implement changes included in the Health Insurance Portability and Accountability Act of 1996 (U.S. Public Law 104-191), effective July 1, 1997, and the rules and regulations promulgated pursuant thereto, in order to avoid sanctions or penalties from the United States.

These amendments are effective July 1, 1997, and shall remain effective for a maximum of 120 days or until promulgation of the final rule, whichever occurs first.

The Plan Document of Benefits for the State Employees Group Benefits Program is hereby amended in the following particulars:

Amendment Number 1

Amend the introduction to the Plan Document on page 3, after "Group Coverage: Self-insured and self-funded comprehensive medical benefits plan" by inserting the following on the next line:

Plan Year: July 1 - June 30

Amendment Number 2

Amend Article 1, Section I, by adding two new Subsections, designated as Subsections OO and PP, to read as follows:

OO. Group Health Plan—a plan (including a self-insured plan) of, or contributed to by, an employer (including a self-employed person) or employee organization to provide health care (directly or otherwise) to the employees, former employees, the employer, others associated or formerly associated with the employer in a business relationship, or their families.

PP. *Health Insurance Coverage*—benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise) under any hospital or medical service policy or certificate, hospital or medical service plan contract, or HMO contract offered by a health insurance issuer. However, benefits described in Section 54.9804-1(b)(2) of the rules promulgated pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, are not treated as benefits consisting of medical care.

Amendment Number 3

Amend Article 1, Section II, Subsection B, Paragraph 2, to read as follows:

2. *Effective Date of Coverage.* Retiree coverage will be effective on the first of the month following the date of retirement, provided the employee and employer have agreed to make and are making the required contributions. Retirees shall not be eligible for coverage as overdue applicants or as special enrollees.

Amendment Number 4

Amend Article 1, Section II, Subsection D to read as follows:

D. *Pre-Existing Condition - Overdue Application.* The terms of the following paragraphs shall apply to all eligible employees who apply for coverage after 30 days from the date the employee became eligible for coverage and to all eligible dependents of employees and retirees for whom the application for coverage was not completed within 30 days from the date acquired.

1. ...

2. ...

3. Medical expenses incurred during the first 12 months that coverage for the employee and/or dependent is in force under this contract will not be considered as covered medical expenses if they are in connection with a disease, illness, accident or injury for which medical advice, diagnosis, care, or treatment was recommended or received during the six-month period immediately prior to the effective date of such coverage. In no event will the provisions of this Paragraph apply to pregnancy.

4. If the covered person was previously covered under a group health plan, health insurance coverage, Part A or B of Title XVII of the Social Security Act (Medicare), Title XIX of

the Social Security Act (Medicaid) other than coverage consisting solely of benefits under Section 1928 thereof, or other creditable coverage as defined in the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, and the rules and regulations promulgated pursuant thereto, the duration of the prior coverage will be credited against the initial 12-month period used by the program to exclude benefits for a pre-existing condition provided, however, that termination under the prior coverage occurred within 63 days of the date of enrollment for coverage under the program.

Amendment Number 5

Amend Article 1, Section II, by inserting a new Subsection E to read as follows, and redesignating current Subsections E, F, and G as Subsections F, H, and I, respectively:

E. Special Enrollments. In accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, and the regulations promulgated pursuant thereto, certain eligible persons for whom coverage was previously declined, and who would otherwise be considered overdue applicants, may enroll under the following circumstances, terms, and conditions for special enrollments:

1. Loss of Other Coverage. Special enrollment will be permitted for employees or dependents for whom coverage was previously declined because such employees or dependents had other coverage which has terminated due to:

a. loss of eligibility through separation, divorce, termination of employment, reduction in hours, or death of the plan participant; or

b. cessation of employer contributions for the other coverage, unless such employer contributions were ceased for cause or for failure of the individual participant; or

c. the employee or dependent having had COBRA continuation coverage under another plan, and the COBRA continuation coverage has been exhausted, as provided in HIPAA.

2. After Acquired Dependents. Special enrollment will be permitted for employees or dependents for whom coverage was previously declined when the employee acquires a new dependent by marriage, birth, adoption, or placement for adoption.

3. Special enrollment application must be made within 30 days of the termination date of the prior coverage or the date the new dependent is acquired. Persons eligible for special enrollment for whom application is made more than 30 days after eligibility will be considered overdue applicants, subject to the provisions of Article 1, Section II, Subsection D above.

4. The effective date of coverage shall be the first of the month following the date of the receipt by the State Employees Group Benefits Program of all required forms for enrollment.

5. The program will require that all special enrollment applicants complete a Statement of Physical Condition form and sign an acknowledgment of pre-existing condition form.

6. Medical expenses incurred during the first 12 months that coverage for the employee and/or dependent added through special enrollment is in force under this contract will not be considered as covered medical expenses if they are in connection with a disease, illness, accident or injury for which medical advice, diagnosis, care, or treatment was recommended or received during the six-month period immediately prior to the effective date of such coverage. In no event will the provisions of this Paragraph apply to pregnancy.

7. If the employee and/or dependent added through special enrollment was previously covered under a group health plan, health insurance coverage, Part A or B of Title XVII of the Social Security Act (Medicare), Title XIX of the Social Security Act (Medicaid) other than coverage consisting solely of benefits under Section 1928 thereof, or other creditable coverage as defined in the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, and the rules and regulations promulgated pursuant thereto, the duration of the prior coverage will be credited against the initial 12-month period used by the program to exclude benefits for a pre-existing condition provided, however, that termination under the prior coverage occurred within 63 days of the date of coverage under the program.

James R. Plaisance
Executive Director

9707#015

DECLARATION OF EMERGENCY

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

Alligator Season—1997

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and R.S. 49:967(D), which provides that the Wildlife and Fisheries Commission use emergency procedures to set the wild alligator season, the Wildlife and Fisheries Commission, at its regular meeting held July 8, 1997, in Baton Rouge, Louisiana, set the 1997 wild alligator season dates as follows:

The annual wild alligator season dates shall be September 6, 1997 through October 5, 1997.

This emergency adoption is necessary to allow department biologists adequate time to gather the biological data required to recommend season dates and harvest quotas based on up-to-date information.

The secretary of the Department of Wildlife and Fisheries shall have the authority to close, delay, reopen or extend this season as biologically justifiable.

Daniel J. Babin
Chairman

9707#039

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Shrimp Season Closure—Zone 2

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons, R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters and a resolution adopted by the Wildlife and Fisheries Commission on May 1, 1997 which authorized the secretary of the Department of Wildlife and Fisheries to close the 1997 Spring Inshore Shrimp Season in

any area or zone when biological and technical data indicates the need to do so, the secretary hereby declares:

The 1997 Spring Inshore Shrimp Season shall be closed in all of Zone 2, of Louisiana's inshore waters from the eastern shore of South Pass of the Mississippi River west to the western shore of Vermilion Bay and Southwest Pass at Marsh Island, at 6 a.m., Tuesday, July 8, 1997.

Small white shrimp have been taken in recent shrimp samples by department personnel. These small white shrimp are widely distributed throughout Zone 2 and the number of white shrimp is expected to increase substantially over the next few weeks.

Zones 1 and 3 will remain open until further notice.

James H. Jenkins, Jr.
Secretary

9707#022

Rules

RULE

**Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Advisory Commission on Pesticides**

Registration of Pesticides (LAC 7:XXIII.13113)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Advisory Commission on Pesticides hereby amends the regulations regarding standard registrations of pesticides. These rules comply with and are enabled by R.S. 3:3203. The department published its notice of intent to amend these rules on pages 307-308 of the March, 1997 *Louisiana Register*. This rule has an effective date of July 20, 1997.

Title 7

AGRICULTURE AND ANIMALS

Part XXIII. Pesticides

Chapter 131. Advisory Commission on Pesticides

Subchapter D. Registration of Pesticides

§13113. Standard Registrations

A. Application for registration shall consist of two types, namely initial registration and renewal registration. Initial registration application may be filed at any time of the year. Renewal registration application shall be filed by the first day of December each year. Application shall be made on forms or formats prescribed by the commissioner; or on forms or formats which have the prior, written approval of the commissioner.

1. Each application for the initial registration of a pesticide and for the re-registration of a pesticide for which the label has been changed shall be accompanied by the following information:

- a. the brand of the pesticide;
- b. the name, address and contact person of the manufacturer of the pesticide;
- c. two complete copies of the labeling of the pesticide, containing:
 - i. the specific name of each active ingredient in the pesticide;
 - ii. the percentage of the active ingredients in the pesticide;

- iii. the percentage of the inert ingredients in the pesticide;
- iv. the net contents of each package in which the pesticide will be sold;
- v. a statement of claims made for the pesticide;
- vi. directions for the use of the pesticide, including warnings or caution statements;
- d. the material safety data sheet prepared in accordance with the requirements of the Environmental Protection Agency;
- e. such other information as the commissioner may require.

2. Application for re-registration of a pesticide for which the label has not been changed shall be accompanied by the following information:

- a. the brand of the pesticide;
- b. the name, address and contact person of the manufacturer of the pesticide;
- c. such other information as the commissioner may require.

3. The registration requirements as described in LAC 7:XXIII.13113.A.1 shall be resubmitted for any pesticide for which the label has been changed within 60 days of the change.

B. Any registration may be denied by the commissioner if he determines that:

1. the composition of the pesticide is not sufficient to support the claims made for the pesticide;
2. the label on the pesticide does not comply with state and federal requirements;
3. use of the pesticide may produce unreasonable adverse effects on the environment;
4. information required in LAC 7:13113.A has not been furnished to the commissioner by the manufacturer.

C. Any pesticide registered in Louisiana must comply with the following:

1. Any pesticide sold or offered for sale or distribution must bear a label consistent with the label submitted in the registration application.
2. Each shipping container must bear the lot or batch number of the pesticide.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203 and R.S. 3:3221.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 15:76 (February 1989), LR 23:192 (February 1997), LR 23:853 (July 1997).

Bob Odom
Commissioner

9707#016

RULE

**Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Horticulture Commission**

**Examination Application
(LAC 7:XXIX.15107)**

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Horticulture Commission has amended LAC 7:XXIX.15107 regarding the deadlines to apply for retail florist and landscape architect examinations. These rules comply with and are enabled by R.S. 3:3801 et seq. No preamble regarding these rules is available.

Title 7

**AGRICULTURE AND ANIMALS
Part XXIX. Horticulture Commission**

**Chapter 151. Horticulture
§15107. Procedures for Application for Examination
and Licensure or Permitting**

B. Retail Florist

1. Applicants who desire to take the examination for retail florist must file the completed application, together with the fee required under LAC 7:15109.A at the commission's state office in Baton Rouge. The application must be postmarked or received no later than 45 days preceding the scheduled examination date.

C. Landscape Architect

1. Applicants who desire to take the examination for landscape architect must file the completed application, together with any supporting evidence, official transcript(s), and affidavit(s) as may be necessary, and with the fee required under LAC 7:15109.B at the commission's state office in Baton Rouge. The application must be postmarked or received by the deadline date established for applying for examination, which date shall be published in a prior issue of the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801, R.S. 3:3807 and R.S. 3:3808.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Horticulture Commission, LR 8:184 (April

1982), amended LR 14:7 (January 1988), LR 18:249 (March 1992), LR 20:639 (June 1994), LR 23:854 (July 1997).

Bob Odom
Commissioner

9707#020

RULE

**Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Structural Pest Control Commission**

Adjudicatory Hearing Violations (LAC 7:XXV.14121)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Structural Pest Control Commission hereby amends LAC 7:XXV.14121 regarding the violations which can be brought before the Structural Pest Control Commission at an adjudicatory hearing. These amended rules comply with and are enabled by R.S. 3:3366 and R.S. 3:3371. No preamble regarding these proposed rules is available.

Title 7

**AGRICULTURE AND ANIMALS
Part XXV. Structural Pest Control**

**Chapter 141. Structural Pest Control Commission
§14121. Adjudicatory Proceedings of the Commission;
Violations**

A. - D.21. ...

- 22. operating faulty or unsafe equipment;
- 23. operating in a faulty, careless, or negligent manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:328 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15: 957 (November 1989), LR 23:854 (July 1997).

Bob Odom
Commissioner

9707#028

RULE

**Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Structural Pest Control Commission**

**Wood Destroying Insects
(LAC 7:XXV.Chapter 141)**

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Structural Pest Control Commission amends regulations governing wood destroying insects. These amendments comply with and are enabled by R.S.3:3366.

Title 7
AGRICULTURE AND ANIMALS
Part XXV. Structural Pest Control

Chapter 141. Structural Pest Control Commission
§14101. Definitions

* * *

License—a document issued by the commission which authorizes the practice and/or supervision of one or more phases of structural pest control work as follows:

1. *General Pest Control*—the application of remedial or preventive measures to control, prevent or eradicate household pests by use of pesticides used as sprays, dusts, aerosols, thermal fogs, barriers, traps and baits. Residential rodent control will be limited to the use of anti-coagulants rodenticide and traps.

2. *Commercial Vertebrate Control*—the application of remedial or preventive measures to control, prevent or eradicate vertebrates, including baits, chemicals, barriers, gases and traps, in nonresidential establishments, but not including tarpaulin fumigation.

3. *Termite Control*—the application of remedial or preventive measures for the control, prevention or eradication of termites and other wood-destroying insects.

4. *Fumigation*—the use of lethal gases and/or rodenticide in a gaseous form for the control, prevention or eradication of insect pests, rodents, or other pests in a sealed enclosure with or without a tarpaulin.

5. *Wood Destroying Insect Report (WDIR) Inspector*—the application of remedial or preventive measures for the control, prevention or eradication of termites and other wood-destroying insects and the inspection of structures for wood-destroying insects.

* * *

Registered Wood Destroying Insect Report (WDIR) Technician—an employee qualified to conduct wood destroying insect report inspections.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15: 954 (November 1989), LR 17:251 (March 1991), LR 23:855 (July 1997).

§14107. License to Engage in Structural Pest Control; Work Required; Qualifications of Applicant; Requirements for Licensure; Phases of Structural Pest Control License; Conditions of the License

A. - G. ...

H. All applicants who are approved by the commission will, upon successfully completing the examination for licensure as set forth in §14109 hereof, receive a single license to engage in structural pest control work, which license shall specify on the face thereof the specific phase or phases of structural pest control work for which the license is issued, as follows:

1. General Pest Control
2. Commercial Vertebrate Control
3. Termite Control

4. Structural Fumigation
 5. Ship Fumigation
 6. Commodity Fumigation
 7. Wood Destroying Insect Report (WDIR) Inspector
- I. - P. ...

Q. Persons licensed in termite control on or before September 30, 1997 shall attend a wood destroying insect report training session prior to being qualified to become a licensed WDIR inspector. Said training session must have prior approval by LDAF. Persons licensed on or after October 1, 1997 and persons licensed in termite control on or before September 30, 1997 that do not attend a wood destroying insect report training session, shall complete the requirements set forth in §14107.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:326 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15: 955 (November 1989), LR 19:1009 (August 1993), LR 23:855 (July 1997).

§14112. Registered Wood Destroying Insect Report Technician Requirements

A. Persons, prior to registering as WDIR technicians, shall attend a wood destroying insect report training session and have conducted with licensed or registered WDIR inspector/technician, 40 WDIR inspections, approved by licensee, or shall have a wood destroying insect report training session and a minimum of one year of experience as a registered employee in the termite phase of pest control work under a termite phase licensee; and shall pass the appropriate test with a grade of 70 percent or better. Licensee shall verify in writing of technicians' work experience.

B. The fee for the examination for the WDIR technician shall be \$25.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 23:855 (July 1997).

§14113. Obligations of the Licensee

A. - E. ...

F.1. The licensee must maintain his commercial applicator certification in current status by:

- a. attending a continuing educational program for recertification approved by the Louisiana Department of Agriculture and Forestry;
- b. recertification at least once every three years;
- c. a minimum of six hours of technical training which shall include but not limited to the categories of general pest control, termite control, wood destroying insect report (WDIR) inspector and commercial vertebrate control;
- d. a minimum of six hours of technical training for the category of fumigation.

2. A licensee attending an approved recertification seminar must attend the entire approved program; otherwise the licensee shall not be recertified at this approved seminar.

3. Time and location for each licensee certification can be obtained by calling or writing to the Louisiana Department of Agriculture and Forestry.

G. A compound weighing device shall be considered one or more devices for the purpose of registration in accordance with the following:

1. A compound weighing device that consists of a single load receiving element and more than one indicating element shall be considered a single device when all indicating elements may be tested during the same test for the purpose of sealing the device as correct. Said device shall be considered separate devices for each separate test necessary for sealing.

2. A compound weighing device that consists of one indicating element and more than one load receiving element shall for the purpose of registration be considered a separate device for each load receiving element.

H. Applicants for registration may request application forms, verbally or in writing, from the Division of Weights and Measures of the Department of Agriculture and Forestry.

I. Each application for annual registration shall be accompanied by payment of required fee and said registration shall be valid until December 31. To remain valid, each annual registration must be renewed before January 1. The initial annual registration and fees due for scanning devices for calendar year 1997 shall be payable on or before April 30, 1997. Registration renewals and fees due for scanning devices for calendar years after 1997 shall be due and payable as set forth in this Section.

J. Any registration obtained without complying with all of the requirements of these regulations may be voided by the division.

K. Before a device may be sealed to certify the accuracy and correctness of a device, that device must be registered with the Division of Weights and Measures of the Louisiana Department of Agriculture and Forestry.

L. In accordance with R.S. 3:4611, no one shall use a weight, measure or weighing or measuring device which has not been sealed by the division, its director, or its inspectors, at its direction, within the year prior thereto, unless written notice has been given to the division to the effect that the weight, measure or weighing or measuring device is available for examination or is due for re-examination.

M. Application for registration or renewal of registration shall fulfill the requirement of notification in Subsection L of this Section.

N. Applications for annual renewal of registration shall be mailed by the Division of Weights and Measures of the Department of Agriculture and Forestry to all registrants, at the last address provided by the registrant, on or before November 15 and must be returned before January 1.

O. The record of all registrations shall be maintained by the Division of Weights and Measures and the director of the Division of Weights and Measures in its office in Baton Rouge.

P. Any registrant having a device registered under provisions of this regulation, and that is taken out of commercial use at the location shown on the application for registration, shall notify the commission's office in writing to remove said device from its records.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Commission of Weights and Measures, LR 13:158 (March 1987), amended LR 15:78 (February 1989), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1534 (December 1993), LR 23:857 (July 1997).

Bob Odom
Commissioner

9707#029

RULE

Department of Economic Development Economic Development Corporation

Repeal of Minority and Women Business Development Program (LAC 19:VII.Subpart 1, Chapters 3-13); and Small Business Equity Program (LAC 19:VII.Subpart 3, Chapters 7, 9, and 11)

(*Editor's Note:* When the above noted rule, proposed and referenced on page 864 of the September, 1997 *Louisiana Register*, was published as a final rule on pages 40-43 of the January, 1997 *Louisiana Register*, the Office of the State Register failed to denote those rule portions being repealed, and, where appropriate, replaced. Therefore, the following clarification is in order.)

Act 1136 of 1992 eliminated references to the Louisiana Minority and Women's Business Development Program and authorizes the Louisiana Economic Development Corporation to serve as the single review board for all financial assistance, grants, and investment programs administered by the Department of Economic Development, excluding those financial incentive programs administered by the State Board of Commerce and Industry.

This rule became effective January 20, 1997 and is being incorporated into the *Louisiana Administrative Code*, edited and compiled through March, 1997.

Title 19

CORPORATIONS AND BUSINESS

Part VII. Economic Development Corporation

Subpart 1. Small Business Loan Program

(formerly Minority and Women's Business Development Program)

Chapter 1. Loan Policies

(Refer to full text published on pages 40-43 of the January 1997 *Louisiana Register*, which includes amendment of §§101-115 and repeal of §§117, 119 and 121.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:445 (June 1989), amended LR 23:40 (January 1997).

Chapter 3. Collateral

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of

