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December 2024

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# Executive Orders

## EXECUTIVE ORDER JML 24-167

Renewal of State of Emergency  
Department of Transportation and Development

WHEREAS, pursuant to R.S.48:757, Governor John Bel Edwards declared a state of emergency on October 5, 2017, in Proclamation Number 109 JBE 2017 for repairs to certain roadways on the campus of Southern University and Agricultural and Mechanical College including F Street and H Street (also known as Farm Road);

WHEREAS, in Baton Rouge, Louisiana on the campus of Southern University and Agricultural and Mechanical College, certain roadways, including F Street and H Street (also known as Farm Road), are in need of immediate repairs due to the partial collapse of H Street and its slope destabilization;

WHEREAS, the damage has created significant drainage problems, which have been exacerbated by flooding that continues to be experienced in the area, which could result in loss of life and property;

WHEREAS, Southern University has requested that the Department of Transportation and Development assist in providing matching funds and manpower to assist in making the necessary repairs to the campus roadways and enhancements;

WHEREAS, the Department of Transportation and Development has funds available for use as a match and manpower to help repair the compromised roadways and enhancements on Southern University's campus;

WHEREAS, R.S. 29:724 confers upon the Governor the power to suspend the provisions of any regulatory statute prescribing the procedures for the conduct of state business if strict compliance with the provisions of any statute would in any way prevent, hinder, or delay necessary action in coping with an emergency;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 109 JBE 2017.

WHEREAS, R.S. 48:757 permits the use of state funds on roads outside of the state and federal highway system upon a finding and declaration of an emergency by the Governor.

NOW THEREFORE, I, JEFF LANDRY, 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: Pursuant to R.S. 48:757, a state of emergency is hereby declared on the campus of Southern University in the City of Baton Rouge for the areas surrounding F and H Streets, for the limited purpose of authorizing the expenditure of state funds to make the necessary repairs to the campus roadways and enhancements.

Section 2: Pursuant to R.S. 29:724, the prohibitions in R.S. 48:757, proscribing the performance of work on a non-state highway system road or street, are hereby suspended to allow for the Department of Transportation and Development to perform the necessary actions to cope with the emergency on Southern University's campus.

Section 3: The Secretary of the Department of Transportation and Development is hereby authorized to provide funds for the express purpose of meeting the total match that is required to perform the necessary repairs and to provide the manpower necessary to make the repairs to the non-state highway system campus roadways, including F Street and H Street and its enhancements, slope, and drainage.

Section 4: This Order is effective upon signature and shall continue in effect from Friday, November 8, 2024 to Sunday, December 8, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 8<sup>th</sup> day of November 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2412#063

## EXECUTIVE ORDER JML 24-168

State of Emergency  
Hurricane Francine—September 9, 2024

WHEREAS, the Governor is responsible for meeting the dangers to the state and its citizens presented by emergencies and disasters;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to address disasters resulting from natural or man-made events that cause or threaten loss of life, injury, or property damage, as well as emergencies, which include actual or potential conditions created by such disasters, in order to ensure that preparations by the State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, La. R.S. 29:724(B)(1) empowers him to declare a state of emergency or disaster by executive order which has the force and effect of law;

WHEREAS, La. R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, Governor Jeff Landry declared a state of emergency in response to the imminent threat posed by Hurricane Francine on September 9, 2024, in JML 24-142;

WHEREAS, JML 24-142 has been renewed and extended every thirty (30) days through JML 24-158, which is in effect through Sunday, November 17, 2024;

WHEREAS, a declaration of emergency or disaster activates the state's emergency response and recovery program under the command of the director of the Governor's Office of Homeland Security and Emergency Preparedness ("GOHSEP");

WHEREAS, GOHSEP is responsible for determining the requirements of the state and its political subdivisions for food, clothing, and other necessities and supplies in a designated emergency area;

WHEREAS, Hurricane Francine made landfall on the Louisiana coast on Wednesday, September 11, 2024, as a Category 2 hurricane with over 100 mile-per-hour winds and was the third and largest storm to hit the United States this year;

WHEREAS, Hurricane Francine brought devastating winds, widespread power outages, and damage to Louisiana;

WHEREAS, on September 16, 2024, the President of the United States declared that a major disaster exists in the State of Louisiana (FEMA-4817-DR) during the period of September 9-12, 2024;

WHEREAS, several parishes have issued emergency declarations, and executed their emergency response plans, and may require assistance from the State of Louisiana to provide resources to protect the life, safety, and welfare of the citizens of Louisiana;

WHEREAS, the State of Louisiana, recognizing the significant impact of Hurricane Francine, desires to minimize this impact on the residents and assist communities in their recovery;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist as a result of the emergency conditions that currently threaten the lives, safety, and property of the citizens of Louisiana.

Section 2: Pursuant to R.S. 29:724 (A)(3), the designated emergency area is the entire State of Louisiana.

Section 3: The Director of GOHSEP is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 4: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency

area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 5: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code, (R.S. 39:1551, *et seq.*), and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 6: All departments, commissions, boards, agencies, and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 7: This Order is effective Friday, November 15, 2024, and shall continue in effect until Sunday, December 15, 2024, unless amended, modified, terminated, or rescinded earlier 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 Louisiana in the City of Baton Rouge, on this 15<sup>th</sup> day of November, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2412#064

#### EXECUTIVE ORDER JML 24-169

Renewal of State of Emergency  
Heat-Related Emergencies

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 141 JBE 2023 and has been renewed and extended every thirty (30) days through Executive Order Number JML 24-159, which is in effect through November 17, 2024;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service has issued a record number of excessive heat warnings, with heat indices in the 100s, through the summer and into the fall of 2023;

WHEREAS, in addition to the extreme heat, minimal rainfall during these months led to drought conditions throughout most of the state, stressing the abilities of water districts to produce drinking water to its residents and businesses and increasing the threat of wildfires;

WHEREAS, the Office of Public Health advised that several water systems have experienced water outages, equipment breakdown, and boil advisories due to the drought conditions, saltwater intrusion, and increased water demand;

WHEREAS, the Louisiana State Fire Marshal and the Commissioner of the Department of Agriculture and Forestry issued a statewide burn ban on August 7, 2023 that was extended through November 21, 2023 due to the extremely dry conditions;

WHEREAS, although the drought has lessened, heat-related emergencies continue throughout Louisiana;

WHEREAS, the parishes affected by these heat-related emergencies continue to require assistance from the State of Louisiana to provide resources to combat the threats in order to protect the life, safety, and welfare of the citizens of Louisiana;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency, and;

WHEREAS, it is necessary to continue the measures provided in Proclamation Number 141 JBE 2023 to further protect the health and safety of the citizens of Louisiana.

NOW THEREFORE, I, JEFF LANDRY, 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: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including

emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 6: This order is effective upon signature and shall remain in effect from Friday, November 15, 2024, until Sunday, December 15, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 15<sup>th</sup> day of November 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2412#065

#### EXECUTIVE ORDER JML 24-170

Renewal of State of Emergency—Severe Storms and  
Tornadoes—December 13, 2022

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or manmade causes, in order to ensure that preparations of the state will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service indicated a high risk of numerous severe thunderstorms beginning on the late evening of Tuesday, December 13, 2022 throughout the night into most of the day on Wednesday, December 14, 2022, with the possibility of tornadoes, damaging winds gust, excessive rain, and moderate to large hail;

WHEREAS, by Tuesday night, it was reported that one or more tornadoes had touched down in Caddo, near Four Forks, Louisiana, with several more tornadoes having been reported in Union, Rapides, Madison, East Carroll, and Franklin parishes;

WHEREAS, the tornadoes caused significant damage and power outages throughout northwest and northcentral Louisiana, with a report of two known deaths related to these tornadoes;

WHEREAS, severe damage was caused by the tornados to the safety, health, and security of the citizens of the state, along with damage to private property and public facilities;

WHEREAS, Proclamation Number 183 JBE 2022 has been renewed and extended every thirty (30) days through Executive Order Number JML 24-160, which is in effect through November 17, 2024, and;

**EXECUTIVE ORDER JML 24-171**

**Renewal of State of Emergency—Hurricane Ida**

WHEREAS, there is a need to continue Executive Order Number JML 24-160 because several parishes are still working to recover from the damage caused by these storms.

NOW THEREFORE, I, JEFF LANDRY, 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: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor’s Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 6: This order is effective upon signature and shall remain in effect from Friday, November 15, 2024 to Sunday, December 15, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 15<sup>th</sup> day of November 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2412#066

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake, or other natural or manmade causes, in order to ensure that preparations of this state will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, Governor John Bel Edwards declared a state of emergency in response to the imminent threat posed by Hurricane Ida on August 26, 2021, in Proclamation Number 165 JBE 2021;

WHEREAS, Proclamation Number 165 JBE 2021 has been renewed and extended every thirty (30) days through JML 24-163, which is in effect through Sunday, November 24, 2024;

WHEREAS, Hurricane Ida made landfall on the Louisiana coast as a major hurricane on Sunday, August 29, 2021, bringing devastating winds, widespread power-outages, and severe damage to Louisiana and its citizens.

WHEREAS, on August 27, 2021, President Joseph R. Biden approved an Emergency Declaration for the State of Louisiana, authorizing appropriate assistance under Title V of the Stafford Act, to be coordinated by the United States Department of Homeland Security and the Federal Emergency Management Agency;

WHEREAS, on August 29, 2021, President Biden approved a Major Disaster Declaration for the State of Louisiana, authorizing individual and public assistance for all impacted parishes;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, damage from this storm continues to pose a threat to citizens and communities across the Gulf Coast and create conditions that place lives and property in the state in jeopardy;

NOW THEREFORE, I, JEFF LANDRY, 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: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor’s Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations continue to be suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: Pursuant to R.S. 29:724(D)(1), the provisions of R.S. 39:126 regarding prior approval of change orders continue to be suspended.

Section 6: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 7: This Order is effective upon signature and shall continue in effect from Friday, November 22, 2024 to Sunday, December 22, 2024, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 22<sup>nd</sup> day of November 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2412#067

### EXECUTIVE ORDER JML 24-172

Renewal of State of Emergency—Threat of Subsidence,  
Subsurface Instability, and Presence of Hydrocarbons in  
Sulphur Mines Salt Dome Area

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 160 JBE 2023;

WHEREAS, Proclamation Number 160 JBE 2023 has been renewed and extended every thirty (30) days through JML 24-164 which is in effect through Sunday, November 24, 2024;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers the Governor to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, local, state, and federal agencies began monitoring subsurface seismic activity occurring in the vicinity of the Sulphur Mines salt dome in Calcasieu Parish in December of 2021, with a true seismic monitoring array being ordered by the Office of Conservation, which came online in January of 2023;

WHEREAS, the Office of Conservation began investigating unexplained hydrocarbon bubbling within the area of concern in January of 2023, as well as monitoring seismicity, and the rate of subsidence in the area of concern;

WHEREAS, on Wednesday September 20, 2023, in response to this subsidence and seepage, Commissioner of Conservation, Monique M. Edwards made a declaration of emergency under the authority of Louisiana Revised Statutes 30:1 *et seq.*, ordering the operator of the salt cavern underneath the area of subsidence to undertake all necessary activities to evaluate and abate any deterioration of the cavern’s integrity;

WHEREAS, the State anticipates that further assistance may be needed to assist Calcasieu Parish in their response to this continuing threat; and

WHEREAS, it is necessary to continue the measures provided in Proclamation Number 160 JBE 2023 to further protect the health and safety of the citizens of Louisiana;

NOW THEREFORE I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 *et seq.*, a state of emergency is hereby declared to exist in the Parish of Calcasieu, as a result of seismic activity, lost cavern integrity, increased hydrocarbon bubbling, and accelerated subsidence, that collectively indicate a potential for structural failure that could potentially threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor’s Office of Homeland Security and Emergency Preparedness is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

Section 3: All departments, commissions, boards, agencies, and officers of the State or any political subdivision thereof, are authorized and directed to cooperate in actions, the State may take in response to this incident.

Section 4: This Order is effective upon signature and shall continue in effect from Friday, November 22, 2024, to Sunday, December 22, 2024, unless amended, modified, or terminated sooner.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 22<sup>nd</sup> day of November 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2412#068

### EXECUTIVE ORDER JML 24-173

#### Renewal of State of Emergency—Cybersecurity Incidents

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies, including those caused by breach of cybersecurity, in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, pursuant to R.S. 29:724(B)(1), Governor John Bel Edwards declared a state of emergency on December 28, 2023, in Proclamation Number 236 JBE 2023 in response to the threat of intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, Proclamation Number 263 JBE 2023 has been renewed and extended every thirty (30) days through JML 24-165, which is in effect through Sunday, December 1, 2024;

WHEREAS, there have been severe, intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, the State anticipates various state agencies and political subdivisions will need to continue to work cooperatively to mitigate any damage, current or future, as a result of these cybersecurity breaches.

NOW THEREFORE, I, JEFF LANDRY, 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: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the imminent threat to the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in actions the state may take in response to the effects of this cybersecurity event.

Section 5: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are further authorized and directed to take all actions necessary to preserve the security and confidentiality of any data related to this emergency, including the execution of Memoranda of Understanding (MOUs), Non-Disclosure Agreements (NDAs), and/or any other related documents.

Section 6: Any departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, that may be affected by this cybersecurity emergency are directed to work with state officials to ensure there is a coordinated response to this event and are further directed to comply with the requirements of the Database Security Breach Notification Law, R.S. 51:3071 *et seq.*

Section 7: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551 *et seq.*), Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and the Louisiana Information Technology Procurement Code (R.S. 39:196-200), and their corresponding rules and regulations are hereby suspended if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with this emergency.

Section 8: This Order is effective upon signature and shall continue in effect from Wednesday, November 27, 2024 to Friday, December 27, 2024, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 27<sup>th</sup> day of November 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2412#069

**EXECUTIVE ORDER JML 24-174**

**Bond Allocation 2024 Ceiling Amendment**

WHEREAS, Section 146 of the Internal Revenue Code of 1986 (hereafter the “Act”), as amended (hereafter the “Code”), restricts the total principal amount of certain private activity bonds (hereafter the “Bonds”) that exclude interest from gross income for federal income tax purposes under Section 103 of the Code;

WHEREAS, Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter “Act No. 51 of 1986”) authorizes the Governor to allocate the volume limit applicable to the Bonds (hereafter the “ceiling”) among the State and its political subdivisions in such a manner as the Governor deems to be in the best interest of the State of Louisiana;

WHEREAS, pursuant to the Act and Act No. 51 of 1986, Executive Order Number JML 2024-123 was issued to establish:

- A) the manner in which the ceiling shall be determined;
- B) the method to be used in allocating the ceiling;
- C) the application procedure for obtaining an allocation of Bonds subject to such ceiling; and
- D) a system of record keeping for such allocations.

WHEREAS, the Louisiana Housing Corporation (hereafter the “Corporation”) applied for an allocation of the 2024 ceiling to be used in connection with providing funds for the acquisition, construction, rehabilitation, and equipping of residential rental housing for individuals and families of low and moderate income; and

WHEREAS, on March 8, 2024, Executive Order Number JML 24-33 was issued granting the Corporation an allocation of the 2024 ceiling in the amount of \$31,750,000 for the following projects: Natchitoches Thomas Apartments Preservation Series 2024 and Renaud Place Series 2024; and

WHEREAS, on July 3, 2024, Executive Order Number JML 24-103 was issued amending JML 24-33 to allow the Louisiana Housing Corporation additional time to utilize the volume cap allocation granted by JML 24-33 for the following projects: Natchitoches Thomas Apartment Preservation Series 2024; and

WHEREAS, on September 17, 2024, Executive Order Number JML 24-146 was issued amending JML 24-33 to allow the Louisiana Housing Corporation additional time to utilize the volume cap allocation granted by JML 24-33 for the following projects: Natchitoches Thomas Apartment Preservation Series 2024 Renaud Place Series 2024; and

WHEREAS, pursuant to Section 4 of JML 24-33, the Governor may amend or modify the time limitations placed on utilization of such allocation.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: JML 24-33 is hereby modified and amended to allow the Louisiana Housing Corporation additional time to utilize the volume cap allocation granted by JML 24-33 for the following bond issues:

Amount of Allocation	Name of Issuer	Name of Project
\$18,000,000	Louisiana Housing Corporation	Natchitoches Thomas Apartments Preservation Series 2024
\$13,750,000	Louisiana Housing Corporation	Renaud Place Series 2024

Section 2: The allocation granted herein shall be used only for the bond issues described in Section 1 and for the general purpose set forth in the “Application for Allocation of a Portion of the State of Louisiana’s Private Activity Volume Cap” submitted in connection with the bond issue described in Section 1.

Section 3: The extension of time granted herein shall only apply to those bond issues described in Section 1. Any remaining projects granted an allocation by JML 24-33 shall remain subject to those time constraints in JML 24-33, JML 24-103, and JML 24-146.

Section 4: The allocation granted herein shall be valid and in full force and effect until December 31, 2024; any unused amount of this 2024 ceiling allocation shall be deemed returned as of December 31, 2024.

Section 5: 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 in the City of Baton Rouge, on this 4<sup>th</sup> day of December, 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2412#070

**EXECUTIVE ORDER JML 24-175**

**Renewal of State of Emergency—Department of Transportation and Development**

WHEREAS, pursuant to R.S.48:757, Governor John Bel Edwards declared a state of emergency on October 5, 2017, in Proclamation Number 109 JBE 2017 for repairs to certain roadways on the campus of Southern University and Agricultural and Mechanical College including F Street and H Street (also known as Farm Road);

WHEREAS, in Baton Rouge, Louisiana on the campus of Southern University and Agricultural and Mechanical College, certain roadways, including F Street and H Street (also known as Farm Road), are in need of immediate repairs due to the partial collapse of H Street and its slope destabilization;

WHEREAS, the damage has created significant drainage problems, which have been exacerbated by flooding that continues to be experienced in the area, which could result in loss of life and property;

WHEREAS, Southern University has requested that the Department of Transportation and Development assist in providing matching funds and manpower to assist in making the necessary repairs to the campus roadways and enhancements;

WHEREAS, the Department of Transportation and Development has funds available for use as a match and manpower to help repair the compromised roadways and enhancements on Southern University's campus;

WHEREAS, R.S. 29:724 confers upon the Governor the power to suspend the provisions of any regulatory statute prescribing the procedures for the conduct of state business if strict compliance with the provisions of any statute would in any way prevent, hinder, or delay necessary action in coping with an emergency;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency was declared through Proclamation Number 109 JBE 2017.

WHEREAS, R.S. 48:757 permits the use of state funds on roads outside of the state and federal highway system upon a finding and declaration of an emergency by the Governor.

NOW THEREFORE, I, JEFF LANDRY, 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: Pursuant to R.S. 48:757, a state of emergency is hereby declared on the campus of Southern University in the City of Baton Rouge for the areas surrounding F and H Streets, for the limited purpose of

authorizing the expenditure of state funds to make the necessary repairs to the campus roadways and enhancements.

Section 2: Pursuant to R.S. 29:724, the prohibitions in R.S. 48:757, proscribing the performance of work on a non-state highway system road or street, are hereby suspended to allow for the Department of Transportation and Development to perform the necessary actions to cope with the emergency on Southern University's campus.

Section 3: The Secretary of the Department of Transportation and Development is hereby authorized to provide funds for the express purpose of meeting the total match that is required to perform the necessary repairs and to provide the manpower necessary to make the repairs to the non-state highway system campus roadways, including F Street and H Street and its enhancements, slope, and drainage.

Section 4: This Order is effective upon signature and shall continue in effect from Friday, December 6, 2024 to Sunday, January 5, 2025, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 6<sup>th</sup> day of December 2024.

Jeff Landry  
Governor

ATTEST BY  
THE GOVERNOR  
Nancy Landry  
Secretary of State  
2412#071

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Agriculture and Forestry Office of Animal Health and Food Safety

Alternative Livestock—Chronic Wasting Disease; Transport of Deer Heads from Quarantined Facility within Louisiana for Taxidermy Purposes (LAC 7:XXI.1705 and 1730)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:962, and under the authority of R.S. 3:3101, the commissioner of Agriculture and Forestry declares an emergency to exist and adopts by emergency process the regulations set forth herein for Chronic Wasting Disease for alternative livestock facilities.

Chronic Wasting Disease (CWD) is a neurodegenerative disease found in most deer species, including white-tailed deer, mule deer, elk, red deer, moose, and caribou. It is infectious, always fatal, and has no known treatment. These diseases cause irreversible damage to brain tissue, which leads to salivation, neurological symptoms, emaciation, and death of the animal.

Pursuant to R.S. 3:3101, the commissioner of Agriculture and Forestry is vested with authority to regulate alternative livestock, including imported exotic deer and antelope, elk, facility-raised white tail deer and other exotic cervidae within the state of Louisiana.

Since 2009, the Department of Agriculture and Forestry (LDAF) has been working in conjunction with the U.S. Department of Agriculture (USDA)/Animal and Plant Health Inspection Service (APHIS) CWD Program, and since 2011, Louisiana, through LDAF, has been a participating approved state, as defined by that program. In compliance with that program, LDAF submits annual comprehensive Herd Certification Program (HCP) Reports to APHIS for review and endorsement, whereby the state's compliance with the program requirements and disease control efforts is monitored.

Despite the successful measures by LDAF to control the transmission and environmental contamination of CWD within alternative livestock populations, CWD continues to pose threats to cervid populations across Louisiana. Left unchecked, CWD has the potential to infect entire cervid herds resulting in considerable economic loss to cervid farmers, the deer-hunting industry, and the state of Louisiana.

On November 7, 2024, LSU Diagnostics (Louisiana Animal Disease Diagnostic Laboratory), in coordination with the National Veterinary Services Laboratory (NVSL), confirmed to the Department of Agriculture and Forestry's Office of the State Veterinarian a positive (CWD) test from a deceased deer at a deer farm in Jefferson Davis Parish. The farm, a participant in the USDA CWD Voluntary Herd Certification Program administered by LDAF, has been issued a quarantine restricting movement into or out of the

facility, including live deer or deer products, and a 25-mile radius surveillance zone has been activated.

The Office of the State Veterinarian has established a surveillance zone for herds near the affected deer farm and is diligently reviewing recent movement records. All deer farms in the surveillance zone are under restricted movement until further notice.

The provisions established in this emergency regulation are necessary to prevent the spread of CWD in Louisiana into alternative livestock facilities in the state of Louisiana. For these reasons, the potential spread of CWD in Louisiana presents an imminent peril to the public health, safety, and welfare to Louisiana's citizens, the state's alternative livestock, and the state's alternative livestock industry, as set forth in R.S. 49:962(A)(1)(a).

This Emergency Rule shall have the force and effect of law upon signature, on November 25, 2024, and will remain in effect for 180 days, unless renewed by the commissioner of Agriculture and Forestry. For more information about this Emergency Rule, please contact Amy L. McInnis at (225) 922-1250.

## Title 7

### AGRICULTURE AND ANIMALS

#### Part XXI. Plant Protection and Quarantine

#### Chapter 17. Alternative Livestock—White-Tailed Deer and Captive Cervids [Formerly Chapter 15]

#### §1705. Definitions [Formerly §1503]

A. ...

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*Quarantined Facility*—any farm or deer pen that has been placed under quarantine by order of the state veterinarian.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:282 (February 1998), amended LR 24:1671 (September 1998), amended by the Department of Agriculture and Forestry, Board of Animal Health, LR 38:961 (April 2012), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:971 (May 2014), amended LR 42:1864 (November 2016), amended LR 49:234 (February 2023); amended LR 51:

#### §1730. Chronic Wasting Disease; Transport of Deer Heads from Quarantined Facility within Louisiana for Taxidermy Purposes.

A. Except as otherwise indicated herein, the transport of intact deer heads from within a LDAF-designated CWD Quarantined Facility to areas outside of the CWD Quarantined Facility is prohibited and shall be subject to enforcement action as set forth in this Chapter, including but not limited to seizure of deer parts.

B. Intact deer heads from within a LDAF-designated CWD Quarantined Facility may be transported to taxidermists within Louisiana for taxidermy purposes outside of the CWD Quarantined Facility only if:

1. a permit is first obtained from LDAF, specifically authorizing the transport of that particular intact deer head from the Quarantined Facility to a specified Louisiana taxidermist or taxidermy business;

2. the permit is obtained prior to transport of the intact deer head; and

3. the intact deer head must be delivered to the taxidermist or taxidermy business within 72 hours of the issuance of the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101 and 3:2094.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 51:

Mike Strain, DVM  
Commissioner

2412#010

**DECLARATION OF EMERGENCY**

**Office of the Governor  
Division of Administration  
Tax Commission**

Ad Valorem Taxation  
(LAC 61:V.703, 705, 901, 903, 907, 1007, 1103, 1301, 1303, 1307, 1503, 2501, 2503 and 3103)

Tax Commission Exercised the provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 47:1837, adopted the following additions, deletions and amendments to the Real/Personal Property Rules and Regulations. This rule is hereby adopted on the day of promulgation.

This Emergency Rule is necessary in order for ad valorem tax assessment tables to be disseminated to property owners and local tax assessors no later than the statutory valuation date of record of January 2025. Cost indexes required to finalize these assessment tables are not available to this office until late October 2024. The effective date of this Emergency Rule is January 2025.

Pursuant to the Administrative Procedure Act, this Emergency Rule shall be in effect for a maximum of 120 days or until adoption of the Final Rule or another Emergency Rule, whichever occurs first.

**Title 61  
REVENUE AND TAXATION  
Part V. Ad Valorem Taxation**

**Chapter 7. Watercraft  
§703. Tables—Watercraft**

- A. Motorized Floating Equipment
  - 1. Floating Equipment—Motor Vessels

Table 703.A.1 Floating Equipment—Motor Vessels				
Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2024	0.987	1	94	.93
2023	1.000	2	87	.87
2022	1.018	3	80	.81
2021	1.196	4	73	.87
2020	1.301	5	66	.86
2019	1.307	6	58	.76

Table 703.A.1 Floating Equipment—Motor Vessels				
Cost Index (Average)		Average Economic Life 12 Years		
2018	1.354	7	50	.68
2017	1.401	8	43	.60
2016	1.429	9	36	.51
2015	1.417	10	29	.41
2014	1.431	11	24	.34
2013	1.449	12	22	.32
2012	1.461	13	20	.29

- 2. Floating Equipment—Motor Vessels  
\* \* \*

**B. Non-Motorized Floating Equipment**

- 1. Floating Equipment—Barges (Non-Motorized)  
Cost Index

Table 703.B.1 Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2024	0.987	1	97	.96
2023	1.000	2	93	.93
2022	1.018	3	90	.92
2021	1.196	4	86	1.03
2020	1.301	5	82	1.07
2019	1.307	6	78	1.02
2018	1.354	7	74	1.00
2017	1.401	8	70	.98
2016	1.429	9	65	.93
2015	1.417	10	60	.85
2014	1.431	11	55	.79
2013	1.449	12	50	.72
2012	1.461	13	45	.66
2011	1.503	14	40	.60
2010	1.550	15	35	.54
2009	1.538	16	31	.48
2008	1.582	17	27	.43
2007	1.645	18	24	.39
2006	1.734	19	22	.38
2005	1.815	20	21	.38
2004	1.952	21	20	.39

- 2. Floating Equipment—Barges (Non-Motorized)  
\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:924 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:204 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), LR 25:312 (February 1999), LR 26:506 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:487 (March 2004), LR 31:715 (March 2005), LR 32:430 (March 2006), LR 33:490 (March 2007), LR 34:678 (April 2008), LR 35:492 (March 2009), LR 36:772 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1394 (May 2011), LR 38:802 (March 2012), LR 39:490 (March 2013), LR 40:530 (March 2014), LR 41:673 (April 2015), LR 42:746 (May 2016), LR 43:652 (April 2017), LR 44:579 (March 2018), LR 45:533 (April 2019), LR 46:560 (April

2020), LR 47:460 (April 2021), LR 48:1522 (June 2022), LR 49:1040 (June 2023), LR 50:366 (March 2024), LR 51:

**§705. Tables—Vessels**

A. Vessels—Crew-OSV/Supply-Utility

1. Table 705.A.1

Table 705.A.1 Vessels—Crew-OSV/Supply-Utility				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2024	0.987	1	97	.96
2023	1.000	2	93	.93
2022	1.018	3	90	.92
2021	1.196	4	86	1.03
2020	1.301	5	82	1.07
2019	1.307	6	78	1.02
2018	1.354	7	74	1.00
2017	1.401	8	70	.98
2016	1.429	9	65	.93
2015	1.417	10	60	.85
2014	1.431	11	55	.79
2013	1.449	12	50	.72
2012	1.461	13	45	.66
2011	1.503	14	40	.60
2010	1.550	15	35	.54
2009	1.538	16	31	.48
2008	1.582	17	27	.43
2007	1.645	18	24	.39
2006	1.734	19	22	.38
2005	1.815	20	21	.38
2004	1.952	21	20	.39

2. Table 705.A.2

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:490 (March 2007), LR 35:493 (March 2009), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 47:465 (April 2021), LR 49:1045 (June 2023), LR 50:372 (March 2024), LR 51:

**Chapter 9. Oil and Gas Properties**

**§901. Guidelines for Ascertaining the Fair Market**

**Value of Oil and Gas Properties**

A. - B.3. ...

C. Explanations

*Ad Valorem Tax Allowance*—the estimated tax rate levied by local taxing bodies on the taxable value of property, expressed as a percentage deduction from the DCF.

*Additional Equipment*—equipment on a well site not typical for production of similar wells.

*Annualized*—the conversion of a short-term figure or calculation into an annual or yearly rate.

*Average Depth*—the simple average of the depth of the wells included in the LAT-12 filing.

*Capital Expense (Capex)*—the major investments a company incurs to either maintain, restore, or increase production or efficiency (see Workover). Capex is generally considered non-recurring in nature because it is not a direct operating expense that affects net operating income. Instead, capital expenditures are capitalized into a depreciable asset for accounting purposes. However, capex, or some portion thereof, can be included in a DCF appraisal to the extent

deemed necessary for the operator to achieve a forecasted production amount. Otherwise, capex is solely a past expense that shouldn't be explicitly recognized in a forecast of future net income. See discussion of expense forecast in §907.B.3 below.

*Custody Transfer*—in the oil and gas industry, refers to the passing of oil or gas from one entity to another for the other's immediate charge or control, accomplished for example by a custody transfer meter for gas and a lease automatic custody transfer (LACT) unit for oil or other liquids, installed downstream of the wellhead or central gathering location such as a tank battery.

*Decline Curve Analysis*—a common means of predicting future oil well or gas well production based on past production history utilizing empirical reservoir engineering equations which assume production decline is proportional to reservoir pressure decline. When used in conjunction with DCF appraisal methodology which considers the economics of this potential future production, a well's expected ultimate recovery (EUR) and remaining reserves can be reliably estimated.

*Discounted Cash Flow (DCF) Analysis*—Discounted Cash Flow (DCF) is a valuation method used to analyze the economics and current or potential value of an investment based on its expected future cash flows. Although technically different from an accounting perspective, net operating income can be used as a proxy for cash flow. As a widely accepted technique of the income approach to value, DCF analysis is most useful when past and expected future cash flows will vary over time, either up or down, as opposed to the direct capitalization technique which assumes a stabilized income is available or can be estimated. A DCF appraisal involves the interaction of four basic parameters: production, price, expense, and discount rate. The first three parameters combine to create a forecasted net income stream, whereas the fourth parameter converts this future net income to a present worth equal to estimated fair market value. Cash flow projection in a DCF can proceed along any chosen time increments; yearly ("year-by-year") projections are mathematically convenient and widely used for long-lived assets related to oil and gas production.

*Discount Rate*—the discount rate refers to the rate of interest used in a discounted cash flow (DCF) analysis to determine the present value of predicted future cash flows. Because these cash flows are non-guaranteed, the rate should include not only the time cost of money but also all components of risk that relate to the valuation in the marketplace for oil and gas assets. The discount rate typically exceeds the weighted average cost of capital (WACC) which is the minimum rate needed to justify the cost of a new venture, because future cash flows from a project or investment must meet or exceed the capital outlay needed to fund the project or investment in the present. See discussion of discount rate in §907.B.4 below.

*Disposal Well*—well used for injection of waste fluids or solids into an underground formation for more or less permanent storage.

*Economic Limit*—in a year-by-year DCF appraisal, describes the future point in time in which forecasted net income becomes negative due to allowed direct costs of operation (not counting capital expense, if any) exceeding forecasted revenues. Economic limit can vary between

properties and is most often considered a result of each property's DCF appraisal, not a known input parameter itself.

*Field*—the general geographic region situated over one or more subsurface oil and gas reservoirs or “pools.” Fields can abut or even overlay each other if two or more vertically aligned reservoirs are assigned separate field names by the state's regulatory body.

*Flowing Well*—a well that produces oil and/or gas to the surface by its own reservoir pressure instead of utilizing mechanical inducement such as a downhole pump, pumping unit, compressor or gas lift.

*Gathering Line/System*—small to medium diameter pipelines that transport oil or gas from a central point of receipt to a transmission line or mainline. A gathering system can include compression and treatment facilities.

*Inactive Wells*—wells that are non-producing or “shut-in.” Shut-in status becomes effective on the date the application for shut-in status is filed, consistent with the Louisiana Office of Conservation requirements.

*Injection Wells*—wells completed as single or wells reclassified by the Louisiana Office of Conservation after a conversion of another well. Injection wells are used for gas and water injection oil and gas formation for production purposes, as well as, disposal wells.

*Lease*—a legal instrument or agreement between the operator (lessee) and a landowner (lessor) which gives the operator the right to explore for and produce mineral resources such as oil and gas. Also, the term often used interchangeable with property.

*Lease/Flow Lines*—typically smaller diameter pipelines that directly connect one or more wells to a central accumulation point, manifold, or process equipment including all check, safety, and allocation meters up to the point of custody transfer such as a LACT unit or sales meter.

*Lease Operating Expense (LOE)*—the costs incurred after drilling and completion activities have ended and production activities have begun. In a DCF appraisal, LOE represents all costs deemed necessary and reasonably prudent for a property to produce oil and/or gas in the amounts desired. Allowed LOE includes direct recurring costs for items such as labor, contract services, equipment, materials and supplies, treatment and processing of gases and fluids to the point of custody transfer, and overhead. LOE can also include capital expenditures when appropriate. See discussion of expense forecast in §907.B.3 below.

*LWU Code*—an identification code assigned to a well by the Louisiana Office of Conservation located on a particular lease, unit, or a gas lease well.

*Multiple Completions*—wells consisting of more than one producing zone. Deepest or primary completion may or may not be the base well number depending upon the Louisiana Office of Conservation permits and classification.

*Number of Wells*—the total well count included in the DCF appraisal.

*Price Adjustment Factor*—the factor derived to adjust the prior year average price to a more current market price, as of the assessment date.

*Primary Product*—the permitted majority product (oil or gas) produced from a well.

*Production*—the yield or amount of hydrocarbons of an oil or gas well as reported to the Louisiana Office of Conservation. In a DCF appraisal, production is the

manufactured product that is projected to be sold and create a future revenue stream. See Decline Curve Analysis.

*Production Depth*—is the depth from the surface to the active lower perforation in each producing zone in which the well is completed. As an example, a well completed in three separate zones is a triple completion and will have three different production depths as determined by the depth of the active lower perforation for each completion.

*Production Rate Decline*—the rate at which the production level of oil and gas assets change (typically reduce) over time. See Decline Curve Analysis.

*Production Train*—the production train includes all the leasehold equipment on site, including the oil and gas wells themselves, required for the production of oil, gas, and related hydrocarbon commodities, subject to ad valorem taxation. Production train does not include equipment downstream from the wellhead or pumping unit that primarily serves to dispose of water or otherwise reduce costs of operation or increase the price of the commodity being sold. The production train includes, but is not limited to, water supply wells, platforms, pad sites, tanks, process facilities such as separators, heater treaters, amine units, etc., injection wells for enhancement of oil and gas production volumes, and all improvements directly related to production activities. The production train can include inactive equipment but not ancillary equipment not directly related to production of the oil and gas wells being appraised.

*Pumping Well*—a well which is not a flowing well and from which oil is produced by use of any type of artificial lifting method such as a pump. Pumps are required when the formation pressure is not sufficient to allow fluids to flow to the surface.

*Recompletion*—any downhole operation to an existing oil or gas well that is conducted to establish production of oil or gas from any geological interval not currently completed or producing in said existing oil or gas well.

*Royalty Interest*—royalty interest in the oil and gas industry refers to ownership of a portion of a resource or the revenue it produces. A company or person that owns a royalty interest does not bear any operational costs needed to produce the resource, yet they still own a portion of the resource or revenue it produces.

*Sales Meter*—sales meter is a meter at which custody transfer takes place.

*Salvage Leasehold Equipment Value*—the estimated net cash value of the equipment included in the production train either when production ceases or becomes uneconomic to produce commercially.

*Severance Tax Allowance*—the estimated tax rate levied by the state on removal (severance) of oil and gas from the ground, expressed as a percentage deduction from the DCF.

*Single Completions*—

a. well originally completed as a single;

b. well reclassified by the Louisiana Office of Conservation after a conversion of multiple completed well to a single producing zone.

*Start Rate*—the daily average production level of oil or gas at the beginning of the appraisal. The start rate can be the average of a brief period of time surrounding the assessment date (January 1 of the current tax year) or the actual daily production rate as of January 1. The rate should be based on all information known and related to the actual expected

production as of the assessment date. See discussion of production forecast in §907.B.1 below.

*Starting Price*—the actual average price received by the well/LUW/field in the immediately prior year or available 12 months. See discussion of price forecast in §907.B.2 below.

*Tax Year*—the year of assessment as of January 1 of any annual period.

*Typical Equipment*—See *Production Train*.

*Water Wells*—wells used for production purposes only - both fresh and salt water supply.

*Well Serial Number*—in Louisiana, the permanent identification number assigned to a well by Department of Natural Resources upon approval of the Application for (or to Renew) Permit to Drill for Minerals (MD-10R).

*Working Interest (WI)*—the estate or rights created from a lease agreement that grants oil and gas companies the right to explore for, drill, and produce natural resources such as oil and gas from a designated area of land. The owners of a lease’s working interest (typically, the operator and contractually related parties) incur all expenses of a well’s physical creation and operation and therefore own the well, as opposed to royalty interest owners who do not own any portion of the well. For DCF purposes described in this chapter, WI is the sum of all working interest net revenue interest decimals included in the LAT-12 reporting, well/LUW/field. It will be a number less than 1.0 in most cases.

*Workovers*—major repairs or modifications which restore or enhance production from a well. An example of a typical workover is cleaning out a well that has sanded up whereas the tubing is pulled and the casing and bottom of the hole is washed out with mud. Workovers can also involve more complex recompletion procedures such as redrilling or hydraulic fracturing (fracking) of the oil or gas formation. Workovers often involve an operator incurring capital expenditures (capex) which may or may not be applicable to a forecast of future net income. See discussion of expense forecast in §907.B.3 below.

D. Well Fair Market Value Classifications. LUW (Lease, Unit, or Well) code is a six-digit code assigned by the Office of Conservation for the purpose of recording production. Each individual well must be listed separately by ward, field name and Louisiana Office of Conservation field code number, location (Sec.-Twp.-Range), lease name, well serial number, lease well number, well type and production depth (active lower perforation of each zone), in accordance with guidelines established by the Tax Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 2:359 (November 1976), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 9:69 (February 1983), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 31:717 (March 2005), LR 33:492 (March 2007), LR 35:495 (March 2009), LR 36:773 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 43:652 (April 2017), LR 51:

**§903. Instructions for Reporting Oil and Gas**

**Properties**

A. A separate LAT-12 form is used for each well lease or facility represented by a LUW (Lease, Unit, or Well) code, a six-digit code assigned by the Office of Conservation for the purpose of recording production. An attachment in lieu of

the form is permitted only if information is in the same sequence. The LAT-12 form may be reproduced and used as an attachment; however, all attachments must be properly identified and attached to the original. Attachments may take the form of a single Excel file in lieu of a separate LAT-12 form for each well, lease, or facility, provided at least one LAT-12 form is submitted with the required signature(s).

1. Wells under the same assessment number are required to be listed in serial number order.

2. All additional supporting documentation is recommended to be attached to the LAT-12 in an order that allows for ease of review by the assessor.

B. The following data is useful in performing the DCF appraisal of the well(s) and leasehold equipment (production train) and is recommended to be provided with the LAT-12. The detail level will be based on the reporting level of the LAT-12 (well, lease, LUW, field, facility). See further guidelines in §905 (Reporting Procedures).

1. Primary product (oil or gas), total working interest (WI) decimal, total number of wells included, average depth, prior year average price for oil & gas received, operating expense for prior year, capital expense used to enhance production, decline rate, production rate, and any data to support limits or inhibitors to the asset.

2. Decline curves for field averages over time (“type curves”) are a useful tool in forecasting future production levels for individual wells/leases/LUW codes.

3. Any additional information that provides the anticipated performance of the assets included in the production train or the associated production should be considered.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 16:1063 (December 1990), LR 19:212 (February 1993), LR 22:117 (February 1996), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 48:1523 (June 2022), LR 51:

**§907. Valuation of Oil, Gas, and Other Wells**

A. - B.4.c. ...

C. In the event the DCF appraisal results in a zero economic life and/or zero or negative discounted net income, a minimum amount of value will be established for the leasehold equipment (production train) associated with the oil and gas well(s) represented by the DCF, applying the appropriate schedule value in Table 907.C-3 to the average production depth of the wells represented by the DCF.

1. In the event the DCF appraisal results in a positive value but less than the minimum equipment value as derived using Table 907.C-3, the assessed value will be based on the minimum equipment value as established by Table 907.C-3.

2. Oil and Gas Well Discount Rates

Table 907.C-2 Oil and Gas Well Discount Rates	
Primary Product	Discount Rate (%)
Oil Well	15 percent
Gas Well	15 percent
Leasehold Equipment	6 percent



3. Minimum Leasehold Equipment Value

Table 907.C-3 Minimum Leasehold Equipment Value		
Onshore/Offshore	Average Production Depth (feet)	Value Per Foot (\$)
Onshore	1 – 1,499	0.50
Onshore	1,500 – 2,499	0.75
Onshore	2,500 – 9,999	1.00
Onshore	10,000 or greater	1.50
Offshore *	All Depths	2.00

\* Includes production platforms/barges.

4. Serial Number to Percent Good Conversion Chart

Table 907.C-4 Serial Number to Percent Good Conversion Chart			
Year	Beginning Serial Number	Ending Serial Number	20 Year Life Percent Good
2024	254511	Higher	97
2023	253984	254510	93
2022	253176	253983	90
2021	252613	253175	86
2020	252171	252612	82
2019	251497	252170	78
2018	250707	251496	74
2017	249951	250706	70
2016	249476	249950	65
2015	248832	249475	60
2014	247423	248831	55
2013	245849	247422	50
2012	244268	245848	45
2011	242592	244267	40
2010	240636	242591	35
2009	239277	240635	31
2008	236927	239276	27
2007	234780	236926	24
2006	232639	234779	22
2005	230643	232638	21
2004	Lower	230642	20 *
VAR.	900000	Higher	50

\*Reflects residual or floor rate.

NOTE: For any serial number categories not listed above, use year well completed to determine appropriate percent good. If spud date is later than year indicated by serial number; or, if serial number is unknown, use spud date to determine appropriate percent good.

D. Surface Equipment

1. Listed below is the cost-new of major items used in the production, storage, transmission and sale of oil and gas. Any equipment not shown shall be assessed on an individual basis.

2. All surface equipment, including other property associated or used in connection with the oil and gas industry in the field of operation, must be rendered in accordance with guidelines established by the Tax Commission and in accordance with requirements set forth on LAT Form 12- Personal Property Tax Report - Oil and Gas Property.

3. Surface equipment will be assessed in 5 major categories, as follows:

- a. oil and gas equipment (surface equipment not considered leasehold equipment);
- b. tanks (surface equipment not considered leasehold equipment);
- c. inventories (material and supplies);

- d. field improvements (docks, buildings, etc.);
- e. other property (not included above).

4. The cost-new values listed below are to be adjusted to allow depreciation by use of the appropriate percent good listed in Table 907.C-4. When determining the value of equipment associated with a single well, use the age of that well to determine the appropriate percent good. When determining the value of equipment used on multiple wells, the average age of the wells within the lease/field will determine the appropriate year to be used for this purpose.

a. January 1, 2016 the allowance of depreciation by use of the appropriate percent good will be based on the actual age of the equipment, if known or available, and will apply only to surface equipment with an original purchase cost of \$2,500 or more.

5. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with Louisiana R.S. 47:1957, the assessor may request additional documentation.

6. Sales, properly documented, should be considered by the assessor as fair market value, provided the sale meets all tests relative to it being a valid sale.

7. Surface Equipment—Property Description

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Actuators—(see Metering Equipment)	
Automatic Control Equipment—(see Safety Systems)	
Automatic Tank Switch Unit—(see Metering Equipment)	
Barges - Concrete—(assessed on an individual basis)	
Barges - Storage—(assessed on an individual basis)	
Barges - Utility—(assessed on an individual basis)	
Barges - Work—(assessed on an individual basis)	
Communication Equipment—(see Telecommunications)	
Dampeners—(see Metering Equipment—"Recorders")	
Desorbers—(no metering equipment included):	
125#	138,870
300#	153,120
500#	174,250
Destrolets—(see Metering Equipment—"Regulators")	
Desurgers—(see Metering Equipment—"Regulators")	
Desilters—(see Metering Equipment—"Regulators")	
Diatrollers—(see Metering Equipment—"Regulators")	
Docks, Platforms, Buildings—(assessed on an individual basis)	
Dry Dehydrators (Driers)—(see Scrubbers)	
Engines-Unattached—(only includes engine and skids):	
Per Horsepower	430
Evaporators—(assessed on an individual basis)	
Expander Unit—(no metering equipment included):	
Per Unit	50,940
Flow Splitters—(no metering equipment included):	
48 In. Diameter Vessel	24,800
72 In. Diameter Vessel	32,860
96 In. Diameter Vessel	50,360
120 In. Diameter Vessel	71,530
Fire Control System—(assessed on an individual basis)	
Furniture and Fixtures—(assessed on an individual basis) (Field operations only, according to location.)	
Gas Compressors-Package Unit—(Skids, scrubbers, cooling system, and power controls. No metering or regulating equipment.):	
1 - 49 HP	910
50 - 99 HP	1,830
100 - 999 HP	1,490
1,000 - 1,499 HP	1,140
1,500 HP and Up	1,010

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Gas Coolers—(no metering equipment); 5,000 MCF/D 10,000 MCF/D 20,000 MCF/D 50,000 MCF/D 100,000 MCF/D	39,130 44,070 137,100 311,060 509,440
Generators—Package Unit only -(no special installation) Per K.W.	290
Glycol Dehydration-Package Unit—(Including pressure gauge, relief valve and regulator. No other metering equipment.): Up to 4.0 MMCF/D 4.1 to 5.0 MMCF/D 5.1 to 10.0 MMCF/D 10.1 to 15.0 MMCF/D 15.1 to 20.0 MMCF/D 20.1 to 25.0 MMCF/D 25.1 to 30.0 MMCF/D 30.1 to 50.0 MMCF/D 50.1 to 75.0 MMCF/D 75.1 and Up MMCF/D	27,470 30,630 59,060 82,180 111,860 145,450 276,280 308,620 383,930 442,990
Heaters—(Includes unit, safety valves, regulators and automatic shut-down. No metering equipment.): Steam Bath—Direct Heater: 24 In. Diameter Vessel - 250,000 BTU/HR Rate 30 In. Diameter Vessel - 500,000 BTU/HR Rate 36 In. Diameter Vessel - 750,000 BTU/HR Rate 48 In. Diameter Vessel - 1,000,000 BTU/HR Rate 60 In. Diameter Vessel - 1,500,000 BTU/HR Rate Water Bath—Indirect Heater: 24 In. Diameter Vessel - 250,000 BTU/HR Rate 30 In. Diameter Vessel - 500,000 BTU/HR Rate 36 In. Diameter Vessel - 750,000 BTU/HR Rate 48 In. Diameter Vessel - 1,000,000 BTU/HR Rate 60 In. Diameter Vessel - 1,500,000 BTU/HR Rate Steam—(Steam Generators): 24 In. Diameter Vessel - 250,000 BTU/HR Rate 30 In. Diameter Vessel - 450,000 BTU/HR Rate 36 In. Diameter Vessel - 500 to 750,000 BTU/HR Rate 48 In. Diameter Vessel - 1 to 2,000,000 BTU/HR Rate 60 In. Diameter Vessel - 2 to 3,000,000 BTU/HR Rate 72 In. Diameter Vessel - 3 to 6,000,000 BTU/HR Rate 96 In. Diameter Vessel - 6 to 8,000,000 BTU/HR Rate	9,530 11,970 14,470 21,410 26,430 8,130 11,150 14,540 20,600 26,360 10,410 13,000 19,500 22,370 25,330 40,020 48,070
Heat Exchange Units-Skid Mounted—(see Production Units)	
Heater Treaters—(Necessary controls, gauges, valves and piping. No metering equipment included.): Heater - Treaters - (non-metering): 4 x 20 ft. 4 x 27 ft. 6 x 20 ft. 6 x 27 ft. 8 x 20 ft. 8 x 27 ft. 10 x 20 ft. 10 x 27 ft.	20,820 26,800 28,060 35,290 44,060 52,630 59,440 69,930
L.A.C.T. (Lease Automatic Custody Transfer)—see Metering Equipment)	
JT Skid (Low Temperature Extraction)—(includes safety valves, temperature controllers, chokes, regulators, metering equipment, etc.—complete unit.): Up to 2 MMCF/D Up to 5 MMCF/D Up to 10 MMCF/D Up to 20 MMCF/D	51,680 73,830 177,200 295,320
Liqua Meter Units—(see Metering Equipment)	
Manifolds—(see Metering Equipment)	
Material and Supplies-Inventories—(assessed on an individual basis)	
Meter Calibrating Vessels—(see Metering Equipment)	
Meter Prover Tanks—(see Metering Equipment)	
Meter Runs—(see Metering Equipment)	

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Meter Control Stations—(not considered Communication Equipment) - (assessed on an individual basis)	
Metering Equipment Actuators—hydraulic, pneumatic and electric valves Controllers—time cycle valve - valve controlling device (also known as Intermitter)	8,040 2,510
Fluid Meters: 1 Level Control 24 In. Diameter Vessel - 1/2 bbl. Dump 30 In. Diameter Vessel - 1 bbl. Dump 36 In. Diameter Vessel - 2 bbl. Dump 2 Level Control 20 In. Diameter Vessel - 1/2 bbl. Dump 24 In. Diameter Vessel - 1/2 bbl. Dump 30 In. Diameter Vessel - 1 bbl. Dump 36 In. Diameter Vessel - 2 bbl. Dump	6,120 7,900 10,930 5,760 6,930 8,710 11,730
L.A.C.T. and A.T.S. Units: 30 lb. Discharge 60 lb. Discharge Manifolds—Manual Operated: High Pressure per well per valve Low Pressure per well per valve	38,690 44,070 30,340 10,270 14,690 4,870
Manifolds—Automatic Operated: High Pressure per well per valve Low Pressure per well per valve NOTE: Automatic Operated System includes gas hydraulic and pneumatic valve actuators, (or motorized valves), block valves, flow monitors-in addition to normal equipment found on manual operated system. No Metering Equipment Included.	54,860 18,090 39,130 13,210
Meter Runs—piping, valves and supports—no meters: 2 In. piping and valve 3 In. piping and valve 4 In. piping and valve 6 In. piping and valve 8 In. piping and valve 10 In. piping and valve 12 In. piping and valve 14 In. piping and valve 16 In. piping and valve 18 In. piping and valve 20 In. piping and valve 22 In. piping and valve 24 In. piping and valve Metering Vessels (Accumulators): 1 bbl. calibration plate (20 x 9) 5 bbl. calibration plate (24 x 10) 7.5 bbl. calibration plate (30 x 10) 10 bbl. calibration plate (36 x 10) Recorders (Meters)—Includes both static element and tube drive pulsation dampener-also one and two pen operations. per meter Solar Panel (also see Telecommunications) per unit (10' x 10')	8,270 9,300 11,230 15,650 23,500 31,300 39,130 53,300 69,620 86,240 112,070 141,240 172,920 4,800 5,160 7,240 9,000 3,330 430

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Pipe Lines—Lease Lines	
Steel	
2 In. nominal size - per mile	24,060
2 1/2 In. nominal size - per mile	32,410
3 and 3 1/2 In. nominal size - per mile	41,350
4, 4 1/2 and 5 In. nominal size - per mile	71,100
6 In. nominal size - per mile	104,400
Poly Pipe	
2 In. nominal size - per mile	13,210
2 1/2 In. nominal size - per mile	17,800
3 In. nominal size - per mile	22,740
4 In. nominal size - per mile	39,060
6 In. nominal size - per mile	57,360
Plastic-Fiberglass	
2 In. nominal size - per mile	20,530
3 In. nominal size - per mile	35,140
4 In. nominal size - per mile	60,400
6 In. nominal size - per mile	88,660
NOTE: Allow 90 percent obsolescence credit for lines that are inactive, idle, open on both ends and dormant, which are being carried on corporate records solely for the purpose of retaining right of ways on the land and/or due to excessive capital outlay to refurbish or remove the lines.	
Pipe Stock—(assessed on an individual basis)	
Pipe Stock - Exempt—Under La. Const., Art. X, §4 (19-C)	
Production Units:	
Class I - per unit—separator and 1 heater—500 MCF/D	25,990
Class II - per unit—separator and 1 heater—750 MCF/D	34,620
Production Process Units—These units are by specific design and not in the same category as gas compressors, liquid and gas production units or pump-motor units. (Assessed on an individual basis.)	
Pumps—In Line	
per horsepower rating of motor	360
Pump-Motor Unit—pump and motor only	
Class I - (water flood, s/w disposal, p/l, etc.)	
Up to 300 HP - per HP of motor	430
Class II - (high pressure injection, etc.)	
301 HP and up per HP of motor	530
Pumping Units-Conventional and Beam Balance—(unit value includes motor) - assessed according to API designation.	
16 D	8,490
25 D	15,950
40 D	19,930
57 D	26,580
80 D	44,370
114 D	46,150
160 D	62,090
228 D	67,400
320 D	85,200
456 D	101,160
640 D	122,490
912 D	129,580
NOTE: For "Air Balance" and "Heavy Duty" units, multiply the above values by 1.30.	
Regenerators (Accumulator)—(see Metering Equipment)	
Regulators:	
per unit	3,400

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Safety Systems	
Onshore And Marsh Area	
Basic Case:	
well only	6,790
well and production equipment	7,830
with surface op. ssv, add	11,730
Offshore 0 - 3 Miles	
Wellhead safety system (excludes wellhead actuators)	
per well	19,570
production train	48,960
glycol dehydration system	29,390
P/L pumps and LACT	68,520
Compressors	43,040
Wellhead Actuators (does not include price of the valve)	
5,000 psi	4,870
10,000 psi and over	7,310
NOTE: For installation costs - add 25 percent	
Sampler—(see Metering Equipment—"Fluid Meters")	
Scrubbers—Two Classes	
Class I - Manufactured for use with other major equipment and, at times, included with such equipment as part of a package unit.	
8 In. Diameter Vessel	4,130
10 In. Diameter Vessel	5,900
12 In. Diameter Vessel	6,720
Class II - Small "in-line" scrubber used in flow system usually direct from gas well. Much of this type is "shop-made" and not considered as major scrubbing equipment.	
8 In. Diameter Vessel	1,920
12 In. Diameter Vessel	2,510
NOTE: No metering or regulating equipment included in the above.	
Separators—(no metering equipment included)	
Horizontal—Filter /1,440 psi (High Pressure)	
6-5/8" OD x 5'-6"	6,050
8-5/8" OD x 7'-6"	6,570
10-3/4" OD x 8'-0"	9,230
12-3/4" OD x 8'-0"	12,400
16" OD x 8'-6"	19,930
20" OD x 8'-6"	29,460
20" OD x 12'-0"	31,010
24" OD x 12'-6"	41,790
30" OD x 12'-6"	60,990
36" OD x 12'-6"	72,500
Separators—(no metering equipment included)	
Vertical 2—Phase /125 psi (Low Pressure)	
24" OD x 7'-6"	6,860
30" OD x 10'-0"	7,390
36" OD x 10'-0"	15,430
Vertical 3—Phase /125 psi (Low Pressure)	
24" OD x 7'-6"	7,240
24" OD x 10'-0"	8,200
30" OD x 10'-0"	11,370
36" OD x 10'-0"	16,170
42" OD x 10'-0"	18,760
Horizontal 3—Phase /125 psi (Low Pressure)	
24" OD x 10'-0"	10,700
30" OD x 10'-0"	13,730
36" OD x 10'-0"	14,990
42" OD x 10'-0"	23,920

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Vertical 2—Phase /1440 psi (High Pressure)	
12-3/4" OD x 5'-0"	4,060
16" OD x 5'-6"	6,050
20" OD x 7'-6"	11,520
24" OD x 7'-6"	13,960
30" OD x 10'-0"	21,260
36" OD x 10'-0"	27,540
42" OD x 10'-0"	44,070
48" OD x 10'-0"	51,980
54" OD x 10'-0"	78,700
60" OD x 10'-0"	98,420
Vertical 3 - Phase /1440 psi (High Pressure)	
16" OD x 7'-6"	7,090
20" OD x 7'-6"	12,400
24" OD x 7'-6"	14,400
30" OD x 10'-0"	22,220
36" OD x 10'-0"	28,430
42" OD x 10'-0"	46,370
48" OD x 10'-0"	53,760
Horizontal 2—Phase /1440 psi (High Pressure)	
16" OD x 7'-6"	6,930
20" OD x 7'-6"	11,150
24" OD x 10'-0"	15,210
30" OD x 10'-0"	23,410
36" OD x 10'-0"	29,670
42" OD x 15'-0"	60,240
48" OD x 15'-0"	69,470
Horizontal 3—Phase /1440 psi (High Pressure)	
16" OD x 7'-6"	10,700
20" OD x 7'-6"	11,970
24" OD x 10'-0"	17,420
30" OD x 10'-0"	24,800
36" OD x 10'-0"	35,740
36" OD x 15'-0"	39,940
Offshore Horizontal 3—Phase /1440 psi (High Pressure)	
30" OD x 10'-0"	51,460
36" OD x 10'-0"	49,100
36" OD x 12'-0"	71,250
36" OD x 15'-0"	74,350
42" OD x 15'-0"	115,400
Skimmer Tanks—(see Flow Tanks in Tanks section)	
Stabilizers—per unit	7,600
Sump/Dump Tanks—(See Metering Equipment - "Fluid Tanks")	
Tanks—no metering equipment	Per Barrel*
Flow Tanks (receiver or gunbarrel)	
50 to 548 bbl. Range (average tank size - 250 bbl.)	47.50
Stock Tanks (lease tanks)	
100 to 750 bbl. Range (average tank size - 300 bbl.)	37.00
Storage Tanks (Closed Top)	
1,000 barrel	31.40
1,500 barrel	27.80
2,000 barrel	27.00
2,001 - 5,000 barrel	24.80
5,001 - 10,000 barrel	23.30
10,001 - 15,000 barrel	21.80
15,001 - 55,000 barrel	15.30
55,001 - 150,000 barrel	11.50
Internal Floating Roof	
10,000 barrel	44.90
20,000 barrel	30.40
30,000 barrel	22.60
50,000 barrel	20.10
55,000 barrel	19.40
80,000 barrel	17.10
100,000 barrel	14.90
*I.E.: (tanks size bbls.) X (no. of bbls.) X (cost-new factor.)	

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Telecommunications Equipment	
Microwave System	
Telephone and data transmission	59,060
Radio telephone	4,430
Supervisory controls:	
remote terminal unit, well	12,620
master station	28,790
towers (installed):	
heavy duty, guyed, per foot	740
light duty, guyed, per foot	60
heavy duty, self supporting, per foot	750
light duty, self supporting, per foot	150
equipment building, per sq. ft.	220
solar panels, per sq. ft.	70
Utility Compressors	
per horsepower - rated on motor	970
Vapor Recovery Unit—no Metering Equipment	
60 MCF/D or less	25,840
105 MCF/D max	36,920
250 MCF/D max	48,730
Waterknockouts—Includes unit, backpressure valve and regulator, but, no metering equipment.	
2" diam. x 16'	7,010
3" diam. x 10'	10,490
4" diam. x 10'	14,470
6" diam. x 10'	23,700
6" diam. x 15'	27,400
8" diam. x 10'	34,330
8" diam. x 15'	39,430
8" diam. x 20'	43,700
8" diam. x 25'	48,650
10" diam. x 20'	57,220

## 8. Service Stations

Table 907.D-8 Service Stations Marketing Personal Property *Alternative Procedure	
Property Description	\$ Cost New
Air and Water Units:	
Above ground	1,650
Below ground	700
Air Compressors:	
1/3 to 1 H.P.	2,210
1/2 to 5 H.P.	3,740
Car Wash Equipment:	
In Bay (roll over brushes)	59,440
In Bay (pull through)	92,270
Tunnel (40 to 50 ft.)	200,830
Tunnel (60 to 75 ft.)	268,750
Drive On Lifts:	
Single Post	10,850
Dual Post	12,220
Lights:	
Light Poles (each)	1,100
Lights - per pole unit	1,230
Pumps:	
Non-Electronic - self contained and/or remote controlled computer	
Single	4,700
Dual	6,980
Computerized - non-self service, post pay, pre/post pay. self contained and/or remote controlled dispensers	
Single	7,940
Dual	10,700
Read-Out Equipment (at operator of self service)	
Per Hose Outlet	1,740

Table 907.D-8 Service Stations Marketing Personal Property *Alternative Procedure	
Property Description	\$ Cost New
Signs:	
Station Signs	
6 ft. lighted - installed on 12 ft. pole	5,250
10 ft. lighted - installed on 16 ft. pole	9,600
Attachment Signs (for station signs)	
Lighted "self-serve" (4 x 11 ft.)	4,380
Lighted "pricing" (5 x 9 ft.)	4,470
High Rise Signs - 16 ft. lighted - installed on:	
1 pole	15,890
2 poles	20,800
3 poles	23,270
Attachment Signs (for high rise signs)	
Lighted "self-serve" (5 x 17 ft.)	8,450
Lighted "pricing" (5 x 9 ft.)	4,470
Submerged Pumps—(used with remote control equipment, according to number used - per unit)	4,690
Tanks—(average for all tank sizes)	
Underground - per gallon	2.70

NOTE: The above represents the cost-new value of modern stations and self-service marketing equipment. Other costs associated with such equipment are included in improvements. Old style stations and equipment should be assessed on an individual basis, at the discretion of the tax assessor, when evidence is furnished to substantiate such action.

\*This alternative assessment procedure should be used only when acquisition cost and age are unknown or unavailable. Otherwise, see general business section (Chapter 25) for normal assessment procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:480 (March 1998), LR 25:313 (February 1999), LR 26:507 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:488 (March 2004), LR 31:717 (March 2005), LR 32:431 (March 2006), LR 33:492 (March 2007), LR 34:679 (April 2008), LR 35:495 (March 2009), LR 36:773 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1395 (May 2011), LR 38:803 (March 2012), LR 39:490 (March 2013), LR 40:531 (March 2014), LR 41:673 (April 2015), LR 42:746 (May 2016), LR 43:653 (April 2017), LR 44:580 (March 2018), repromulgated LR 44:917 (May 2018), LR 45:534 (April 2019), LR 46:561 (April 2020), LR 47:465 (April 2021), LR 48:1523 (June 2022), LR 49:1049 (June 2023), LR 50:373 (March 2024), LR 51:

## Chapter 10. Brine Operation Properties

### §1007. Valuation of Brine Operation Wells

A. The Cost-New schedules below cover only that portion of the well subject to ad valorem taxation. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with Louisiana R.S. 47:1957, the assessor may request additional documentation.

B. Instructions for Use of Table 1007.B and 1007.C and Procedure for Arriving at Assessed Value

1. Multiply the appropriate percent good factor based on age of the well as found in Table 1007.D.

2. Cost-New tables.

a. Use Table 1007.B to assess all service wells based on producing depth.

b. Use Table 1007.C to assess all operation wells based on long-string casing diameter size.

3. Recompleted Wells

a. For service wells recompleted, use new long-string casing depth to determine Cost-New amount.

b. For operation wells recompleted, use new long-string casing diameter size to determine Cost-New amount.

4. Adjustments for Allowance of Economic Obsolescence

a. All inactive (shut-in) wells shall be allowed a 90 percent reduction.

b. Deduct any additional obsolescence that has been appropriately documented by the taxpayer, as warranted, to reflect fair market value.

c. Sales, properly documented, should be considered by the assessor as fair market value, provided the sale meets all tests relative to it being a valid sale.

5. Multiply depth of well by appropriate 15 percent of Cost-New amount as indicated in Table 1007.B/Table 1007.C.

6. For Tax Year 2025, the assessed value of the wells assessed in this Chapter, on an individual property basis, is to be limited to a range of 50% to 150% of the assessed value of the same wells in the previous tax year. This limitation is inclusive of only the wells assessed in both years.

7. Brine Service Wells: All Regions—Louisiana

Table 1007.B Brine Service Wells All Regions—Louisiana		
Producing Depths	Cost—New by depth, per foot for Brine Service Wells	
	Cost @ 100%	15% Assessed
0 – 1,249 ft.	\$ 163.31	\$ 24.50
1,250 – 2,499 ft.	\$ 120.98	\$ 18.15
2,500 – 3,749 ft.	\$ 118.13	\$ 17.72
3,750 – 4,999 ft.	\$ 104.13	\$ 15.62
5,000 – 7,499 ft.	\$ 142.25	\$ 21.34
7,500 – 9,999 ft.	\$ 194.06	\$ 29.11
10,000 – 12,499 ft.	\$ 264.61	\$ 39.69
12,500 – 14,999 ft.	\$ 347.13	\$ 52.07
15,000 – 17,499 ft.	\$ 562.28	\$ 84.34
17,500 – 19,999 ft.	\$ 686.51	\$ 102.98
20,000 Deeper ft.	\$ 366.58	\$ 54.99

C. Brine Operation Wells: All Regions—Louisiana

Table 1007.C Brine Operation Wells All Regions—Louisiana		
Long-String Casing Diameter Size	Cost—New \$ per foot for Brine Operation Wells	
	Cost @ 100%	15% Assessed
Inches		
4	\$ 722.31	\$ 108.35
5	\$ 868.80	\$ 130.32
6	\$ 1,013.49	\$ 152.02
7	\$ 1,157.10	\$ 173.56
8	\$ 1,300.06	\$ 195.01
9	\$ 1,442.67	\$ 216.40

Table 1007.C Brine Operation Wells All Regions—Louisiana		
Long-String Casing Diameter Size	Cost—New \$ per foot for Brine Operation Wells	
10	\$ 1,585.11	\$ 237.77
11	\$ 1,727.53	\$ 259.13
12	\$ 1,870.03	\$ 280.50
13	\$ 2,012.68	\$ 301.90
14	\$ 2,155.54	\$ 323.33
15	\$ 2,298.65	\$ 344.80
16	\$ 2,442.05	\$ 366.31
17	\$ 2,585.75	\$ 387.86
18	\$ 2,729.78	\$ 409.47
19	\$ 2,874.15	\$ 431.12
20	\$ 3,018.88	\$ 452.83
21	\$ 3,163.97	\$ 474.59
22	\$ 3,309.42	\$ 496.41
23	\$ 3,455.25	\$ 518.29
24	\$ 3,601.46	\$ 540.22
25	\$ 3,748.04	\$ 562.21
26	\$ 3,895.00	\$ 584.25
27	\$ 4,042.34	\$ 606.35
28	\$ 4,190.06	\$ 628.51
29	\$ 4,338.16	\$ 650.72
30	\$ 4,486.64	\$ 673.00
31	\$ 4,635.49	\$ 695.32
32	\$ 4,784.71	\$ 717.71
33	\$ 4,934.30	\$ 740.15
34	\$ 5,084.27	\$ 762.64
35	\$ 5,234.60	\$ 785.19
36	\$ 5,385.29	\$ 807.79
37	\$ 5,536.34	\$ 830.45
38	\$ 5,687.75	\$ 853.16
39	\$ 5,839.52	\$ 875.93
40	\$ 5,991.64	\$ 898.75

D. Serial Number to Percent Good Conversion

Table 1007.D Serial Number to Percent Good Conversion Chart			
Year	Beginning Serial Number	Ending Serial Number	20 Year Life Percent Good
2024	254511	Higher	97
2023	253984	254510	93
2022	253176	253983	90
2021	252613	253175	86
2020	252171	252612	82
2019	251497	252170	78
2018	250707	251496	74
2017	249951	250706	70
2016	249476	249950	65
2015	248832	249475	60
2014	247423	248831	55
2013	245849	247422	50
2012	244268	245848	45
2011	242592	244267	40
2010	240636	242591	35
2009	239277	240635	31
2008	236927	239276	27
2007	234780	236926	24
2006	232639	234779	22
2005	230643	232638	21
2004	Lower	230642	20 *
VAR.	900000	Higher	50

\*Reflects residual or floor rate.

NOTE: For any serial number categories not listed above, use year well completed to determine appropriate percent good. If

spud date is later than year indicated by serial number; or, if serial number is unknown, use spud date to determine appropriate percent good.

E. Surface Equipment

1. Listed below is the cost-new of major items potentially used in the brine operation process. Any equipment not shown shall be assessed on an individual basis.

2. All surface equipment, including other property associated or used in connection with brine operations, must be rendered in accordance with guidelines established by the Tax Commission and in accordance with requirements set forth on LAT Form 10—Personal Property Tax Report—Brine Operation Property.

3. Brine operation personal property will be assessed in 7 major categories, as follows:

- a. wells;
- b. operation equipment (surface equipment);
- c. tanks (surface equipment);
- d. lines;
- e. inventories (material and supplies);
- f. field improvements (docks, buildings, etc.);
- g. other property (not included above).

4. The cost-new values listed below are to be adjusted to allow depreciation by use of the appropriate percent good listed in Table 1007.C. When determining the value of equipment associated with a single well, use the age of that well to determine the appropriate percent good. When determining the value of equipment used on multiple wells, the average age of the wells will determine the appropriate year to be used for this purpose.

5. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with Louisiana R.S. 47:1957, the assessor may request additional documentation.

6. Sales, properly documented, should be considered by the assessor as fair market value, provided the sale meets all tests relative to it being a valid sale.

7. Surface Equipment—Property Description

Table 1007.E Surface Equipment	
Property Description	\$ Cost New
Actuators—(See Metering Equipment)	
Automatic Control Equipment—(See Safety Systems)	
Automatic Tank Switch Unit—(See Metering Equipment)	
Communication Equipment—(See Telecommunications)	
Dampeners—(See Metering Equipment—"Recorders")	
Engines - Unattached—(Only includes engine and skids): Per Horsepower	430
Fire Control System—(Assessed on an individual basis)	
Furniture and Fixtures—(Assessed on an individual basis) (Field operations only, according to location.)	
Generators—Package Unit only—(No special installation) Per K.W.	290
Manifolds—(See Metering Equipment)	

Table 1007.E Surface Equipment	
Property Description	\$ Cost New
Material and Supplies—Inventories—(Assessed on an individual basis)	
Meter Calibrating Vessels—(See Metering Equipment)	
Meter Prover Tanks—(See Metering Equipment)	
Meter Runs—(See Metering Equipment)	
Meter Control Stations—(not considered Communication Equipment)—(Assessed on an individual basis)	
Metering Equipment	
Manifolds—Automatic Operated:	
High Pressure	
per well	54,860
per valve	18,090
Low Pressure	
per well	39,130
per valve	13,210
NOTE: Automatic Operated System includes gas hydraulic and pneumatic valve actuators, (or motorized valves), block valves, flow monitors—in addition to normal equipment found on manual operated system. NO METERING EQUIPMENT INCLUDED.	
Meter Runs - piping, valves and supports—no meters:	
2 In. piping and valve	8,270
3 In. piping and valve	9,300
4 In. piping and valve	11,230
6 In. piping and valve	15,650
8 In. piping and valve	23,500
10 In. piping and valve	31,300
12 In. piping and valve	39,130
14 In. piping and valve	53,300
16 In. piping and valve	69,620
18 In. piping and valve	86,240
20 In. piping and valve	112,070
22 In. piping and valve	141,240
24 In. piping and valve	172,920
Metering Vessels (Accumulators):	
1 bbl. calibration plate (20 x 9)	4,800
5 bbl. calibration plate (24 x 10)	5,160
7.5 bbl. calibration plate (30 x 10)	7,240
10 bbl. calibration plate (36 x 10)	9,000
Recorders (Meters)—Includes both static element and tube drive pulsation dampener—also one and two pen operations.	
per meter	3,330
SOLAR PANEL (also see Telecommunications)	
per unit (10' x 10')	430
Pipe Lines - Lease Lines	
Steel	
2 In. nominal size—per mile	24,060
2 ½ In. nominal size—per mile	32,410
3 and 3 ½ In. nominal size—per mile	41,350
4, 4 ½ and 5 In. nominal size—per mile	71,100
6 In. nominal size—per mile	104,400
Poly Pipe	
2 In. nominal size—per mile	13,210
2 ½ In. nominal size—per mile	17,800
3 In. nominal size—per mile	22,740
4 In. nominal size—per mile	39,060
6 In. nominal size—per mile	57,360
Pipe Lines—Lease Lines (Cont'd)	
Plastic—Fiberglass	
2 In. nominal size—per mile	20,530
3 In. nominal size—per mile	35,140
4 In. nominal size—per mile	60,400
6 In. nominal size—per mile	88,660
NOTE: Allow 90% obsolescence credit for lines that are inactive, idle, open on both ends and dormant, which are being carried on corporate records solely for the purpose of retaining right of	

Table 1007.E Surface Equipment	
Property Description	\$ Cost New
ways on the land and/or due to excessive capital outlay to refurbish or remove the lines.	
Pipe Stock—(Assessed on an individual basis)	
Pipe Stock—Exempt—Under La. Const., Art. X, §4 (19-C)	
Pumps—In Line	
per horsepower rating of motor	360
Pump—Motor Unit—pump and motor only	
Class I—(water flood, s/w disposal, p/l, etc.)	
Up to 300 HP—per HP of motor	430
Class II—(high pressure injection, etc.)	
301 HP and up—per HP of motor	530
Regenerators (Accumulator)—(See Metering Equipment)	
Regulators	
per unit	3,400
Skimmer Tanks—(See Flow Tanks in Tanks section)	
Sump/Dump Tanks—(See Metering Equipment - "Fluid Tanks")	
Tanks—No metering equipment	Per Barrel*
Flow Tanks (receiver or gunbarrel)	
50 to 548 bbl. Range	47.50
average tank size—250 bbl.	
Stock Tanks (lease tanks)	
100 to 750 bbl. Range	37.00
average tank size—300 bbl.	
Storage Tanks (Closed Top)	
1,000 barrels	31.40
1,500 barrels	27.80
2,000 barrels	27.00
2,001—5,000 barrels	24.80
5,001—10,000 barrels	23.30
10,001—15,000 barrels	21.80
15,001—55,000 barrels	15.30
55,001—150,000 barrels	11.50
Internal Floating Roof	
10,000 barrels	44.90
20,000 barrels	30.40
30,000 barrels	22.60
50,000 barrels	20.10
55,000 barrels	19.40
80,000 barrels	17.10
100,000 barrels	14.90
* I.E.: (tanks size bbls.) x (no. of bbls.) x (cost-new factor)	
Telecommunications Equipment	
Microwave System	
Telephone and data transmission	59,060
Radio telephone	4,430
Supervisory controls	
remote terminal unit, well	12,620
master station	28,790
towers (installed):	
heavy duty, guyed, per foot	740
light duty, guyed, per foot	60
heavy duty, self supporting, per foot	750
light duty, self supporting, per foot	150
equipment building, per sq. ft.	220
solar panels, per sq. ft.	70
Utility Compressors	
per horsepower—rated on motor	970

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Division of Administration, Tax Commission, LR 49:1056 (June 2023), amended LR 50:379 (March 2024), LR 51:

**Chapter 11. Drilling Rigs and Related Equipment**  
**§1103. Drilling Rigs and Related Equipment Tables**  
A. Land Rigs

Table 1103.A Land Rigs		
Depth "0" to 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
3,000	217,200	32,600
4,000	303,200	45,500
5,000	308,100	46,200
6,000	323,700	48,600
7,000	408,300	61,200
Depth 8,000 to 10,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
8,000	591,700	88,800
9,000	879,600	131,900
10,000	1,259,300	188,900
Depth 11,000 to 15,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
11,000	1,703,900	255,600
12,000	2,177,700	326,700
13,000	2,640,800	396,100
14,000	3,054,400	458,200
15,000	3,385,200	507,800
Depth 16,000 to 20,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
16,000	3,611,100	541,700
17,000	3,725,200	558,800
18,000	3,741,400	561,200
19,000	3,699,200	554,900
20,000	3,668,400	550,300
Depth 21,000 + Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
21,000	3,754,100	563,100
25,000 +	3,896,800	584,500

1. - 2. ...

B. Jack-Ups

Table 1103.B Jack-Ups			
Type	Water Depth Rating	Fair Market Value	Assessment
IC	0-199 FT.	\$ 70,000,000	\$ 10,500,000
	200-299 FT.	139,700,000	20,955,000
	300 FT. and Deeper	279,200,000	41,880,000
IS	0-199 FT.	21,000,000	3,150,000
	200-299 FT.	34,900,000	5,235,000
	300 FT. and Deeper	42,000,000	6,300,000
MC	0-199 FT.	7,000,000	1,050,000
	200-299 FT.	14,000,000	2,100,000
	300 FT. and Deeper	55,900,000	8,385,000
MS	0-249 FT.	14,600,000	2,190,000
	250 FT. and Deeper	28,900,000	4,335,000

IC - Independent Leg Cantilever  
 IS - Independent Leg Slot  
 MC - Mat Cantilever  
 MS - Mat Slot

C. Semisubmersible Rigs

Table 1103.C Semisubmersible Rigs		
Water Depth Rating	Fair Market Value	Assessment
	\$	\$
0- 800 FT.	63,900,000	9,585,000
801-1,800 FT.	114,400,000	17,160,000
1,801-2,500 FT.	209,700,000	31,455,000
2,501 FT. and Deeper	657,900,000	98,685,000

NOTE: The fair market values and assessed values indicated by these tables are based on the current market (sales) appraisal approach and not the cost approach.

1. - 3.b.i. ...

D. Well Service Rigs Land Only

Table 1103.D Well Service Rigs Land Only				
Class	Mast	Engine	Fair Market Value (RCNLD)	Assessment
I	71' X 125M# 71' X 150M# 72' X 125M# 72' X 150M# 75' X 150M#	C-7 50 SERIES 6V71	95,000	14,300
II	96' X 150M# 96' X 180M# 96' X 185M# 96' X 200M# 96' X 205M# 96' X 210M# 96' X 212M# 96' X 215M#	C-11 50 SERIES 8V71	135,000	20,300
III	96' X 240M# 96' X 250M# 96' X 260M# 102' X 215M#	C-11 50 SERIES 8V92	170,000	25,500
IV	102' X 224M# 102' X 250M# 103' X 225M# 103' X 250M# 104' X 250M# 105' X 225M# 105' X 250M#	C-15/C-13 60 SERIES 12V71	200,000	30,000
V	105' X 280M# 106' X 250M# 108' X 250M# 108' X 260M# 108' X 268M# 108' X 270M# 108' X 300M#	C-15/C-13 60 SERIES 12V71 12V92	230,000	34,500
VI	110' X 250M# 110' X 275M# 112' X 300M# 112' X 350M#	C-15 60 SERIES 12V71 (2) 8V92	265,000	39,800
VII	117' X 350M#	(2) C-18 (2) 60 SERIES (2) 8V92 (2) 12V71	310,000	46,500

D.1. - E.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:939 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 16:1063 (December 1990),



LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:487 (March 1998), LR 25:315 (February 1999), LR 26:508 (March 2000), LR 27:426 (March 2001), LR 28:519 (March 2002), LR 30:488 (March 2004), LR 31:718 (March 2005), LR 32:431 (March 2006), LR 33:493 (March 2007), LR 34:683 (April 2008), LR 35:497 (March 2009), LR 36:778 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1399 (May 2011), LR 38:808 (March 2012), LR 39:495 (March 2013), LR 40:536 (March 2014), LR 41:678 (April 2015), LR 42:748 (May 2016), LR 43:654 (April 2017), LR 44:581 (March 2018), LR 45:535 (April 2019), LR 46:562 (April 2020), LR 47:467 (April 2021), LR 48:1525 (June 2022), LR 49:1058 (June 2023), LR 50:381 (March 2024), LR 51:

**Chapter 13. Pipelines**

**§1301. Guidelines for Ascertaining the Fair Market Value of Pipelines**

A. - B. ...

C. Carbon capture pipelines. The category “carbon capture pipelines” includes lateral and transmission pipelines used for the transportation of carbon oxide that has been captured and permanently isolated from the atmosphere by disposal in secure geological storage or displaced from being emitted into the atmosphere by utilization in enhanced oil or natural gas recovery or other purpose for which a commercial market exists. Lateral pipelines are from an emission source to a transmission line or from the transmission line to the disposal or utilization site. Transmission lines gather carbon oxide from lateral lines for transportation to the disposal or utilization area. Note: A line running from an emission source directly to a sequestration or utilization site is a transmission line. As carbon capture pipelines are a new category of property in this chapter beginning 2025, rules related to such pipelines are intended to be applicable until additional sufficient information becomes available from operations and/or market data to support revised rules.

D. Other pipelines. The category “other pipelines” is generally represented by the larger gathering and transmission pipelines, but includes all lines, other than plastic, 2 inches and larger in diameter. This class of pipelines is normally of better quality, requiring more rigid controls, and not subject to changes in routes as are “lease lines”. Tables 1307.A and 1307. B describe the cost-new per mile for various size pipelines in the “other pipelines” category.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:940 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 15:1097 (December 1989), amended by the Department of Revenue, Tax Commission. LR 24:488 (March 1998), LR 35:498 (March 2009), LR 51:

**§1303. Instructions for Reporting “Other Pipelines”**

A. A separate LAT Form 14 must be used for each ward and tax district (viz., levee districts, drainage districts, special district, etc. – ward). Carbon capture pipelines must be clearly identified on the form as either a lateral or transmission line. An attachment in lieu of the form is permitted only if information is in the same sequence. The LAT Form 14 may be reproduced and used as an attachment.

However, all attachments must be properly identified and attached to the original which is signed and dated. A map of the carbon capture pipelines reported shall accompany the LAT-14 Form.

B. If information is not complete and the LAT Form 14 is not properly prepared, report will be returned for further compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 51:

**§1307. Pipeline Transportation Tables**

A. Current Costs for Other Pipelines (Onshore)

Table 1307.A Current Costs for Other Pipelines (Onshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 253,510	\$ 38,030
4	299,460	44,920
6	353,750	53,060
8	417,880	62,680
10	493,630	74,040
12	583,120	87,470
14	688,830	103,320
16	813,700	122,060
18	961,210	144,180
20	1,135,460	170,320
22	1,341,300	201,200
24	1,584,450	237,670
26	1,871,690	280,750
28	2,210,990	331,650
30	2,611,800	391,770
32	3,085,270	462,790
34	3,644,570	546,690
36	4,305,270	645,790
38	5,085,730	762,860
40	6,007,680	901,150
42	7,096,770	1,064,520
44	8,299,450	1,244,920
46	9,556,410	1,433,460
48	11,113,340	1,667,000

NOTE: Excludes river and canal crossings. For river and canal crossings, apply a factor of 2.0 to Cost Per Mile figures in table above.

B. Current Costs for Other Pipelines (Offshore)

Table 1307.B Current Costs for Other Pipelines (Offshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 1,507,700	\$ 226,160
4	1,514,070	227,110
6	1,521,870	228,280
8	1,531,130	229,670
10	1,553,410	233,010
12	1,588,710	238,310
14	1,637,040	245,560
16	1,698,390	254,760
18	1,772,760	265,910
20	1,860,160	279,020
22	1,960,580	294,090
24	2,074,020	311,100
26	2,200,490	330,070

Table 1307.B Current Costs for Other Pipelines (Offshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
28	2,339,980	351,000
30	2,492,490	373,870
32	2,658,030	398,700
34	2,836,580	425,490
36	3,028,170	454,230
38	3,232,770	484,920
40	3,450,400	517,560
42	3,681,050	552,160
44	3,924,720	588,710
46	4,181,420	627,210
48	4,451,140	667,670

C. Pipeline Transportation Allowance for Physical Deterioration (Depreciation)

Table 1307.C Pipeline Transportation Allowance for Physical Deterioration (Depreciation)	
Actual Age (Yrs)	26.5 Year Life Percent Good
1	98
2	96
3	94
4	91
5	88
6	86
7	83
8	80
9	77
10	73
11	70
12	67
13	63
14	60
15	56
16	52
17	48
18	44
19	39
20	35
21	33
22	30
23	28
24	26
25	25
26	23
27 and older	20 *

\* Reflects residual or floor rate.

NOTE: See §1305.G (page PL-3) for method of recognizing economic obsolescence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:941 (November 1984), LR 12:36 (January 1986), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 24:489 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:426 (March 2001), LR 31:719 (March 2005), LR 32:432 (March 2006), LR 33:494 (March 2007), LR 34:684 (April 2008), LR 35:499 (March 2009), LR 36:778 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1401 (May 2011), LR 38:809 (March 2012), LR 39:496 (March 2013), LR 40:537 (March 2014), LR 41:680 (April 2015), LR 42:748 (May 2016), LR 43:655 (April 2017), LR 44:582 (March 2018), LR 45:535 (April 2019), LR 46:563 (April 2020), LR 47:468 (April 2021), LR 48:1526

(June 2022), LR 49:1059 (June 2023), LR 50:383 (March 2024), LR 51:

Chapter 15. Aircraft

§1503. Aircraft (Including Helicopters) Table

A. Aircraft (Including Helicopters)

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		Average Economic Life (20 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2024	0.987	1	97	.96
2023	1.000	2	93	.93
2022	1.018	3	90	.92
2021	1.196	4	86	1.03
2020	1.301	5	82	1.07
2019	1.307	6	78	1.02
2018	1.354	7	74	1.00
2017	1.401	8	70	.98
2016	1.429	9	65	.93
2015	1.417	10	60	.85
2014	1.431	11	55	.79
2013	1.449	12	50	.72
2012	1.461	13	45	.66
2011	1.503	14	40	.60
2010	1.550	15	35	.54
2009	1.538	16	31	.48
2008	1.582	17	27	.43
2007	1.645	18	24	.39
2006	1.734	19	22	.38
2005	1.815	20	21	.38
2004	1.952	21	20	.39

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:206 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:495 (March 2007), LR 34:685 (April 2008), LR 35:499 (March 2009), LR 36:779 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1401 (May 2011), LR 38:809 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:680 (April 2015), LR 42:749 (May 2016), LR 43:656 (April 2017), LR 44:584 (March 2018), LR 45:537 (April 2019), LR 46:564 (April 2020), LR 47:469 (April 2021), LR 48:1527 (June 2022), LR 49:1060 (June 2023), LR 50:384 (March 2024), LR 51:

Chapter 25. General Business Assets

§2501. Guidelines for Ascertaining the Fair Market Value of Office Furniture and Equipment, Machinery and Equipment and Other Assets Used in General Business Activity

A. The fair market value of office furniture and equipment, machinery and equipment and other assets used in general business activity can generally best be estimated by the cost approach with consideration of information provided by property owners on annual LAT 5 forms, written and verbal description of valuation factors impacting the

property, and other sources. This approach allows the assessors across the state of Louisiana to fairly and uniformly assess business and industrial personal property, while, at the same time, allowing each assessor the discretion that is necessary to accommodate modernization, facelifting of equipment, and obsolescence. However, when market and/or income data is presented or reasonably available, all of the three approaches to value with reliable data should be considered to determine the reconciled fair market value of the assessed property.

B. - C. ...

D. The procedure for establishing the fair market value of business and industrial personal property with the cost approach to value (excluding oil and gas properties, drilling rigs, wells related to permanent sequestration of captured carbon, inventories and leased equipment), includes these steps:

D.1. - D.7. ...

E. Wells related to permanent sequestration of captured carbon are to be valued as the value per foot indicated in Table 2503.E times depth of the well.

F. Nothing in this Section prohibits a taxpayer/property owner from arguing and submitting evidence that the tables contained in this Chapter fail to achieve fair market value in a particular appeal. A taxpayer/property owner has the burden to prove that a deviation from the tables contained in this Chapter is necessary to achieve fair market value.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 31:719 (March 2005), LR 33:495 (March 2007), LR 34:685 (April 2008), LR 35:500 (March 2009), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 42:749 (May 2016), LR 47:469 (April 2021), LR 48:1527 (June 2022), LR 49:1061 (June 2023), LR 51:

**§2503. Tables Ascertaining Economic Lives, Percent Good and Composite Multipliers of Business and Industrial Personal Property**

A. ...

1. Suggested Guidelines for Ascertaining Economic Lives of Business and Industrial Personal Property

Table 2503.A Business Activity/Type of Equipment	Average Economic Life in Years
Agricultural Machinery and Equipment	10
Feed Mill Equipment (Production Line)	20
***	***
Car Wash (5 min. & coin-op)	10

Table 2503.A Business Activity/Type of Equipment	Average Economic Life in Years
Carbon Capture, Utilization and Sequestration* Carbon Capture Equipment	15
Equipment Utilizing Captured Carbon to Make Products	15
Equipment Related to Permanent Sequestration of Captured Carbon (See Chapter 13 for CCUS pipelines and §2501.E for CCS wells)	15
* As carbon capture, utilization and sequestration (CCUS) property is a new category of property in this Chapter beginning 2025, rules related to CCUS are intended to be applicable until additional sufficient information becomes available from operations and/or market data to support revised rules.	
Cash Registers & Scanners (Also see Supermarkets)	5
***	***
*If acquisition cost and age of service station equipment are not available, see Chapter 9, Table 907.C-4 for alternative assessment procedure.	

**B. Cost Indices**

Table 2503.B Cost Indices			
Year	Age	National Average 1926 = 100	January 1, 2024 = 100*
2024	1	2289.6	0.987
2023	2	2257.4	1.000
2022	3	2218.3	1.018
2021	4	1888.1	1.196
2020	5	1736.4	1.301
2019	6	1727.8	1.307
2018	7	1667.7	1.354
2017	8	1612.2	1.401
2016	9	1580.9	1.429
2015	10	1593.7	1.417
2014	11	1578.8	1.431
2013	12	1558.7	1.449
2012	13	1545.9	1.461
2011	14	1503.2	1.503
2010	15	1457.4	1.550
2009	16	1468.6	1.538
2008	17	1427.3	1.582
2007	18	1373.3	1.645
2006	19	1302.3	1.734
2005	20	1244.5	1.815
2004	21	1157.3	1.952
2003	22	1118.6	2.019
2002	23	1100.0	2.053
2001	24	1093.4	2.066
2000	25	1084.3	2.083
1999	26	1065.0	2.121
1998	27	1061.8	2.127
1997	28	1052.7	2.146
1996	29	1036.0	2.180
1995	30	1020.4	2.214
1994	31	985.0	2.293

\*Reappraisal Date: January 1, 2024 – 2258.7 (Base Year)

C. ...

\* \* \*

D. Composite Multipliers 2025 (2026 Orleans Parish)

Table 2503.D Composite Multipliers 2025 (2026 Orleans Parish)										
Age	3 Yr	5 Yr	6 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	30 Yr
1	.69	.84	.86	.89	.91	.93	.94	.96	.97	.97
2	.49	.69	.73	.79	.84	.87	.90	.93	.95	.97
3	.35	.53	.58	.68	.77	.81	.87	.92	.95	.97
4	.19	.41	.49	.65	.80	.87	.94	1.03	1.08	1.11
5		.30	.39	.56	.75	.86	.95	1.07	1.13	1.18
6		.24	.25	.43	.64	.76	.89	1.02	1.10	1.16
7			.24	.35	.53	.68	.84	1.00	1.10	1.16
8				.31	.42	.60	.77	.98	1.09	1.18
9				.29	.34	.51	.70	.93	1.07	1.17
10					.30	.41	.61	.85	1.01	1.12
11					.29	.34	.53	.79	.97	1.09
12						.32	.45	.72	.93	1.07
13						.29	.38	.66	.88	1.04
14							.35	.60	.84	1.02
15							.33	.54	.81	1.01
16							.31	.48	.74	.94
17								.43	.70	.92
18								.39	.64	.89
19								.38	.59	.88
20								.38	.54	.85
21								.39	.55	.86
22									.52	.81
23									.49	.76
24									.41	.70
25									.42	.65
26									.42	.59
27										.55
28										.49
29										.46
30										.44
31										.46

1. Data sources for tables are:
  - a. Cost Index—Marshall and Swift Publication Co.;
  - b. Percent Good—Marshall and Swift Publication Co.;
  - c. Average Economic Life—various.

E. Values for Carbon Sequestration Wells and Related Wells\*

Table 2503.E Values for Carbon Sequestration Wells and Related Wells*		
Location	Average Depth (feet)	Value Per Foot (\$)
Onshore	1 – 1,499	0.50
Onshore	1,500 – 2,499	0.75
Onshore	2,500 – 9,999	1.00
Onshore	10,000 - or greater	1.50
Offshore	All Depths	2.00

\* Applicable to carbon sequestration wells, monitoring wells, and related service wells.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 10:944 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR

17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:317 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:496 (March 2007), LR 34:686 (April 2008), LR 35:500 (March 2009), LR 36:780 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1402 (May 2011), LR 38:810 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:681 (April 2015), LR 42:750 (May 2016), LR 43:656 (April 2017), LR 44:584 (March 2018), LR 45:538 (April 2019), LR 46:564 (April 2020), LR 47:470 (April 2021), LR 48:1528 (June 2022), LR 49:1061 (June 2023), LR 50:384 (March 2024), LR 51:

**Chapter 31 Public Exposure of Assessments; Appeals §3103. Appeals to the Louisiana Tax Commission**

A. - G.9. ...

10. If a taxpayer appeals the Board of Review's decision on the basis that the assessor inequitably assessed the subject property as compared to similarly situated comparable properties, then the taxpayer must submit evidence of such inequity, and the assessor shall be prepared to respond to such evidence.

11. Notwithstanding Section 3103.D.1., or any other provision to the contrary, witness testimony is permitted, and all witnesses shall be placed under oath at the onset of each hearing. However, the commission may limit the number of witnesses and limit the allotment of time for such testimony. At its sole discretion the commission may permit live witness testimony via videoconference. All witnesses are subject to cross examination by any party. Further, the commission will not accept or consider any evidence not permitted under R.S. 47:1989.

12. It is the commission's policy to accept all pre-filed exhibits into the record, however, either party may object to the submission of any of the opposing parties' exhibits. Absent a timely objection, any evidence shall be admitted into the record. The Louisiana Rules of Evidence shall be applied liberally in any proceeding before the commission. The commission may also exclude evidence, which is deemed by the commission to be incompetent, immaterial or duly repetitious. The commission reserves the right to take any objection under advisement and/or to defer the objections to the merits of the appeal.

13. The commission shall take official notice without further identification of the contents of the original records and documents in possession of the commission when duly certified copies thereof are offered into evidence and made a part of the record. The Board of Review does not transmit a record or evidence to the commission. Any evidence or information that was submitted to the Board of Review must be filed by the parties to be considered by the commission. The commission may receive other documentary evidence in the form of copies or excerpts or that which is incorporated by reference.

14. Any party with leave of the commission or hearing officer may present prepared sworn deposition testimony of a witness either narrative or in question and answer form, which shall be incorporated into the record as if read by a witness. The opposing party will be allowed to cross-examine and/or submit any sworn testimony given by the witness in the deposition.

15. Subpoenas for the attendance of witnesses or for the production of books, papers, accounts or documents for a hearing may be issued by the commission upon its own motion, or upon the written request of any party. No subpoena shall be issued until the party who wishes to subpoena the witness first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Any subpoena duces tecum shall allow no less than five days to assimilate and to deliver said documents subpoenaed by the subpoena recipient. The form of subpoena attached hereto as Form SUBP.T-2 (found on the commission's website under General Forms), or a reasonable variation thereof, shall be filled out and presented with the subpoena request. Service of the subpoena may be accomplished by any of the methods prescribed by the Louisiana Administrative Procedure Act.

16. Hearings may be conducted by a hearing officer selected and appointed by the commission. The hearing officer shall have the authority to administer oaths, may examine witnesses, and rule upon the admissibility of evidence and amendments to the pleadings. The hearing officer shall have the authority to recess any hearing from day to day. The hearing officer shall have the responsibility and duty of assimilating testimony and evidence, compiling a written summary of the testimony and evidence, and presenting a proposed order to the commission.

17. At the close of evidence, each side will be allowed a reasonable amount of time to argue its case. This time may be limited and/or allotted by the chairman or hearing officer.

18. The commission may take any matter under advisement and issue a decision/ruling without advance notice or any additional opportunity for hearing.

H.1. - H.1.f. ...

2. In determining whether the assessment is supported and sustainable by a preponderance of evidence, the commission shall make its own determination and conclusions of fact by a preponderance of evidence based upon its own evaluation of the evidence reviewed in its entirety including otherwise admissible first-hand witness testimony.

I.1. - P. ...

**Form 3103.A  
Exhibit A  
Appeal to Louisiana Tax Commission  
by Property Owner/Taxpayer or Assessor  
for Real and Personal Property**

La. Tax Commission  
P.O. Box 66788  
Baton Rouge, LA 70896  
(225) 219-0339

Name: \_\_\_\_\_ Parish/District: \_\_\_\_\_

Property Owner/Taxpayer/Assessor

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Ward: \_\_\_\_\_ Assessment Tax Bill No.: \_\_\_\_\_ Appeal No.: \_\_\_\_\_

Address or Legal Description of Property Being Appealed. Also, please identify building by place of business for convenience of appraisal. \_\_\_\_\_

I hereby appeal the decision of the Board of Review on the assessment of the above described property pursuant to La.R.S. 47:1992, La. R.S. 47:1989 and the rules of the Louisiana Tax Commission. I timely filed my appeal as required by law.

Date of the Board of Review Determination: \_\_\_\_\_

“You are required to include a copy of the Board of Review Determination with this Appeal Form.”

The Fair Market Value by the assessor was:

Land \$ \_\_\_\_\_ Improvement \$ \_\_\_\_\_

Personal Property \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

The Fair Market Value determined by the Board of Review was:

Land \$ \_\_\_\_\_ Improvement \$ \_\_\_\_\_

Personal Property \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

The Fair Market Value should be:

Land \$ \_\_\_\_\_ Improvement \$ \_\_\_\_\_

Personal Property \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

\* If you are not appealing personal property leave this section blank.

NOTE: If you disagree with the Board of Review's determination, you must file an appeal. The appeal of the decision of the Board of Review by one party is not an appeal of that decision from the other party. To protect your rights, if you disagree with the determination of the Board of Review, you should file an appeal to the Louisiana Tax Commission challenging the Board of Review's determination regardless of whether or not the other party has appealed that decision.

\_\_\_\_\_  
Applicant: (Property Owner/Taxpayer/Assessor)

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Email Address: \_\_\_\_\_

Date of Appeal: \_\_\_\_\_

Today's Date: \_\_\_\_\_

This form must be completed in its entirety. The failure to complete the form, in its entirety, or failure to attach a copy of the Board of Review Determination may result in summary dismissal at the discretion of the Tax Commission.

PLEASE NOTE: Any documents or other evidence submitted to the assessor and/or the Board of Review must be refiled/resubmitted to the Louisiana Tax Commission.

**Form 3103.B  
Exhibit B  
Power of Attorney**

PLEASE TYPE OR PRINT

Taxpayer(s) must sign and date this form on Page 2.

**I. Taxpayer:**

Your Name or Name of Entity: \_\_\_\_\_

Street Address, City, State, ZIP: \_\_\_\_\_

I/we appoint the following representative as my/our true and lawful agent and attorney-in-fact to represent me/us before the Louisiana Tax Commission. The representative is authorized to receive and inspect confidential information concerning me/our tax matters, and to perform any and all acts that I/we can perform with respect to my/our tax matters, unless noted below. Modes of communication for requesting and receiving information may include telephone, e-mail, or fax. The authority does not include the power to receive refund checks, the power to substitute another representative, the power to add additional representatives, or the power to execute a request for disclosure of tax information to a third party.

Representatives must sign and date this form on Page 3.

**II. Authorized Representative:**

Name: \_\_\_\_\_  
Firm: \_\_\_\_\_  
Street Address \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_  
Telephone Number:( ) \_\_\_\_\_  
Fax Number:( ) \_\_\_\_\_  
Email Address: \_\_\_\_\_

\_\_\_\_\_  
Signature of Duly Authorized Representative, if the taxpayer title is a corporation, partnership, executor, or administrator

\_\_\_\_\_  
Date (mm/dd/yyyy)

\_\_\_\_\_  
Printed Name Email

\_\_\_\_\_  
Title or Position Telephone

**III. Scope of Authorized Appointment:**

Acts Authorized. Mark only the boxes that apply. By marking the boxes, you authorize the representative to perform any and all acts on your behalf, including the authority to sign tax returns, with respect only to the indicated tax matters:

A. Duration:  
\_\_\_\_\_ Tax Year \_\_\_\_\_ (Days, Months, etc.) \_\_\_\_\_ Until Revoked.

B. Agent Authority:  
1. \_\_\_\_\_ General powers granted to represent taxpayer in all matters.  
2. \_\_\_\_\_ Specified powers as listed.

(a.) \_\_\_\_\_ File notices of protest and present protests before the Louisiana Tax Commission.

(b.) \_\_\_\_\_ Receive confidential information filed by taxpayer.

(c.) \_\_\_\_\_ Negotiate and resolve disputed tax matters without further authorization.

(d.) \_\_\_\_\_ Represent taxpayer during appeal process.

C. Properties Authorized to Represent:

1. \_\_\_\_\_ All property.  
2. \_\_\_\_\_ The following property only (give assessment number and municipal address or legal description).

\_\_\_\_\_  
\_\_\_\_\_  
Additional properties should be contained on separate page

NOTICES AND COMMUNICATIONS: Original notices and other written communication will be sent only to you, the taxpayer. Your representative may request and receive information by telephone, e-mail, or fax. Upon request, the representative may be provided with a copy of a notice or communication sent to you. If you want the representative to request or receive a copy of notices and communications sent to you, check this box.

REVOCATION OF PRIOR POWER(S) OF ATTORNEY: Except for Power(s) of Attorney and Declaration of Representative(s) filed on this Form, the filing of this Power of Attorney automatically revokes all earlier Power(s) of Attorney on file with the Louisiana Tax Commission for the same tax matters and years or periods covered by this document.

SIGNATURE OF TAXPAYER(S): If a tax matter concerns jointly owned property, all owners must sign if joint representation is requested. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, or trustee on behalf of the taxpayer. I certify that I have the authority to execute this form on behalf of the taxpayer.

IF THIS POWER OF ATTORNEY IS NOT SIGNED AND DATED, IT WILL BE RETURNED.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date (mm/dd/yyyy)

\_\_\_\_\_  
Spouse/Other Owner Signature

\_\_\_\_\_  
Date (mm/dd/yyyy)

\_\_\_\_\_  
Address

**IV. Declaration of Representative:**

Under penalties of perjury, I declare that:

I am authorized to represent the taxpayer identified above and to represent that taxpayer as set forth in Part III specified herein;

I have read and am familiar with all the rules and regulations promulgated by the commission;

I have fully complied with all rules adopted by the commission regarding professional conduct and ethical considerations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date (mm/dd/yyyy)

IF THIS DECLARATION OF REPRESENTATIVE IS NOT SIGNED AND DATED, THE POWER OF ATTORNEY WILL BE RETURNED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1989 and R.S. 47:1992.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000), LR 28:521 (March 2002), LR 31:721 (March 2005), LR 32:436 (March 2006), LR 33:498 (March 2007), LR 34:688 (April 2008), LR 36:782 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:811 (March 2012), LR 41:682 (April 2015), LR 42:752 (May 2016), LR 43:658 (April 2017), LR 45:539 (April 2019), LR 46:567 (April 2020), LR 47:471 (April 2021), LR 48:1533 (June 2022), LR 49:1063 (June 2023), LR 50:386 (March 2024), LR 51:

Craig P. Roussel  
Chairman

2412#021

**DECLARATION OF EMERGENCY**

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

2024 Recreational and Commercial Lane  
Snapper Season Closure

Louisiana's recreational and commercial lane snapper season was previously scheduled to close on December 31, 2024. The regional administrator of NOAA Fisheries has informed the secretary that the 2024 recreational and commercial seasons for the harvest of lane snapper in the federal waters of the Gulf of Mexico have been modified

and will close on November 26, 2024, and remain closed through December 31, 2024. The most recent lane snapper landings information indicates the 2024 recreational and commercial annual catch targets are projected to be met by that date and NOAA Fisheries must close harvest when the catch target is met. Compatible season regulations in state waters are preferable to provide effective rules and efficient enforcement for the fishery, and to prevent overfishing of the species in the long term.

In accordance with the emergency provisions of R.S. 49:962, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency rules to set finfish seasons, R.S. 56:326.3, which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary by the commission in LAC 76:VII.335.G.5 to modify opening and closing dates of any recreational or commercial reef fish seasons in Louisiana state waters when informed by the regional administrator of NOAA Fisheries that the seasons have been modified in adjacent federal waters, the secretary hereby declares:

The season for the recreational and commercial harvest of lane snapper in Louisiana state waters shall close at 12:01 a.m. on December 2, 2024 and shall remain closed until the start of the 2025 commercial and recreational seasons, currently scheduled to open on January 1, 2025. Effective with this closure, no person shall recreationally harvest or possess lane snapper whether within or without Louisiana waters. Furthermore, no person shall commercially harvest, possess, purchase, barter, trade, sell, or attempt to purchase, barter, trade, or sell lane snapper whether within or without Louisiana waters. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing lane snapper taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

Madison D. Sheahan  
Secretary

2412#007

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### 2025 Commercial Large Coastal Sharks Daily Possession Limit Adjustment

Louisiana's commercial fishery for large coastal sharks (great hammerhead, scalloped hammerhead, smooth hammerhead, nurse shark, blacktip shark, bull shark, lemon shark, sandbar shark, silky shark, spinner shark, and tiger shark) is scheduled to open on January 1, 2025, with a daily possession limit of 45 sharks, combined, for all large coastal sharks. NOAA Fisheries has informed the secretary that the daily possession limit for the commercial harvest of large coastal sharks at the opening of the 2025 season will be 55 daily, which is an increase from the published 45 sharks daily limit in regulations.

In accordance with the emergency provisions of R.S. 49:962, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency rules to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary by the commission in LAC 76:VII.357.H.2 to modify commercial large coastal shark possession limits if notified by NOAA Fisheries of such an adjustment, the secretary hereby declares:

Effective 12:01 a.m., January 1, 2025, the daily bag limit for the commercial harvest of large coastal sharks (great hammerhead, scalloped hammerhead, smooth hammerhead, nurse shark, blacktip shark, bull shark, lemon shark, sandbar shark, silky shark, spinner shark, and tiger shark) shall be 55 sharks until further notice. Persons harvesting large coastal sharks commercially may not possess sandbar sharks unless they also have in their name and in possession a valid federal shark research permit under 50 CFR 635.32(1).

Madison D. Sheahan  
Secretary

2412#017

# Rules

## RULE

### Department of Agriculture and Forestry Office of Agro Consumer Services Agricultural Commodities Commission

Fees: Amount, Time of Payment (LAC 7:XXVII.128)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 3:3414.3, the Department of Agriculture and Forestry (LDAF), Office of Agro-Consumer Services, Agricultural Commodities Commission, amends LAC 7:XXVII, Subchapter E. Assessments and Fees, Section 128 in order to update the hourly and overtime fee rate.

Pursuant to R.S. 3:3414.3(L) the department shall inspect, classify, and grade grain in accordance with standards adopted by the United States Department of Agriculture, Federal Grain Inspection Service, for sampling and grading grain. The department may charge a fee for inspecting, classifying, and grading grain. The fee shall be fixed by the commission by rule and shall be based on the actual cost of providing the service. The change to LAC 7:XXVII, Chapter 1, Subchapter E, Section 128 modifies the hourly and overtime rate for these services. This proposed Rule is written in plain language in an effort to increase transparency. This Rule is hereby adopted on the day of promulgation and is effective January 1, 2025.

#### Title 7

#### AGRICULTURE AND ANIMALS

#### Part XXVII. Agricultural Commodity Dealer and Warehouse Law

#### Chapter 1. Louisiana Agricultural Commodities Commission

#### Subchapter E. Assessments and Fees

#### §128. Fees: Amount, Time of Payment

##### A. - C.1....

2. The hourly rate shall be \$30 per hour, including travel time. Overtime hours shall be billed at one and one-half times the hourly rate and shall be assessed in half-hour increments.

##### 3. ...

4. Official Services (including sampling except as indicated)

Online D/T sampling inspection service (sampling, grading and certification), per regular hour	\$30
Overtime hourly rate, per hour	\$45
Unit Inspection Fees:	
Aflatoxin Testing, per sample	\$30
Rail Car, per car	\$20.50
Truck/Trailer, per carrier	\$10
Barge, per 1,000 bushels	\$2.60
Submitted sample inspection	\$12.30
Rail Car (per sample)	\$10.30
Truck/Trailer (per sample)	\$5.30
Barge (per sample)	\$25.30
Factor only determination, per factor (not to exceed full grade fee)	\$5.20
Probe Sampling Barge (per barge)	\$100
On-Line Sampling Barge (per hour)	\$20
Vomitoxin test (applicant supplies kit)	\$25
Vomitoxin test (LDAF supplies kit)	\$35

D. - D.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3405, R.S. 3:3414.3 and R.S. 3:3422.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 12:287 (May 1986), amended LR 14:528 (August 1988), LR 19:889 (July 1993), LR 23:196 (February 1997), LR 27:815 (June 2001), amended by the Department of Agriculture and Forestry, Office of the Commissioner, Agricultural Commodities Commission, LR 30:197 (February 2004), amended by the Department of Agriculture and Forestry, Agricultural Commodities Commission, LR 37:504 (February 2011), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 42:1502 (September 2016), LR 50:1811 (December 2024), effective January 1, 2025.

Mike Strain, DVM  
Commissioner

2412#039

## RULE

### Department of Agriculture and Forestry Office of Forestry

Prescribed Burning  
(LAC 7:XXXIX.Chapter 9)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:17, notice is hereby given that the Department of



Agriculture and Forestry (“Department”), through the Office of Forestry, amends LAC 7:XXXIX.901 and 911, and adopts 915, 917 and 919 relative to prescribed burning. R.S. 3:17 establishes the commissioner’s authority to adopt and promulgate rules and regulations for prescribed burning. The Rule changes are made pursuant to ACT 288 in the 2024 Regular Session, which defines and establishes the requirements for prescribed burning by non-certified prescribed burn managers. The Rule changes establish the requirements for prescribed burning conducted by non-certified prescribed burn managers.

The department amends LAC 7:XXXIX.901 to define “certified prescribed burn manager,” and “non-certified prescribed burn manager.” The department amends LAC 7:XXXIX.911 to correct the language, and include both the *Louisiana Voluntary Smoke Management Guidelines*, and the *Louisiana Smoke Management Guidelines for Agriculture*. Further the department adopts LAC 7:XXXIX.915, 917, and 919 to establish guidelines for conducting a prescribed burn by a non-certified prescribed burn manager. Non-certified prescribed burn managers will be required to contact the Louisiana Department of Agriculture and Forestry, Office of Forestry, prior to conducting a prescribed burn and provide the location, date, and time of the prescribed burn. Failure to provide this information to the Office of Forestry may result in a civil penalty of up to \$250 for a first offense and \$500 for two or more offenses. This Rule is written in plain language in an effort to increase transparency. This Rule is hereby adopted on the day or promulgation.

#### **Title 7**

### **AGRICULTURE AND ANIMALS**

#### **Part XXXIX. Forestry**

#### **Chapter 9. Prescribed Burning**

#### **§901. Definitions**

\* \* \*

*Certified Prescribed Burn Manager*—an individual who has successfully completed the prescribed burning certification program of the Louisiana State University Agricultural Center or other approved program and is certified by the Department of Agriculture and Forestry.

\* \* \*

*Non-Certified Prescribed Burn Manager*—an individual who has not successfully completed the prescribed burning certification program of the Louisiana State University Agricultural Center or other approved program and is not certified by the Department of Agriculture and Forestry.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:670 (July 1995), LR 50:1812 (December 2024).

#### **§911. Smoke Management Guidelines**

A. Louisiana Voluntary Smoke Management Guidelines for Forestry and Marsh. The Louisiana Department of Agriculture and Forestry provides the official guidelines for handling smoke resulting from prescribed burns for forestry and marsh through the *Louisiana Voluntary Smoke Management Guidelines* (published November 2014). The Department of Agriculture and Forestry will make the latest edition of the *Louisiana Voluntary Smoke Management Guidelines* available to the public on its website.

B. Louisiana Smoke Management Guidelines for Agriculture. The Louisiana Department of Agriculture and Forestry and the LSU AgCenter provides the official guidelines for handling smoke resulting from prescribed burns for agriculture through the *Louisiana Smoke Management Guidelines for Agriculture* (published December 2023, Publication Number 3246). The Department of Agriculture and Forestry will make the latest edition of the *Louisiana Smoke Management Guidelines for Agriculture* available to the public on its website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:670 (July 1995), amended LR: 48:2084, LR 50:1812 (December 2024).

#### **§915. Prescribed Burning by Non-Certified Prescribed Burn Managers**

A. Prior to conducting a prescribed burn, non-certified prescribed burn managers shall provide the Department of Agriculture and Forestry, Office of Forestry, the location, date, and time of the prescribed burn.

B. The Department of Agriculture and Forestry will receive and review the information provided and may accept the notification if the non-certified prescribed burn manager agrees to follow the relevant smoke management guidelines (see §911. Smoke Management Guidelines of this Chapter).

C. Notice shall be provided 24-72 hours in advance. Notification may be made through either the designated phone number, or the submission form on the department’s website.

D. The designated phone number for receiving calls regarding prescribed burning by non-certified burn managers is 1-855-452-5323.

E. The non-certified prescribed burn managers shall agree to follow the relevant smoke management guidelines on the department’s website for the prescribed burn notification to be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR:50:1812 (December 2024).

#### **§917. Civil Penalties**

A. Any person who violates this regulation may be subject to a civil penalty up to \$250 for the first offense, and up to \$500 for any secondary offenses. Civil penalties will be assessed by a ruling of the commissioner of Agriculture and Forestry in an adjudicatory hearing held in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 50:1812 (December 2024)

#### **§919. Burning of Leaf Piles, Yard Debris, or Hand-Piled Natural Vegetation**

A. The provisions of this Section shall not apply to the burning of leaf piles, yard debris, or hand-piled natural vegetation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 50:1812 (December 2024).

## RULE

### Board of Elementary and Secondary Education

Bulletin 133—Scholarship Programs  
Education Savings Account  
(LAC 28:CLIII.Chapter 15)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLIII in *Bulletin 133—Scholarship Programs*. Act 1 of the 2024 Regular Legislative Session established the Louisiana Giving All True Opportunity to Rise (LA GATOR) Program and required promulgation of rules for implementation and administration of the program. This Rule is hereby adopted on the day of promulgation.

#### Title 28

#### EDUCATION

#### Part CLIII. Bulletin 133—Scholarship Programs

#### Chapter 15. Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship Program

##### §1501. Purpose

A. The purpose of this Chapter is to establish guidelines for the implementation and operation of the Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship Program, created to ensure that all students have access to diverse educational opportunities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.1; R.S. 17:4037.5; and R.S. 17:4037.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1813 (December 2024).

##### §1503. Definitions

A. The words defined in this Section shall have the meanings set forth below whenever the words appear in this Chapter, unless:

1. the context in which they are used clearly requires a different meaning; or
2. a different definition is prescribed for a particular provision.

*Account*—an education scholarship account established in R.S. 17:4037.1, et seq. and composed of state funds deposited on behalf of a student eligible to participate in the LA GATOR Program.

*Account Funds*—the funds deposited into an ESA account on behalf of a participating student.

*Account Holder*—the parent(s) of a participating student or a participating student who has attained the age of majority, who signs the agreement, and who is responsible for complying with all of the ESA requirements.

*Applicant*—a prospective participating student who has attained the age of majority or the parent of a prospective participating student applying to the LA GATOR Program on behalf of the student.

*Department* or *LDOE*—the Louisiana Department of Education.

*Department's Website* or *LDOE Website*—the website created and maintained by or on behalf of the LDOE to make program information available to the public.

*Eligible Nonpublic School*—a nonpublic school having received approval according to *Brumfield, et al. v. Dodd, et al.* 425 F. Supp.528 and having been approved, provisionally approved, or probationally approved by BESE pursuant to R.S. 17:11.

*ESA*—an education scholarship account established pursuant to R.S. 17:4037.1, et seq.

*ESA Funds*—funding from one or more ESAs.

*LA GATOR Program*—the Louisiana Giving All True Opportunity to Rise Scholarship Program.

*Louisiana Scholarship Program*—the Student Scholarships for Educational Excellence Program as provided in R.S. 17:4014, et. seq. and Chapter 13 of this Part.

*Norm-Referenced Examination* or *Norm-Referenced Test*—a type of assessment that reports results on a scale that is nationally normed. Such norming is established using a representative sample of examinees from across the country, matched by age or educational level, and are derived through national norming studies.

*Parent*—a parent, legal guardian, or custodian.

*Parental Placement*—students with disabilities enrolled by their parents in private, including religious, schools or facilities pursuant to LAC 28:XLIII.130.

*Participating Nonpublic School*—a nonpublic school that is approved by the LDOE to receive ESA funds and agrees to enroll students; not a service provider.

*Participating Service Provider*—a business, individual, nonprofit organization, city or parish public school, public charter school, or other entity that offers educational materials, courses, or educational services that are qualifying ESA expenses as defined pursuant to §1511 of this Chapter and has been approved for participation pursuant to §1517 of this Chapter.

*Participating Student*—an eligible student for whom an ESA has been awarded and established.

*Program Manager*—an entity selected by the LDOE and approved by BESE to administer the LA GATOR Program as provided in R.S. 17:4037.5.

*Resident*—a student who is physically present in the State of Louisiana, whose residence has not been established in another state by operation of law, and who is in the state for the purpose of making a home and not solely for school purposes.

*Resident School System*—the city or parish public school system within the boundaries of which the student resides and which the student is zoned to attend.

*State Board* or *BESE*—the Louisiana State Board of Elementary and Secondary Education.

*Students with Exceptionalities*—a student identified as having a disability consistent with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1401.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; R.S. 17:4037.5 and R.S. 17:4037.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1813 (December 2024).

### **§1505. Student Eligibility**

A. For a student to be eligible for an ESA, the following conditions must be met:

1. The student must be a resident of Louisiana and meet at least one of the following:

a. The student participated in the Louisiana Scholarship Program for the previous school year.

b. The student is entering kindergarten.

c. The student was enrolled in a public school for the previous school year.

d. The student is from a family with a total income at or below two hundred fifty percent of the federal poverty guidelines.

2. An applicant must submit an application according to a process and timeline outlined by the LDOE and provide information as required by the LDOE.

3. An applicant must attest to and agree with, at a minimum, the following:

a. The applicant has full authority to make this application for the prospective participating student and to attest to and take all of the actions herein listed;

b. The applicant will provide for the education of the participating student in at least the subjects of English language arts (ELA), mathematics, social studies, and science;

c. The applicant will use account funds only for qualified education expenses of the participating student;

d. The applicant will ensure the provision of an education for the participating student that satisfies the compulsory school attendance requirement. Each participating student who fails to comply with the attendance requirements shall be reported to the state director of child welfare and attendance by the participating nonpublic school or service provider and shall be subject to the provisions of R.S. 17:233 which may include referral to juvenile or family court;

e. The applicant agrees that the student will participate in student assessments as required by BESE policy including arranging transportation to and from the testing location;

f. The applicant agrees to comply with the acceptable uses of ESA funds and all responsibilities as the account holder;

g. The applicant agrees to comply with all statutory and regulatory program requirements;

h. The applicant agrees to immediately disenroll from the LA GATOR program upon enrollment in a public school, home study program, Course Choice Program, or School Choice Program for Certain Students with Exceptionalities;

i. The applicant agrees that the student shall not participate concurrently with a home study program approved by BESE or a home study program registered with LDOE as a nonpublic school not seeking state approval, the Course Choice Program, or the School Choice Program for Certain Students with Exceptionalities;

j. The applicant agrees to share the participating student's personally identifiable, assessment, performance, and attendance information with the LDOE to be used to monitor program effectiveness and for other purposes consistent with state law and policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; R.S. 17:4037.5; and R.S. 17:4037.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1814

### **§1507. Student Application Process**

A. The LDOE shall commence accepting online student applications no later than March 1, 2025, for the 2025-2026 school year. For the 2026-2027 school year and beyond, online applications will be accepted beginning with a date specified by the LDOE to facilitate efficient administration and participation in the program.

B. An online application must be completed and submitted according to procedures, including the provision of information and deadlines, set by the LDOE.

C. If an application is denied, the LDOE shall notify the applicant, outlining the reasons for the denial and steps to rectify the submission and appeal the denial.

D. If an application is approved so that a student is deemed eligible, then an account will be awarded except as limited by the legislative appropriation.

E. The LDOE shall inform the account holder, at the time of the participating student's initial entry into the program and at the beginning of the student's school year in grades eight through twelve, of the eligibility requirements for the Taylor Opportunity Program for Students for participating students as provided in R.S. 17:5029(F).

F. An applicant may apply annually to the program, except for an account that has been terminated pursuant to §1513.A.4 of this Chapter.

G. Existing account holders must submit an annual renewal application according to procedures established by the LDOE to ensure continued eligibility according to program requirements. Failure to annually reaffirm participation may result in a suspension of quarterly funding allocation to the account.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; R.S. 17:4037.5; and R.S. 17:4037.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1814 (December 2024).

### **§1509. Funds Transfer and Management**

A. The LDOE shall establish procedures to effectuate the ESA funds transfer process into accounts and from accounts to nonpublic schools and service providers.

B. The program manager will facilitate the electronic transfer of funds to accounts and to nonpublic schools and service providers through procedures established by the program manager and the department.

C. Tuition and fee payments will be transferred quarterly to participating nonpublic schools subject to submission of required student enrollment and attendance data for the quarter according to the procedures established by the LDOE.

1. If a participating school requires partial payment of tuition or fees prior to the start of the school year to reserve space for a student, the LDOE may transfer the partial payment prior to the start of the school year and deduct the amount from subsequent quarterly account deposits to ensure adequate funds remain available throughout the school year; however, if the parent decides not to use the school or service provider, the school or service provider shall return the partial reservation payment to the LDOE, which shall credit the amount to the account.

D. Frequency of payments to service providers will be established according to procedures developed by LDOE and commonly used within marketplace settings.

E. If a student begins participating in the LA GATOR Program for less than an entire school year, the ESA award amount transferred to the account shall be prorated for that school year.

F. If the account holder is unable to administer a student's account for any reason, the account holder may file a request to designate a secondary account holder at any time during the school year. The LDOE will approve a secondary account holder request if the proposed secondary account holder is deemed one of the following:

1. a biological or adoptive parent;
2. a legal guardian or custodian;
3. a person standing in loco parentis to a participating student; or
4. another person with legal authority to act on behalf of a participating student.

G. The LDOE shall allow an applicant parent for multiple participating students to access all accounts through one portal, but with the individual accounts remaining separate and segregated at all times.

H. Funds remaining in an account closed when a participating student becomes ineligible or withdraws from the LA GATOR Program during the fiscal year, will be transferred by the program manager to the department for use towards new accounts as feasible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; R.S. 17:4037.5; and R.S. 17:4037.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1814 (December 2024).

#### **§1511. Use of Funds**

A. Any of the following expenses are allowable for the use of the funds deposited in the ESA according to established procedures:

1. tuition or fees at a participating nonpublic school or for nonpublic online learning programs;
2. curricula and textbooks or other instructional materials, including but not limited to supplemental materials or online instruction required by a participating nonpublic school or service provider;
3. tuition, fees, instructional materials, and examination fees at a career or technical school;
4. fees for assessments approved by the LDOE, Advanced Placement examinations, CLEP examinations, International Baccalaureate examinations, and other examinations related to postsecondary education institution admission;
5. educational services and therapies, including but not limited to occupational, behavioral, physical, speech-language, and audiology therapies;
6. tuition and fees at a postsecondary education institution providing instruction for a student participating in dual enrollment;
7. tutoring provided by a tutor or a tutoring service;
8. services contracted for and provided by a participating public school, including, but not limited to, individual classes and extracurricular activities and programs;
9. computer hardware or other technological devices primarily used to help meet a student's educational needs;

10. educational software applications;

11. school uniforms;

12. tuition or fees for summer education programs and before or after-school education or childcare programs that offer academic support;

13. parent navigation services, including professional consultations to assist parents with the selection of, application for, and enrollment in educational services addressing the academic needs of students, curriculum selection, and advice on career and postsecondary education opportunities; and

14. any other educational supplies or expenses approved by BESE.

B. A student participating in the LA GATOR Program may use account funds to obtain educational services through in-person education, virtual education, or a hybrid approach that combines both methods.

C. An account holder may only use funds in an account for the participating student to whom the funds were allocated.

D. ESA funds may not be used for tuition or fees at a non-participating nonpublic school.

E. Account holders are not required to spend the entire sum each year; however, a portion of the funds must be used each year on approved expenses for the benefit of the student participating in the LA GATOR Program.

F. Any unused funds in a student's account at the end of an academic year will remain in the renewed account and carry forward for the student's use during the upcoming academic year so long as their eligibility and participation in the program is maintained.

G. Any tuition or fees charged by a participating school, program, postsecondary institution, or service provider that exceed the ESA amount shall be the responsibility of the account holder.

H. The LDOE shall provide account holders with a written explanation of the allowable uses of ESA funds and the responsibilities of account holders regarding ESA funds. The LDOE shall also provide account holders a written explanation of the department's duties.

I. No account funds shall be refunded, rebated, or shared with a parent or student in any manner. Any rebate or refund for goods or services purchased with account funds shall be credited directly to the account.

J. If account funds are used to make a partial payment to a participating school or service provider to reserve a student's enrollment and the student does not participate, the participating school or service provider must electronically credit such payment back to the student's account within 30 days after receiving notice that the student will not participate or after the services have commenced, whichever occurs first.

K. No later than the beginning of the 2026-2027 school year, funds may be used to pay for more than one school or provider.

L. Funds will be directed by account holders to purchase services from participating schools and/or service providers for approved expenses as provided in §1511 of this Chapter according to guidelines established by the LDOE.

M. The account holder may transfer the participating student from the participating school to another participating school in accordance with procedures set by the LDOE.

N. If the LDOE determines that ESA funds have been misused, the department shall notify the account holder; and the account holder shall repay the misused amount in the manner and within the timeframe set by the department. Additionally, the LDOE is authorized to freeze or withdraw funding directly from the student's ESA for reasons including, but not limited to, fraud, misuse of funds, account holder failure to comply with state laws, rules, procedures, or the agreement, the participating student's return to the resident school system, or the funds having been deposited into the account in error.

1. The LDOE shall conduct an inquiry into any report of fraud, or make a referral to the appropriate agency for an investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; R.S. 17:4037.3; R.S. 17:4037.5; and R.S. 17:4037.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1815 (December 2024).

### **§1513. Termination of Student Eligibility and Account**

A. A participating student shall cease to be eligible to participate in the LA GATOR Program when the participating student meets at least one of the following, whichever occurs first:

1. enrolls full-time in a public school;
2. ceases to be a resident of Louisiana;
3. is found to have any fraudulent representation in the application for the account or in conjunction with payment of funds therefrom;
4. graduates or withdraws from high school; or
5. the account has been inactive for two consecutive years unless inactivity is due to a lack of available funding for accounts.

B. The LDOE may deem any participating student ineligible for the LA GATOR Program if the participating student or account holder has failed to comply with the requirements of this Chapter or has committed financial malfeasance.

C. A participating student may voluntarily withdraw from the LA GATOR Program at any time. The account holder shall complete the procedures for withdrawal from the LA GATOR Program as set by the LDOE.

D. If a participating student becomes ineligible to participate in the LA GATOR Program for any reason or withdraws from the LA GATOR Program, the participating student's ESA shall be closed and any remaining funds shall be returned to the LDOE.

E. If an account holder does not renew for two consecutive school years, the LDOE will send a notice that the account will be terminated. If no response is received within 60 days of this notice, the account will be closed, and all remaining funds from the account will be returned to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; R.S. 17:4037.5; and R.S. 17:4037.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1816 (December 2024).

### **§1515. Nonpublic Schools Eligibility and Application**

A. A nonpublic school applying to participate in the ESA program must meet one of the following:

1. be approved by BESE as an accredited approved school, Louisiana Montessori accredited approved school, or Louisiana Montessori provisionally accredited approved school;

2. provide evidence that it is working toward accreditation and has met all other criteria for approval as a nonpublic school; or

3. be approved as a non-accredited school and receive a successful evaluation of academic and safety criteria according to a process developed by LDOE.

B. To be considered for participation in the ESA program, a nonpublic school must complete and submit an online application by the LDOE's annual deadline.

1. Nonpublic schools must agree and attest to a minimum to the following as a condition of the application, and annually if approved as a participating school:

a. accept account funds for providing only services covered as approved expenses as detailed in §1511 of this Chapter;

b. notify the LDOE within five days if a participating student withdraws or accumulates five or more unexcused absences within one semester;

c. remain in compliance with the criteria set forth in *Brumfield, et al. v. Dodd, et al. 425 F. Supp.528*;

d. ensure that all personnel with supervisory or disciplinary authority over participating students have cleared a criminal background check and fingerprinting process pursuant to R.S. 15:587.1 and 15:587.3 and that the school meets deadlines for completion of the background check and fingerprinting by deadlines determined by the LDOE;

e. annually report its full-time tuition and fees to the LDOE;

f. hold valid occupancy of buildings as required by the relevant municipality in which the nonpublic school is located;

g. operate according to its published disciplinary procedures that, at a minimum, outline the terms and conditions regarding the expulsion of a student and conform to the requirements of R.S. 17:416.1 regarding corporal punishment;

h. administer student assessments in accordance with §1525 of this Chapter.

2. If a nonpublic school is expected to receive more than \$100,000 of account funds in a school year, the nonpublic school must meet at least one of the following additional criteria annually to participate in the program:

a. provide evidence that supports the nonpublic school has been in operation for at least three school years; or,

b. provide a statement by a certified public accountant confirming that the school is insured and has sufficient capital or credit to operate in the upcoming school year;

c. files with the LDOE a surety bond or letter of credit for the amount equal to the account funds needed by the nonpublic school for any school year.

C. A nonpublic school may be deemed ineligible to participate in the LA GATOR Program if any of the following conditions occur:

1. failure to comply with the terms of this Section; or

2. failure to adhere to the tenets of its published disciplinary procedures before expelling a participating student; or

3. failure to comply with all applicable state laws and rules governing nonpublic schools and with all applicable health and safety laws and rules; or

4. previous determination of ineligibility for participation in the Louisiana Scholarship Program.

D. A participating nonpublic school shall notify the LDOE within thirty days of taking any action rendering the school ineligible to participate in the LA GATOR Program.

E. Any nonpublic school participating in the Louisiana Scholarship Program during the 2024-2025 school year, provided that it has not subsequently been found to be ineligible to participate in the Louisiana Scholarship Program, may participate in the LA GATOR Program during the 2025-2026 school year without undergoing a separate application or approval process. Such a nonpublic school opting to participate in the LA GATOR Program will be required to register and attest to program requirements according to the process outlined by the department.

1. For each school year thereafter, such schools shall comply with the LA GATOR Program requirements with respect to the application process.

F. Participating nonpublic schools shall not charge an ESA account holder additional tuition or fees that are not also charged to non-participating students.

G. An ineligibility determination is subject to appeal pursuant to §1519 of this Chapter.

H. A participating school shall not be required to alter its creed, practices, admissions policy, or curriculum to accept payments from an ESA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; R.S. 17:4037.3; R.S. 17:4037.5; and R.S. 17:4037.8.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1816 (December 2024).

### **§1517. Service Providers Eligibility and Application**

A. A service provider must complete and submit an online application by the deadline set by the LDOE to be considered for participation in the ESA program.

B. Each public school governing authority may adopt a policy allowing it to become a service provider and accept account funds for providing services enumerated in §1511 of this Chapter to a participating student who may receive services in a school under its jurisdiction or who may take individual courses provided by such a school without being enrolled in the school.

C. A charter school not approved for charter renewal by the authorizer will not be eligible to participate in the LA GATOR Program as a service provider beginning with the following school year.

D. Service providers must attest, at a minimum, to accept account funds for providing only services covered as approved expenses as detailed in §1511 of this Chapter and must reaffirm such attestation annually if approved as a participating service provider.

E. Service providers may also be required to attest in writing to additional provisions as applicable, including:

1. ensure that all personnel with supervisory or disciplinary authority over participating students have cleared a criminal background check and fingerprinting process pursuant to R.S. 15:587.1 and 15:587.3;

2. notify the LDOE within 5 days if a participating student withdraws or accumulates five or more unexcused absences;

3. annually report its pricing structure and fees for each service or product provided to the LDOE;

4. hold valid occupancy of buildings to be occupied by students as required by the relevant municipality in which the service provider is located;

5. operate according to its published disciplinary procedures that, at a minimum, outline the terms and conditions regarding the discontinuation of recurring services for a participating student;

6. administer student assessments in accordance with §1525 of this Chapter.

F. If a service provider is budgeted to receive more than \$100,000 of account funds in a fiscal year, the service provider must meet at least one of the following criteria annually to participate in the program:

1. provide evidence that supports the service provider has been in operation for at least three school years; or,

2. provide a statement by a certified public accountant confirming that the service provider is insured and has sufficient capital or credit to operate in the upcoming school year; or

3. files with the LDOE a surety bond or letter of credit for the amount equal to the account funds needed by the service provider for any school year.

G. Service providers approved as student-facing providers of instructional services will be required to provide additional information regarding the education and qualifications of tutors or instructors. Such information will be provided to account holders to use in the selection of a service provider.

H. A participating service provider shall not be required to alter its creed, practices, admissions policy, or curriculum to accept payments from an ESA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; R.S. 17:4037.3; R.S. 17:4037.5; and R.S. 17:4037.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1817 (December 2024).

### **§1519. Appeals Process**

A. The following decisions of the program administrator may be appealed:

1. denial of a school or service provider application to participate;

2. suspension or termination of a participating school or service provider from the LA GATOR Program;

3. restriction of the ability of a participating school or service provider to serve additional students;

4. denial of an account holder's application to participate in the LA GATOR Program;

5. determinations regarding the use of funds by account holders; or

6. suspension, termination, or removal of a participating student from the LA GATOR Program.

B. All appeals shall be filed pursuant to the following process:

1. The appeal shall be submitted to the LDOE on the form provided by the LDOE within ten business days of notice of the decision being appealed. Date of submission shall be determined as three days from the date of postmark for a mailed submission or as the business day on which an electronic submission is received.

2. Notice of receipt of the appeal shall be provided electronically and via first-class USPS mail and shall be deemed to be received three business days after the date of postmark.

3. The appeal shall be reviewed by the LDOE, and a decision shall be issued within 45 calendar days of receipt of the appeal.

4. The appellant shall be notified of the LDOE decision electronically and via first-class USPS mail. Such notice shall be deemed received three business days after the date of postmark.

C. If the deadline to submit an appeal falls on a weekend or state holiday, the appeal shall be considered submitted in a timely manner if it is received by the next business day after the weekend or state holiday. An appeal not submitted in a timely manner shall be denied.

D. A nonpublic school or service provider may apply for reinstatement if it returns to compliance with §1515 or 1517 of this Chapter, as applicable.

1. The LDOE shall determine whether the nonpublic school or service provider is not in compliance with these rules and issue a formal notice of its determination to the nonpublic school or service provider.

2. A nonpublic school or service provider applying for reinstatement under this Section shall provide documentation to the LDOE of the nonpublic school's efforts to come back into compliance with these rules. Upon receipt of the evidence, the LDOE shall issue a decision regarding the nonpublic school's reinstatement in writing to the nonpublic school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; and R.S. 17:4037.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1817 (December 2024).

### §1521. Special Education Services

A. Prior to the enrollment process, the LDOE shall provide information to parents regarding the services available to students with disabilities.

B. A parent may make a parental placement to receive special education and related services from a participating school that has demonstrated the capacity to offer such services in accordance with LAC 28:XLIII.

C. A participating school may adhere to its own admissions policy in considering the admission of students participating in the LA GATOR Program but shall not discriminate against a student with disabilities during the LA GATOR Program admissions process.

D. If a participating student enrolled in a participating school would have been entitled to receive special education services in the resident school system, the parent shall

acknowledge in writing, as part of the LA GATOR Program enrollment process, that the parent agrees to accept only such services as are available to all students enrolled in the participating school.

E. A participating school is required to offer only the services that it already provides or such services as necessary to assist students with disabilities that it can provide with minor adjustments.

F. A city or parish public school system or a public charter school may apply to become a service provider of special education services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; R.S. 17:4037.3; R.S. 17:4037.5; and R.S. 17:4037.9.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1818 (December 2024).

### §1523. LA GATOR Program Funding

A. Funding of student accounts is subject to annual legislative appropriation of state funds available for the program. Neither BESE nor the LDOE is obligated to provide funding in any year in which funding is not appropriated or is insufficient to provide account deposits to all eligible students.

B. If allocated funds are insufficient to fund all students eligible for LA GATOR Program participation, an award process shall be established by the LDOE as follows:

1. Students shall be prioritized for participation in the following order:

a. students currently participating in the Louisiana Scholarship Program or the LA GATOR Program;

b. students from a family with a total income at or below two hundred fifty percent of the federal poverty guidelines and students identified as having a disability under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1401;

c. siblings of students currently participating in the LA GATOR Program;

d. other eligible students.

2. Eligible students for whom funding is not available will be placed on a waiting list according to the prioritization criteria in this Section.

3. Students placed on a waiting list will be notified of their status and initial position on the waiting list.

C. The maximum annual award amount to which participating students are entitled under the LA GATOR Program shall be calculated based on the prior year Minimum Foundation Program (MFP) formula average state and local per pupil amount times a specific percent. The 2024-2025 MFP state and local per pupil amount is \$9,533.

1. For the 2025-2026 school year, the award will be the following:

a. for a student identified as having a disability consistent with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1401, an award up to one hundred sixty percent of the amount, or up to \$15,253;

i. Amounts awarded will be calculated according to a tiered methodology established by the LDOE;

b. for a student from a family with a total income that does not exceed two hundred fifty percent of the federal poverty guidelines, an award equal to eighty percent of the amount, or \$7,626;

c. for any other student, an award equal to fifty-five percent of the amount, or \$5,243.

D. The maximum annual award amount to which LA GATOR participating students are entitled shall be adjusted in any school year for which the approved prior year MFP formula average state and local per pupil amount increases.

E. Students having participated in the Louisiana Scholarship Program during the 2024-2025 school year, subject to the allocation of state funds, shall be awarded an amount equal to the award amount received during the 2024-2025 school year and shall continue to receive this award until the student completes the school's terminal grade or until the student leaves the school, whichever comes first.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; R.S. 17:4037.5; R.S. 17:4037.6; and R.S. 17:4037.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1818 (December 2024).

### **§1525. Assessments**

A. The LDOE shall develop a process for the annual administration of the following for participating students:

1. assessment in ELA and mathematics required pursuant to the school and district accountability system at the prescribed grade level; or

2. a nationally norm-referenced test or assessment in ELA and mathematics approved by BESE and provided by the participating school or, as applicable, service provider.

B. Participating students not enrolled in a nonpublic school must encumber funds sufficient to cover the cost of assessment administration.

C. Upon BESE approval, a participating nonpublic school or service provider may select an assessment substantially aligned with its program of study and the student's grade level to be administered to participating students.

D. A student with an exceptionality shall not be required to take any assessment from which the student would be exempt if enrolled in a public school.

E. Each participating school or, as applicable, service provider that enrolls one or more participating students shall provide the following information to the LDOE no later than June 30, 2026, and annually thereafter no later than June 30:

1. a list of participating students who have taken an examination or norm-referenced test pursuant to this Section and the achievement results for each student;

2. For each participating student, the following shall be provided as applicable:

a. highest score earned on ACT, CLT, SAT, WorkKeys, or ASVAB, if taken;

b. an updated transcript in the state's student transcript system for any student in grades 9-12 to include the number of college credits earned through dual enrollment and advanced placement.

F. The LDOE shall develop a process for the collection and aggregate reporting of assessment results and shall ensure that the results of such assessments are provided to parents of participating students and the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; R.S. 17:4037.5; and R.S. 17:4037.10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1819 (December 2024).

### **§1527. LA GATOR Program Evaluation**

A. The LDOE shall annually administer a survey to account holders to assess their satisfaction with the department's administration of the LA GATOR Program and their experience with participating schools and service providers. The survey shall collect no more than one (1) response from each account holder according to timelines established by the department.

B. The LDOE shall provide for a system by which parents of current or formerly participating students can publicly rate, review, and share information about participating schools and service providers limiting the publication of comments strictly for such purposes. LDOE may adopt terms of use for any such system limiting comments to such purpose only and prohibiting the publication of threats, profane language, and sexual content.

C. The LDOE shall annually issue a written report to the Senate Committee on Education, the House Committee on Education, and the Joint Legislative Committee on the Budget regarding the implementation of the LA GATOR Program in accordance with R.S. 17:4037.11.

1. The report shall include, at a minimum:

a. total number of students participating in the program;

b. a list of participating schools and service providers;

c. the total student enrollment of each participating school, the number of participating students enrolled in each school, and the percentage of the total enrollment of each school represented by program participants;

d. aggregate student performance data provided according to §1525 of this Chapter;

e. the percentage of funds used for each type of qualified education expense;

f. an analysis of the financial impact of the program;

g. the amount withheld for program administration to include the amount retained by LDOE and the amounts paid to the program manager or vendors for program and payment system administration;

h. the amount of program funds received by each participating school and service provider;

i. tuition amounts charged by participating schools; and

j. aggregate results of the parent satisfaction survey administered according to this Section.

D. The LDOE shall establish a dedicated phone line for the exclusive use of the program. The department shall implement customer service performance management policies, procedures, and metrics for the dedicated call center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; R.S. 17:4037.5; R.S. 17:4037.8; and R.S. 17:4037.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1819 (December 2024).

### **§1529. Monitoring and Compliance**

A. The LDOE shall contract with an independent audit firm to conduct a compliance audit to ensure funds are used only for allowable expenses and other provisions in the program as deemed appropriate.



1. The LDOE shall maintain a copy of the audit plan and all associated audit reports in accordance with the records retention schedule approved by the Secretary of State.

B. The LDOE shall establish an online anonymous fraud reporting service. Individuals may notify the LDOE of any alleged violation by an account holder or participating school(s) of state laws, rules, or procedures relating to the LA GATOR Program. The department shall conduct an inquiry into any report of fraud, or make a referral to the appropriate agency for an investigation, including but not limited to the Office of the Attorney General of Louisiana.

C. In accordance with the procedures set by the LDOE, the department may remove any account holder from eligibility for an ESA if the account holder fails to comply with the terms of the agreement or applicable laws, rules, or procedures, or misuses funds.

1. The LDOE shall investigate any report of fraud or refer the matter to the appropriate agency, including but not limited to the Office of the Attorney General of Louisiana, for investigation.

D. If the LDOE determines that a participating nonpublic school or service provider has failed to maintain continuing eligibility criteria or has demonstrated a gross or persistent lack of academic competence or lack of compliance with the statute and BESE policy, the department shall restrict the school's ability to serve additional students through the LA GATOR Program and may terminate participation in the LA GATOR Program.

1. The state superintendent of education may declare a nonpublic school or service provider ineligible to participate in cases of financial malfeasance or if participation endangers the academic welfare, health, or safety of children.

2. The LDOE shall report termination of the participation of a nonpublic school or service provider to parents of participating students as soon as practicable, and any such action shall be reported to BESE annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; and R.S. 17:4037.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1819 (December 2024).

### **§1531. Return to the Resident School System**

A. A participating student who is otherwise eligible to return to their resident school system may return to the resident school system at any time after enrolling in the LA GATOR Program. Upon enrollment in the resident school system, the student's participation in the LA GATOR Program shall be terminated.

B. If a participating student enrolls in the resident school system, the account holder shall notify the LDOE in accordance with the procedures and timelines set by the department.

C. Upon enrollment in the resident school system, if the account holder requests an evaluation for eligibility pursuant to the Individuals with Disabilities Education Act, the

resident school system shall treat the request as a request for an initial evaluation pursuant to LAC 28:XLIII.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; R.S. 17:4037.5; and R.S. 17:4037.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1820 (December 2024).

### **§1533. Account Termination**

A. If an account holder has violated the requirements of this Chapter, the LDOE may terminate the student's account.

1. Following the termination of a student's account, the LDOE shall provide written notice of such closure to the account holder within 48 hours. The notice will detail the reason for the termination and notify the account holder of the process to appeal a decision or action of the department.

B. If a participating school or service provider has violated the requirements of this rule, the LDOE may restrict its ability to serve additional students through the LA GATOR Program and may terminate its participation in the program.

1. As soon as practicable, following the termination of a participating school or service provider, the LDOE shall report any such action to the state board and to the parents of participating students.

C. Upon termination of a student's participation in the LA GATOR Program, the LDOE shall close the participating student's ESA and any remaining funds shall be returned to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; R.S. 17:4037.5; R.S. 17:4037.6; and R.S. 17:4037.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1820 (December 2024).

### **§1535. Conflict of Interest**

A. Use of ESA funds must be for the sole benefit of the participating student for which the ESA is established. ESA funds shall only be used by the account holder for qualifying expenses.

B. It is a conflict of interest and is considered a misuse of ESA funds and a violation of LA GATOR Program rules and procedures for an account holder to provide ESA funds directly to his or her family member(s), or to any company, corporation, or business owned by his or her family member(s). Family member(s) shall include an account holder's spouse, parent, step-parent, parent-in-law, child, step-child, son-in-law, daughter-in-law, brother, sister, or any person who resides in the same household as a participating student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; R.S. 17:4037.5; and R.S. 17:4037.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1820 (December 2024).

Tavares A. Walker  
Executive Director

2412#027

## RULE

### Department of Environmental Quality Office of the Secretary Legal Affairs Division

Radiation Protection  
(LAC 33:XV.430, 455, 493, 763, and 1699) (RP071)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Radiation Protection regulations, LAC 33:XV.430, 455, 493, 763, and 1699 Appendix A (RP071).

This Rule updates the regulations pertaining to dosimetry and makes miscellaneous corrections to be compatible with changes in the federal regulations. This Rule was promulgated by the Nuclear Regulatory Commission as RATS IDs 2021-1 and 2021-2. The basis and rationale for this Rule are to mirror the federal regulations and maintain an adequate agreement state program. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

#### Title 33

### ENVIRONMENTAL QUALITY

#### Part XV. Radiation Protection

#### Chapter 4. Standards for Protection against Radiation

#### Subchapter C. Surveys and Monitoring

#### §430. General

A. - C.2. ...

3. No licensee or registrant shall subtract radiation exposures from official personnel monitoring records without the prior written approval of the department.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended LR 20:653 (June 1994), LR 22:971 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:1468 (August 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2529 (October 2005), LR 33:2181 (October 2007), amended by the Office of the Secretary, Legal Division, LR 41:2134 (October 2015), amended by the Office of the Secretary, Legal Affairs Division LR 50:1821 (December 2024).

#### Subchapter G. Precautionary Procedures

#### §455. Procedures for Receiving and Opening Packages

A. - D. ...

1. removable radioactive surface contamination exceeds the limits of LAC 33:XV.1516.B.9; or

2. external radiation levels exceed the limits of LAC 33:XV.1516.B.10.

E. - F. ...

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569

(October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:973 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2577 (November 2000), LR 28:1951 (September 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 34:2103 (October 2008), LR 50:1821 (December 2024).

#### Subchapter J. Reports

#### §493. Reports of Transactions Involving Nationally Tracked Sources

A. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:2361 (November 2007), amended LR 34:243 (February 2008), LR 50:1821 (December 2024).

#### Chapter 7. Use of Radionuclides in the Healing Arts

#### §763. Training

A. - A.3.b. ...

c. has experience with the radiation safety aspects of the types of use of byproduct material for which the individual is seeking simultaneous approval both as the radiation safety officer and the authorized user on the same new medical use license or new medical use permit issued by a NRC master material licensee. The individual shall also meet the requirements in Paragraph A.4 of this Section.

A.4. - B.5. ...

6. Physicians, dentists, or podiatrists not identified as authorized users for the medical use of byproduct material on a license issued by the NRC or agreement state, a permit issued by a NRC master material licensee, a permit issued by a NRC or an agreement state broad scope licensee, or a permit issued in accordance with a NRC master material license of broad scope on or before October 24, 2005, need not comply with the training requirements of this Chapter for those materials and uses that these individuals performed on or before October 24, 2005, as follows:

B.6.a. - K.1. ...

a. have graduated from a pharmacy program accredited by the Accreditation Council for Pharmacy Education (ACPE) or have passed the Foreign Pharmacy Graduate Examination Committee (FPGEC) examination;

K.1.b. - M....

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2106 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2590 (November 2000), LR 30:1186 (June 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:814 (May 2006), LR 34:983 (June 2008), LR 34:2121 (October 2008), LR 36:1772 (August 2010), amended by the Office of the Secretary, Legal Division, LR 38:2748 (November 2012), LR 40:1342 (July 2014), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:2138 (December 2018), LR 45:1179 (September 2019), LR 47:1860 (December 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 49:62 (January 2023), LR 50:1821 (December 2024).

**Chapter 16. Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material**

**Subchapter Z. Appendices**

**§1699. Appendices**

**Appendix A—Category 1 and Category 2 Threshold**

\* \* \*

The terabecquerel (TBq) values are the regulatory standard. The curie (Ci) values specified are obtained by converting from the TBq value. The curie values are provided for practical usefulness only.

Note: *Calculations Concerning Multiple Sources or Multiple Radionuclides*

The "sum of fractions" methodology for evaluating combinations of multiple sources or multiple radionuclides is to be used in determining whether a location meets or exceeds the threshold and is thus subject to the requirements of this Chapter.

I. If multiple sources of the same radionuclide and/or multiple radionuclides are aggregated at a location, the sum of the ratios of the total activity of each of the radionuclides shall be determined to verify whether the activity at the location is less than the category 1 or category 2 thresholds of Table 1, as appropriate. If the calculated sum of the ratios, using the equation below, is greater than or equal to 1.0, then the applicable requirements of this Chapter apply.

II. First determine the total activity for each radionuclide from Table 1. This is done by adding the activity of each individual source, material in any device, and any loose or bulk material that contains the radionuclide. Then use the equation below to calculate the sum of the ratios by inserting the total activity of the applicable radionuclides from Table 1 in the numerator of the equation and the corresponding threshold activity from Table 1 in the denominator of the equation.

Calculations shall be performed in metric values (i.e., TBq) and the numerator and denominator values shall be in the same units.

R1 = total activity for radionuclide 1

R2 = total activity for radionuclide 2

RN = total activity for radionuclide n

AR1 = activity threshold for radionuclide 1

AR2 = activity threshold for radionuclide 2

ARN = activity threshold for radionuclide n

$$\frac{R_1}{AR_1} + \frac{R_2}{AR_2} + \dots + \frac{R_n}{AR_n} \geq 1.0$$

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 41:2338 (November 2015), amended by the Office of the Secretary, Legal Affairs Division, LR 50:1822 (December 2024).

Aurelia S. Giacometto  
Secretary

2412#049

**RULE**

**Office of the Governor  
Division of Administration  
Office of Group Benefits**

**Dependent Spouse of Deceased Retiree Health Coverage  
(LAC 32:I.319)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., as authorized pursuant to R.S. 42:801 and 42:802, the Office of the Governor, Division of Administration, Office of Group Benefits, has amended Chapter 3 of LAC 32:I, Uniform Provisions—Participation in the Office of Group Benefits. The revisions amend the Surviving Dependents/Spouse subsection to comply with Act 304 of the 2024 Regular Legislative Session and provide the option of health coverage for a certain class of individuals who meet specific criteria. This Rule is hereby adopted on the day of promulgation.

**Title 32**

**EMPLOYEE BENEFITS**

**Part I. General Provisions**

**Chapter 3. Uniform Provisions—Participation in the Office of Group Benefits**

**§319. Continued Coverage**

A. - B. ...

C. Surviving Spouse/Dependents

C.1. - 4. ...

5. Dependent Spouse of Deceased Retiree (Special Spouse).

a. Notwithstanding the above, any person who previously participated in an OGB sponsored health program as a dependent spouse of a deceased retiree immediately prior to enrolling in an OGB sponsored health program as an active employee, shall, upon termination from state service, be eligible to obtain OGB health coverage as a special spouse provided all of the following conditions are met:

i. The person is enrolled in OGB health coverage as an active employee as of July 1, 2024.

ii. The person remains enrolled in OGB health coverage continuously until immediately prior to the date of termination.

iii. The person would have had surviving spouse coverage at the time of death of the retiree spouse but for his or her eligibility for coverage in a group health plan other than Medicare.

iv. The person pays the requisite premiums.

b. A special spouse shall be entitled to receive a state contribution to premiums that is the percentage of the total premium as provided for in applicable OGB rules. The employer premium contributions for a special spouse shall be the responsibility of the school board, state agency, or political subdivision from which the deceased retiree spouse originally retired.

c. A special spouse cannot add new dependents to special spouse coverage other than a child of the deceased retiree born after the enrollee's death.

d. A dependent child of a special spouse and the deceased retiree may continue coverage as a dependent child of the special spouse as long as other dependent child rules are met.

e. Participating Employer/Dependent Responsibilities

i. To continue coverage, it is the responsibility of the participating employer and special spouse to notify OGB in writing within 30 days of the termination of employment from state service.

ii. Application for continued coverage shall be made in writing to OGB within 45 days of the termination of employment from state service. Premiums for special spouse coverage shall be paid within 45 days of the coverage application date for the coverage to be effective on the date coverage would have otherwise terminated.

iii. Coverage for the special spouse under this Paragraph will continue until the earliest of the following:

(a). failure to pay the applicable premium timely;

or

(b). eligibility of the special spouse for coverage under a group health plan other than Medicare.

iv. Coverage for a dependent child eligible for coverage under this Paragraph will continue until the earliest of the following events:

(a). failure to pay the applicable premium timely;

(b). eligibility of the special spouse for coverage under a group health plan other than Medicare;

(c). eligibility of the dependent child for coverage under any group health plan other than Medicare;

(d). the attainment of the termination age for children.

D. - E.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:341 (February 2015), effective March 1, 2015, amended LR 43:2152 (November 2017), effective January 1, 2018, amended LR 50:1822 (December 2024).

Heath Williams  
Chief Executive Officer

2412#024

## RULE

### Department of Health Behavior Analyst Board

#### Behavior Analysts (LAC 46:VIII.Chapter 2)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Behavior Analyst Board adopts Chapter 2 Behavior Analysis.

The purpose of the Rule governs procedures and requirements to provide applied behavior analysis services. This Rule is hereby adopted on the day of promulgation.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part VIII. Behavior Analysts

#### Chapter 2. Behavior Analysis

#### §201. Purpose and Scope

A. The sections of this Chapter govern the procedures and requirements for application and delivery of applied behavior analysis in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3704.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 50:1823 (December 2024).

#### §202. Professional Standards

A. A licensed behavior analyst is authorized to engage in the practice of applied behavioral analysis as set forth in the Practice Act and in accordance with the board's rules. A licensed behavior analyst and/or a state certified assistant behavior analyst possess property rights.

B. Behavior analysis excludes psychological testing, neuropsychology, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, and mental health counseling or academic teaching by college or university staff.

C. It is prohibited for an individual to hold themselves out as a licensed behavior analyst, a state certified assistant behavior analyst, or a registered line technician unless licensed, state certified, or registered in accordance with the statutes.

D. Licensed behavior analyst and anyone under their supervision shall conduct their activities in conformity with the ethical and professional standards found in Chapter 10.

E. A licensed behavior analyst will supervise all state certified assistant behavior analysts and registered line technicians in conformity with the supervision requirements found in Chapter 5.

F. The following persons and practices are not prohibited or restricted from engaging in the practice of applied behavior analysis:

1. an individual licensed to practice psychology within the state, provided the applied behavior analysis services are within the licensed psychologist's education, training and expertise. An individual properly registered and supervised as an assistant to a psychologist in accordance with the Louisiana Administrative Code, Title 46, Part LXIII, Chapter 11. Licensed psychologists and those practicing under their extended authority are prohibited from representing themselves as behavior analysts, licensed behavior analysts, assistant behavior analysts, or state certified assistant behavior analysts without being duly licensed or state certified;

2. other human service professionals who are licensed, certified, or registered by the state of Louisiana, provided such individuals are working within the scope of practice of their profession and the scope of their training and competence;

3. a family member or guardian of a recipient of applied behavior analysis services who implements certain applied behavior analysis procedures with the recipient under the extended authority and direction of a licensee or supervised certified assistant. This individual shall not represent themselves as a behavior analyst;

4. an individual who practices with nonhumans, including applied animal behaviorists and animal trainers;

5. an individual who provides general applied behavior analysis services to an organization, provided those services are not for the benefit of such organization and the services do not involve direct services to individual;

6. a matriculated college or university student, intern, or postdoctoral fellow whose activities are part of a defined behavior analysis program of study, practicum, intensive practicum, or supervised independent fieldwork. Such practice under this exemption requires the direct supervision by a licensed behavior analyst in this state or an instructor in

an approved course sequence approved by the board. A student, intern, or postdoctoral fellow shall not represent himself as a behavior analyst and shall use a title that clearly indicates his training status, such as "behavior analysis student", "behavior analysis intern", "behavior analysis trainee", or other title clearly indicating such training status;

7. an individual who teaches behavior analysis or conducts behavior analytic research, provided that such teaching or research shall not involve the delivery of direct behavior analytic services. Such individual may use the title "behavior analyst" but may not represent himself as a licensed behavior analyst or a state certified assistant behavior analyst unless he holds one of those credentials issued by the board;

8. an unlicensed individual pursuing experiential training in behavior analysis consistent with the licensure requirements and standards as required by the board, provided such experience is supervised by a licensed behavior analyst.

G. A licensed behavior analyst is ultimately responsible and accountable for client care and outcomes under their clinical supervision.

H. A licensed behavior analyst shall exercise sound professional judgment based upon his knowledge, skill, education, training, and experience, and shall perform only those services for which he is competent. If, during evaluation, reassessment or screening, the licensed behavior analyst finds that treatment which is outside the scope of his knowledge, experience, or expertise is needed, the licensed behavior analyst shall notify the client and provide a referral to an appropriate healthcare provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3704.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 50:1823 (December 2024).

### **§203. Professional Responsibilities**

A. Licensed Behavior Analyst and/or State Certified Assistant Behavior Analyst must notify the board in writing of any change in their preferred mailing address, telephone number or email address within 30 days that such change takes effect.

B. A licensee shall ensure proper completion and timely submission of all applications, transfers, renewals, and/or discontinuations for their supervisees. Signatures must be originals or electronically verified time stamped.

C. A licensee and/or certificant must comply with all self-reporting requirements as outlined in the ethics code adopted by the board.

D. As a mandatory reporter, anyone licensed, certified, or registered by this board is required by law to report suspected or known instances of abuse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3704.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 50:1824 (December 2024).

### **§204. Telehealth Standards**

A. This Chapter provides for, promotes, and regulates the use of telehealth. Further, it defines and establishes the minimum standards for the delivery of applied behavior analysis services when implementing or utilizing telehealth services. The standard of care for telehealth services shall be substantially equivalent to the standard of care for services delivered in person.

B. Applied behavior analysis delivered through telehealth between a licensee and client, separated by distance shall be in compliance with R.S. 40:1223.1 et seq., known as the "Louisiana Telehealth Access Act", including any amendments thereto. Applied behavior analysis via electronic means shall be held to the same accepted standards as those in traditional (face-to-face) settings. Utilization of interactive audio without the requirement of video must be determined by the licensee to meet the same standard of care and not be compromised by the use of telehealth or violate R.S. 40:1223.1.

C. Licensees who provide telehealth must be licensed in Louisiana and must also be licensed in the state where the client is located, if licensing is required.

D. At the onset of telehealth, the licensee shall obtain written informed consent of the client/guardian and shall document such consent in the client's record. Electronic signatures (time stamped) may be used in the documentation of informed consent. Provisions of informed consent shall include:

1. mode of technology-assisted media being utilized and plans for technical failure;
2. scheduling and structure of telehealth services;
3. risks of telehealth;
4. privacy and limits of confidentiality;
5. contact between sessions;
6. emergency plan;
7. consultation and coordination of care with other professionals;
8. referrals and termination of services;
9. information and record keeping;
10. billing and third-party payors;
11. ethical and legal rights, responsibilities, and limitations within and across state lines.

E. At the onset of each session, the licensee shall verify and document the identity and location of the licensee and the client; and verify the identity of the parent or guardian consenting to the minor's treatment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3704.

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 50:1824 (December 2024).

Rhonda Boe  
Executive Director

2412#008

### **RULE**

### **Department of Health Board of Nursing**

### **Continuing Full Approval for Nursing Education Degree Programs (LAC 46:XLVII.3535)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:918, that the Board of Nursing (LSBN) is amending Chapter 35, §3535, Subsection B, under Title 46, Professional and Occupational Standards, Part XLVII. The change removes the requirement to place undergraduate nursing degree programs on probation if they do not maintain an 80 percent or greater pass rate achieved by all

candidates taking the licensure examination for the first time in any one January to December calendar year. This Rule is hereby adopted on the day of promulgation.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part XLVII. Nurses: Practical Nurses and Registered Nurses**

**Subpart 2. Registered Nurses**

**Chapter 35. Undergraduate and Graduate Nursing Education Degree Programs**

**§3535. Continuing Full Approval for Nursing Education Degree Programs**

A. ...

B. The undergraduate nursing education degree program shall have a pass rate of 80 percent or greater achieved by the candidates taking the licensure examination for the first time in any one January to December calendar year.

1. An undergraduate nursing education degree program that does not meet the 80 percent first-time pass rate in any January to December calendar year will receive a letter of warning from the LSBN board.

2. After two consecutive years of not meeting the 80 percent NCLEX-RN first-time pass rate standard or two years out of the last three years of not meeting the 80 percent NCLEX-RN first time pass rate standard, the undergraduate nursing education degree program will be placed on probation (See §3509.C.1 and 2 of this Chapter).

C. - N. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:918.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:1027 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1149 (September 1993), LR 24:1293 (July 1998), LR 42:887 (June 2016), LR 50:1825 (December 2024).

Karen C. Lyon, PhD, MBA,  
APRN-CNS, NEA  
Executive Director

2412#009

**RULE**

**Department of Health  
Board of Nursing**

**Employment of Student Nurses and Unsuccessful  
Candidates on the State Board Licensing Examination  
(NCLEX-RN) (LAC 46:XLVII.4303)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:918, that the Louisiana State Board of Nursing (LSBN) is amending Chapter 43, §4303, Subsections A and B, under Title 46, Professional and Occupational Standards, Part XLVII. The revision will allow an undergraduate nursing student currently enrolled in a professional pre-licensure education degree program or a graduate nurse who has been unsuccessful on the NCLEX-RN examination to be employed in a nursing setting and to

perform procedures and tasks for which they have been educated and certified as competent by their educational institution and/or by graduation from an LSBN-approved prelicensure nursing education program. This Rule is hereby adopted on the day of promulgation.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part XLVII. Nurses: Practical Nurses and Registered Nurses**

**Subpart 2. Registered Nurses**

**Chapter 43. Employment of Unlicensed Persons**

**§4303. Employment of Student Nurses and Unsuccessful Candidates on the State Board Licensing Examination (NCLEX-RN)**

A. Students in nursing and unsuccessful candidates on the NCLEX-RN licensing examination employed in nursing settings may be employed as unlicensed persons and perform procedures and or tasks for which they have been educated and cleared by their educational institution and/ or by graduation from an LSBN approved prelicensure nursing education program.

B. To assist these individuals to be employed in an acceptable position whereby they contribute to patient care and yet do not jeopardize the welfare of the patient nor legally implicate themselves or their employing institution, the board has adopted the following policies for delegation of nursing activities to currently enrolled nursing students and pre-licensure nursing graduates who have been unsuccessful on the NCLEX-RN examination but who have not passed the NCLEX-RN examination within 12 months of their first attempt taking the NCLEX.

1. The employer shall:

a. document the unlicensed status of these individuals as currently enrolled nursing students or pre-licensure nursing graduates who have not passed the NCLEX-RN examination within 12 months of their first attempt taking the NCLEX;

b. develop and review the written job description with the employee;

c. provide proper orientation to and training for the position; and

d. provide supervision of these unlicensed personnel by an RN or APRN;

e. inform all nursing personnel that the student of nursing and the unsuccessful candidate may perform procedures and or tasks enumerated in the job description.

2. Employers shall not jeopardize the potential for licensure of the student in nursing or the unsuccessful candidate for licensure in order to augment their staffing. It is understood that these unlicensed personnel may not perform the nursing tasks and procedures enumerated in their specific job description independently without the requisite supervision of the RN and/or APRN.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:918.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:421 (October 1977), amended by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), LR 50:1825 (December 2024).

Karen C. Lyon, PhD, MBA,  
APRN-CNS, NEA  
Executive Director/CEO

2412#011

## RULE

### Department of Health Board of Pharmacy

#### Automated Medication Systems (LAC 46:LIII.1217 and 1509)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy amended §1217 and §1509 of its rules relative to Automated Medication Systems (AMS). The Rule changes in §1217 and §1509.B remove references to “human intervention” due to the ambiguity of phrase which has led to different interpretations. The Rule changes in §1217 also describe the requirements of stocking and restocking of an AMS, differentiating between pharmacies that employ electronic product verification procedures and those that do not, and adds the accountability of the pharmacist-in-charge for the accuracy of all drug distribution activities. This Rule is hereby adopted on the day of promulgation.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LIII. Pharmacists

#### Chapter 12. Automated Medication Systems §1217. Stocking and Restocking; Electronic Product Verification

A. In the absence of electronic product verification procedures as described within this Section, the stocking and restocking of medications and devices within an automated medication system shall be performed by a pharmacist, or in the alternative, a pharmacy intern, pharmacy technician, or pharmacy technician candidate under the supervision of a pharmacist.

B. When the pharmacy employs electronic product verification procedures as described within this Section, the stocking and restocking of medications and devices within an automated medication system may be performed by a pharmacist, pharmacy intern, pharmacy technician, or pharmacy technician candidate.

1. A bar code or other electronic verification shall be utilized to assure the correct selection of drugs to be placed into an automated medication system.

2. The use of a bar code or other electronic verification shall require an initial quality assurance validation followed by ongoing quality assurance reviews at intervals no greater than 90 days since the previous review, all conducted by a pharmacist.

C. The pharmacist-in-charge remains accountable to the board for the accuracy of all drug distribution activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182(A).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, amended LR 41:1488 (August 2015), amended by the Department of Health, Board of Pharmacy, LR

47:243 (February 2021), amended LR 50:1826 (December 2024).

### Chapter 15. Hospital Pharmacy

#### §1509. Drug Distribution Control

A. - A.3.e.iii. ...

B. Automated Medication Systems. A hospital pharmacy may use one or more automated medication systems in compliance with the provisions of Chapter 12 of this Part.

1. When the pharmacy uses an electronic product verification process as described in Section 1217 of this Part, the pharmacist-in-charge may elect to forego manual checks of drug products selected in that manner, provided however, that such selection by the pharmacist-in-charge shall require an initial quality assurance validation followed by an ongoing quality review at intervals no greater than 90 days since the previous review, all conducted by a pharmacist.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2093 (October 2003), effective January 1, 2004, amended LR 40:2257 (November 2014), effective January 1, 2015, LR 41:1488 (August 2015), amended by Department of Health, Board of Pharmacy, LR 46:583 (April 2020), amended LR 50:1826 (December 2024).

M. Joseph Fontenot, Jr.  
Executive Director

2412#012

## RULE

### Department of Health Board of Pharmacy

#### Durable Medical Equipment (DME) Permit Change of Ownership (LAC 46:LIII.2403)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy amended §2403 of its rules relative to Durable Medical Equipment (DME) permit change of ownership procedures. The Rule changes require a new application to be filed and a new permit obtained when a change in the identity of the natural person, partnership, or business entity which directly holds the DME permit has occurred or when there is a change in the person or entity's Federal Employer Identification Number (FEIN). The Rule changes indicate that a DME permit is not transferrable, and requires the application to be submitted at least 15 days prior to closing the transfer of ownership. The Rule changes clarify that nothing prohibits an entity from applying for a new permit in order to separate itself from actions which may have been committed by previous ownership. This Rule is hereby adopted on the day of promulgation.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LIII. Pharmacists

#### Chapter 24. Limited Service Providers Subchapter A. Durable Medical Equipment §2403. Durable Medical Equipment (DME) Permit

A. - E.2. ...

3. Change of Ownership Procedures
  - a. A DME permit is not transferable
  - b. A new application shall be filed and a new permit obtained when a change in the identity of the natural person, partnership, or business entity which directly holds the permit has occurred or there is a change in the person or entity's Federal Employer Identification Number (FEIN).
  - c. The new owner shall submit an application to the board office at least 15 days before closing the transfer of ownership interests of said business.
  - d. An application for a new DME permit shall include the direct and first indirect level of ownership information. Any change in the first indirect level of ownership of 20 percent or more must be reported to the board within 30 days of the change.
  - e. Nothing in this section shall prohibit an entity from applying for a new DME permit in order to separate itself from actions which may have been committed by the previous ownership under the existing DME permit.

F. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 39:502 (March 2013), amended LR 50:1826 (December 2024).

M. Joseph Fontenot, Jr.  
Executive Director

2412#013

## RULE

### Department of Health Board of Pharmacy

#### Prescription Transfers (LAC 46:LIII.2523 and 2747)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy amended §2523 and §2747 of its rules relative to prescription transfers. The Rule changes in §2523 and §2747 simplify the requirements of transferring prescriptions for controlled substances by allowing the transfer if in conformance with federal requirements in 21 CFR Part 1306. The Rule changes in §2523 relative to transferring prescriptions for drugs other than controlled substances allow the transfer for initial filling or refill dispensing; list the actions required of the transferring pharmacist, intern, or technician; list the information required to be recorded by the receiving pharmacist, intern, or technician; change the prescription maintenance requirements to reference the requirements in Chapter 11, and repeals §2523.B. This Rule is hereby adopted on the day of promulgation.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LIII. Pharmacists

#### Chapter 25. Prescriptions, Drugs, and Devices

##### Subchapter B. Prescriptions

#### §2523. Transfer of Prescription or Prescription Information

#### A. Prescription Transfer Requirements

##### 1. Prescriptions for Controlled Dangerous Substances

a. The transfer between pharmacies of a prescription or prescription information for controlled substances is permissible in conformance with 21 CFR Part 1306.

##### 2. Prescriptions for Drugs Other Than Controlled Dangerous Substances

a. The transfer of a prescription or prescription information for the purpose of initial filling or refill dispensing is permissible between pharmacies, subject to the following requirements.

i. Prescriptions may be transferred for the life of the prescription.

ii. The transferring pharmacist, pharmacy intern, or certified pharmacy technician shall do the following:

(a). Invalidate the prescription.

(b). Record on the invalidated prescription record the name and address of the pharmacy to which it was transferred and the name of the pharmacist, pharmacy intern, or certified pharmacy technician receiving the prescription information.

(c). Record the date of the transfer and the name of the pharmacist, pharmacy intern, or certified pharmacy technician transferring the information.

iii. The receiving pharmacist, pharmacy intern or certified pharmacy technician shall record the following:

(a). Indication of the transferred nature of the prescription.

(b). Provide all information required for a prescription and include:

(i). Date of issuance of original prescription.

(ii). Date of last dispensing, if applicable.

(iii). Original number of refills authorized on original prescription.

(iv). Number of refills remaining, if applicable.

(v). Pharmacy's name, address, and prescription number from which the prescription information was transferred.

(vi). Name of pharmacist, pharmacy intern, or certified pharmacy technician who transferred the prescription.

b. The original and transferred prescription(s) shall be maintained in compliance with Chapter 11 of this Part.

c. Pharmacies electronically accessing the same prescription record shall satisfy all information requirements of a manual mode for prescription transferal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004, LR 33:1133 (June 2007), LR 36:756 (April 2010), amended by the Department of Health, Board of Pharmacy, LR 49:67 (January 2023), amended LR 50:1827 (December 2024).

#### Chapter 27. Controlled Dangerous Substances

##### Subchapter F. Production, Distribution, and Utilization

#### §2747. Dispensing Requirements

A. - C.6.e. ...



7. The transfer between pharmacies of a prescription or prescription information for controlled substances is permissible in conformance with 21 CFR Part 1306.

C.8. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2152 (October 2008), amended LR 41:685 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 46:577 (April 2020), LR 47:1645 (November 2021), amended LR 49:681 (April 2023), amended LR 50:1827 (December 2024).

M. Joseph Fontenot Jr.  
Executive Director

2412#014

## RULE

### Department of Health Bureau of Health Services Financing and Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers  
Residential Options Waiver  
(LAC 50:XXI.Chapters 161, 163, 165, 167, and 169)

The Department of Health, Bureau of Health Services Financing and Office for Citizens with Developmental Disabilities have amended LAC 50:XXI.Subpart 13 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 40:950 et seq. This Rule is adopted on the day of promulgation.

## Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE Part XXI. Home and Community-Based Services Waivers

#### Subpart 13. Residential Options Waiver

#### Chapter 161. General Provisions

#### §16101. Introduction

A. The Residential Options Waiver (ROW), a 1915(c) home and community-based services (HCBS) waiver, is designed to assist beneficiaries in leading healthy, independent and productive lives to the fullest extent possible and promote the full exercise of their rights as citizens of the state of Louisiana. Services are provided with the goal of promoting independence through strengthening the participant's capacity for self-care and self-sufficiency. The ROW is person-centered incorporating the beneficiary's support needs and preferences with a goal of integrating the beneficiary into their community. The ROW provides opportunities for eligible individuals with developmental disabilities to receive HCBS services that allow them to transition to and/or remain in the community. These individuals would otherwise require an intermediate care facility for individuals with intellectual disabilities (ICF/IID) level of care.

B. ...

C. This program is not intended to provide continuous 24 hours a day, one-to-one supports.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2441 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2154 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1764 (December 2019), LR 47:1507 (October 2021), LR 48:1558 (June 2022), LR 50:1828 (December 2024).

#### §16103. Program Description

A. The ROW is designed to utilize the principles of self-determination and to supplement the family and/or community supports that are available to maintain the individual in the community and are designed to allow an individual experience that mirrors the experiences of individuals without disabilities. These services are not to be restrictive, but liberating, by empowering individuals to experience life in the most fulfilling manner as defined by the individual while still assuring health and safety. In keeping with the principles of self-determination, ROW includes a self-direction option, which allows for greater flexibility in hiring, training, and general service delivery issues. ROW services are meant to enhance, not replace, existing informal networks.

B. - B.3. ...

C. ROW services are accessed through a single point of entry in the human services district or authority, referred to as local governing entities (LGE). All waiver beneficiaries choose their support coordination and direct service provider agencies through the freedom of choice process.

C.1. - E.3. ...

4. If it is determined that the ROW can no longer meet the beneficiary's health and safety needs and/or support the beneficiary, the support coordination agency will conduct person-centered discovery activities.

E.5. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2441 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2154 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1764 (December 2019), LR 47:1507 (October 2021), LR 48:1559 (June 2022), LR 50:1828 (December 2024).

#### §16106. Money Follows the Person Rebalancing Demonstration

A. - B. ...

1. Individuals with a developmental disability must:  
a. occupy a licensed, approved Medicaid enrolled nursing facility, hospital, or ICF/IID bed for at least 60 days; and

1.b. - 2....

C. Individuals in the demonstration are not required to have a protected date on the intellectual/developmental disabilities request for services registry (RFSR).

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2155 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1508 (October 2021), LR 48:1559 (June 2022), LR 50:1828 (December 2024).

### **§16107. Programmatic Allocation of Waiver Opportunities**

A. The intellectual/developmental disabilities request for services registry, hereafter referred to as “the registry,” shall be used to identify individuals with intellectual and/or developmental disabilities who are waiting for an OCDD waiver opportunity. Individuals who are found eligible for developmental disabilities services using standardized tools, and who request waiver services will be added to the registry. The registry is arranged by urgency of need and date of application for developmentally disabled (DD) waiver services.

B. OCDD operates on a tiered waiver approach for services delivery. If an individual’s needs cannot be met with the initial waiver, they may request to be moved up to the next waiver in the tiers. The Residential Options Waiver (ROW) is the second tier within the OCDD tiered waiver process. ROW opportunities shall be offered based on the following groups.

1. Individuals living at publicly operated ICF/IID or who lived at a publicly operated ICF/IID when it was transitioned to a private ICF/IID through a cooperative endeavor agreement (CEA) facility, or their alternates. Alternates are defined as individuals living in a private ICF/IID who will give up the private ICF/IID bed to an individual living at a publicly operated ICF/IID or to an individual who was living in a publicly operated ICF/IID when it was transitioned to a private ICF/IID through a CEA facility.

2. Individuals requesting to transition from a publicly operated ICF/IID are awarded a slot when one is requested, and their health and safety can be assured in an OCDD waiver. This also applies to individuals who were residing in a publicly operated facility at the time the facility was privatized and became a CEA facility.

3. Individuals on the registry who have a current unmet need as defined by a screening of urgency need (SUN) score of urgent (3) or emergent (4) and the earliest registry date, shall be notified in writing when a funded OCDD waiver opportunity is available and a waiver offer is available.

4. Individuals transitioning from ICF/IID facilities utilizing ROW conversion.

5. Transition of eligible individuals with a statement of eligibility (SOA) for intellectual developmental disability services in either the Office of Aging and Adult Services (OAAS) Community Choices Waiver (CCW) or OAAS Adult Day Health Care (ADHC) Waiver to enter the OCDD tiered waiver process for ROW services.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2441 (November 2007), amended by the

Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2155 (October 2015), LR 42:62 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2530 (December 2017), LR 45:1764 (December 2019), LR 47:1508 (October 2021), LR 50:1829 (December 2024).

### **§16109. Admission, Denial or Discharge Criteria**

A. Admission to the ROW shall be denied if one of the following criteria is met:

1. the individual does not meet the requirements for an ICF/IID level of care;
2. Repealed.
3. the individual does not meet developmental disability system eligibility;
4. the individual is incarcerated or under the jurisdiction of penal authorities, courts, or state juvenile authorities;
5. the individual resides in another state;
6. the health and welfare of the individual cannot be assured through the provision of ROW services;
7. the individual fails to cooperate in the eligibility determination process or in the development of the plan of care (POC); or

A.8. - B. ...

1. loss of Medicaid financial eligibility as determined by the Medicaid program;
2. - 10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2443 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2156 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1765 (December 2019), LR 47:1509 (October 2021), LR 48:1560 (June 2022), LR 50:1829 (December 2024).

### **Chapter 163. Covered Services**

#### **§16301. Assistive Technology and Specialized Medical Equipment and Supplies**

A. - A.1.e. ...

2. This service also includes medically necessary durable and non-durable equipment not available under the Medicaid State Plan and repairs to such items, and equipment necessary to increase/maintain the independence and well-being of the beneficiary.

a. All equipment, accessories and supplies must meet all applicable manufacture, design, and installation requirements.

b. The services under the ROW are limited to additional services not otherwise covered under the Medicaid State Plan.

3. ...

4. This service includes necessary medical supplies not available under the Medicaid State Plan.

5. Prior to the beneficiary receiving any assistive technology device, a rehabilitation professional (including, but not limited to, an occupational therapist, speech therapist, and/or a physical therapist) must complete an evaluation. The therapist must assess the need and the type of device necessary to address the beneficiary’s identified

needs, and will make a recommendation for the specific assistive technology device. Assistive technology/specialized medical equipment must be included in the beneficiary's POC.

B. Assistive technology/specialized medical equipment (AT/SME) services provided through the ROW include the following:

1. the evaluation of assistive technology needs of a beneficiary, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the beneficiary in the customary environment of the beneficiary;

2. - 4. ...

5. training or technical assistance, on the use for the beneficiary, or where appropriate, family members, guardians, advocates, responsible representatives of the beneficiary, professionals, or others;

6. - 7. ...

a. separate payment will be made for repairs after expiration of the warranty only when it is determined to be cost effective;

8. services consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices for beneficiaries;

9. technology supports with remote features that may include, but are not limited to, mobile emergency response system, medication reminder system, monitoring device, the purchase of emergency response system and other equipment used to support someone remotely; and

a. remote technology service delivery covers monthly response center/remote support monitoring fee and technology upkeep (no internet cost coverage).

b. remote technology consultation is the evaluation of technology support needs for an individual identified in the POC if necessary;

10. incontinence briefs and supplies are available for a beneficiary, 21 years or older, who has a physician's order and requires the use of incontinence briefs and supplies.

a. Service Restrictions

i. This service is for those who are 21 years of age or older.

ii. This service requires a physician's order.

b. Service Limitations

i. The cost cannot exceed \$2,500 in a single POC year.

C. - D. ...

E. Service Exclusions and Limitations

1. - 2. ...

3. For adults over the age of 20 years, specialized wheelchairs, whether mobile or travel, are covered under the State Plan durable medical equipment (DME) benefit, at any age, and are, therefore, not covered under the ROW.

4. Incontinence supplies annual maximum cost is \$2,500 per POC year, without exception.

F. Provider Participation Requirements. Providers of AT/SMES services must meet the following participation requirements. The provider must:

1. ...

2. provide documentation on manufacturer's letterhead that the agency listed on the Louisiana Medicaid Enrollment Form and Addendum (PE-50) is:

a. ...

b. has training and experience with the application, use, fitting, and repair of the equipment or devices they propose to sell or repair; and

3. upon completion of the work and prior to payment, the provider shall give the beneficiary a certificate of warranty for all labor and installation and all warranty certificates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2443 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2156 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1509 (October 2021), LR 48:1560 (June 2022), LR 50:1829 (December 2024).

### §16303. Community Living Supports

A. - C. ...

1. Services are not allowed to be provided in the direct service worker's place of residence.

D. Community living supports may be shared by up to three beneficiaries who may or may not live together, and who have a common direct service provider agency. In order for CLS services to be shared, the following conditions must be met:

1. an agreement must be reached among all of the involved beneficiaries, or their legal guardians, regarding the provisions of shared CLS services. If the person has a legal guardian, their approval must also be obtained. In addition, CLS direct support staff may be shared across the Children's Choice or New Opportunities Waiver at the same time;

2. the health and welfare must be assured for each beneficiary;

3. each beneficiary's plan of care must reflect shared services and include the shared rate for the service indicated;

4. a shared rate must be billed; and

5. ...

E. Service Exclusions

1. - 4.c....

5. Community living supports may not be billed at the same time on the same day as:

a. - b. ...

c. respite care services—out of home;

d. transportation—community access;

e. monitored in-home caregiving (MIHC); or

f. adult day health care.

g. Repealed.

6. Community living supports is not intended to provide continuous 24 hours a day one-to-one supports.

F. ...

1. Family members who provide CLS services must meet the same standards as providers who are unrelated to the beneficiary. Service hours shall be capped at 40 hours per week/per staff member, Sunday to Saturday, for services delivered by family members living in the home.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2443 (November 2007), amended by the

Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2157 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1765 (December 2019), LR 47:1510 (October 2021), LR 48:1561 (June 2022), LR 50:1830 (December 2024).

#### **§16305. Companion Care**

A. - E.1. ...

F. Service Exclusions

1. - 2. ...

3. Legally responsible individuals and legal guardians may provide companion care services for a beneficiary provided that the care is extraordinary in comparison to that of a beneficiary of the same age without a disability and the care is in the best interest of the beneficiary.

F.4. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2444 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2158 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1765 (December 2019), LR 47:1511 (October 2021), LR 48:1561 (June 2022), LR 50:1831 (December 2024).

#### **§16307. Day Habilitation Services**

A. Day habilitation services assist the beneficiary to gain desired community living experience, including the acquisition, retention, or improvement in self-help, socialization, and adaptive skills, and/or to provide the beneficiary an opportunity to contribute to his or her community. These services shall be coordinated with any physical, occupational, or speech therapies identified in the individualized plan of care (POC). Day habilitation services may include assistance with personal care or with activities of daily living, but such assistance should not be the primary activity. Day habilitation services may serve to reinforce skills or lessons taught in other settings. Volunteer activities may be a part of this service and should follow the state guidelines for volunteering.

B.1. Day habilitation is the overarching service and may be delivered in a combination with these two service types:

- a. onsite day habilitation; and
- b. community life engagement.

2. Day habilitation services may be delivered virtually and be included in the plan of care.

C. ...

1. Transportation is a separate billable service and may be billed on the day that an in-person day habilitation service is provided.

2. Transportation is not a part of the service for virtual day habilitation.

D. Beneficiaries receiving day habilitation provider services may receive other services on the same day, but these services cannot be provided during the same time period, with the exception of community life engagement development and MIHC.

1. - 2. Repealed.

E. Service Exclusions

1. Time spent in transportation between the beneficiary's residence/location and the day habilitation site is not to be included in the total number of day habilitation service hours per day, except when the transportation is for the purpose of travel training.

a. Travel training for the purpose of teaching the beneficiary to use transportation services may be included in determining the total number of service hours provided per day. Travel training must be included in the beneficiary's POC.

2. Transportation-community access will not be used to transport ROW beneficiaries to any day habilitation services.

3. Day habilitation services cannot be billed for at the same time on the same day as:

- a. community-living supports;
- b. professional services, except when there are direct contacts needed in the development of a support plan;
- c. respite—out of home;
- d. adult day health care;
- e. monitored in-home caregiving (MIHC);
- f. prevocational services; or
- g. supported employment.

4. Day habilitation services shall be furnished on a regularly scheduled basis for up to eight hours per day, one or more days per week.

a. Services are based on a 15 minute unit of service on time spent at the service site by the beneficiary. Any time less than 15 minutes of service is not billable or payable. No rounding up of units is allowed.

b. Services are based on the person-centered plan and the beneficiary's ROW budget.

5. All virtual day habilitation services must be approved on the plan of care.

6. Day habilitation may not provide for the payment of services that are vocational in nature. For example, the primary purpose of producing goods or performing services.

F. Provider Qualifications. Providers must be licensed by the Department of Health as a home and community-based services provider and meet the module requirements for adult day care in LAC 48:I.Chapter 50.

F.1. - G. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2445 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2158 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1765 (December 2019), LR 47:1512 (October 2021), LR 48:1562 (June 2022), LR 50:1831 (December 2024).

#### **§16309. Dental Services**

A. Dental services are available to adult beneficiaries over the age of 21 as a component of the ROW. Covered dental services include:

A.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2445 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2159 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1512 (October 2021), LR 48:1563 (June 2022), LR 50:1831 (December 2024).

#### **§16311. Environmental Accessibility Adaptations**

A. - C.2. ...

D. Modifications may be applied to rental or leased property only with the written approval from the landlord and approval from OCDD.

E. All environmental accessibility adaptations to a home or to a vehicle must meet all applicable standards of manufacture, design, and installation.

F. Service Exclusions for Home Adaptations

1. - 3.a. ...

4. Home modifications may not include modifications to the home which are of general utility and not of direct medical or remedial benefit to the beneficiary including, but not limited to:

F.4.a. - G. ...

1. Such adaptations to the vehicle may include a lift, or other adaptations, to make the vehicle accessible to the beneficiary or for the beneficiary to drive.

2. ...

H. Service Exclusions for Vehicle Adaptations

1. Payment will not be made to:

a. adapt vehicles that are owned or leased by paid caregivers or providers of waiver services; or

b. purchase or lease a vehicle.

2. - 5. ...

I. Provider Responsibilities

1. ...

2. A written itemized, detailed bid, including drawings with the dimensions of the existing and proposed floor plans relating to the modifications, must be obtained and submitted for prior authorization.

I.3. - J. ...

1. Home Adaptations. Providers of environmental accessibility adaptations for the home must:

a. - a.iii. ...

b. be a current Louisiana Medicaid provider of durable medical equipment and have documentation from the manufacturing company (on the manufacturing company's letterhead) that confirms that the provider is an authorized distributor of a specific product that attaches to a building. The letter must specify the product and state that in which the provider has been trained on its installation.

2. - 3.

4. All environmental adaptation providers, as well as the person performing the service (i.e., building contractors, plumbers, electricians, engineers, etc.), must meet any state or local requirements for licensure or certification. When state and local building or housing code standards are applicable, modifications to the home shall meet such standards, and all services shall be provided in accordance with applicable state or local requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2446 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2159 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1513 (October 2021), LR 48:1563 (June 2022), LR 50:1832 (December 2024).

#### **§16313. Host Home**

A. - E.2. ...

3. A host home family can provide compensated supports for up to two beneficiaries, regardless of the funding source.

F. - I.7. ...

J. Provider Qualifications

1. - 1.d.

2. Agencies serving children must be licensed by the Department of Children and Family Services as a Class "A" Child Placing Agency under the Specialized Provider Licensing Act 286 of 1985, LAC 48:I.Chapter 41.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2447 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2160 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1765 (December 2019), LR 47:1514 (October 2021), LR 48:1564 (June 2022), LR 50:1832 (December 2024).

#### **§16319. One Time Transitional Services**

A. ...

B. One-time transitional services may be accessed for the following:

1. - 2. ...

3. essential furnishings to establish basic living arrangements, including:

a. - c. ...

d. window blinds;

B.3.e. - D.3. ...

E. The Office for Citizens with Developmental Disabilities shall be the entity responsible for coordinating the delivery of one-time transitional services. Providers must have a BHSF (Medicaid) provider enrollment agreement as a transition support provider as verified by the Louisiana Department of Health (LDH) Health Standards Section (HSS).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2449 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2162 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1766 (December 2019), LR 47:1516 (October 2021), LR 48:1565 (June 2022), LR 50:1832 (December 2024).

**§16321. Personal Emergency Response System (PERS)**

A. - B.2. ...

C. Coverage of the PERS is limited to the rental of the electronic device. PERS services shall include the cost of maintenance and training the beneficiary to use the equipment.

1. Reimbursement will be made for an installation fee for the PERS unit.

2. Monthly Monitoring Fee

a. Enhance Services. Mobile emergency response system (MERS) is an on-the go mobile medical alert system, used in and outside the home. This system will have cellular/GPS technology, two-way speakers and no base station will be required.

D. Service Exclusions

1. - 2. ...

3. Cell phone service is not included and is not a covered waiver service.

a. In addition to the current system that plugs into a landline, a system that uses cellular service may be used and the landline is not required. This system will have a fall detection pendant.

E. - E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2249 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2162 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1516 (October 2021), LR 48:1565 (June 2022), LR 50:1833 (December 2024).

**§16323. Prevocational Services**

A. Prevocational services are individualized, person-centered services that assist beneficiaries in establishing their path to obtain individualized community employment. This service is time limited and targeted for people who have an interest in becoming employed in individual jobs in the community but who may need additional skills, information, and experiences to determine their employment goal and to become successfully employed. Beneficiaries receiving prevocational services may choose to leave this service at any time or pursue employment opportunities at any time.

B. Prevocational services are the overarching services and may be delivered in a combination of these two service types:

1. onsite prevocational services also referred to as onsite community career planning (CP);and

2. CP in a small group

a. prevocational services may be delivered virtually.

3. Repealed.

C. - D. ...

E. The prevocational provider is responsible for all transportation between prevocational sites. Transportation may be provided between the beneficiary’s residence, or other location, as agreed upon by the beneficiary or authorized representative, and the prevocational site. The beneficiary’s transportation needs shall be documented in the plan of care.

F. Service Limitations

1. Service limits shall be based on the person-centered plan and the beneficiary’s ROW budget. Services are delivered in a 15-minute unit of service for up to eight hours per day, one or more days per week. The 15-minute unit of service must be spent at the service site by the beneficiary.

1.a. - 2....

3. Prevocational services cannot be billed for at the same time on the same day as the following ROW services, except for community life engagement development or MIHC:

a. - d. ...

e. day habilitation services; or

f. supported employment.

g. Repealed.

4. ...

5. Transportation may be provided on the day that a prevocational service is provided. Transportation is not allowable for virtual delivery of prevocational services.

a. - c. ...

d. Transportation is billed as a separate service that is billed at a daily rate.

G. Restrictions

1. Beneficiaries receiving prevocational services may also receive day habilitation and/or individualized supported employment services, but these services cannot be provided during the same time period.

2. Repealed.

H. Provider Qualifications. Providers must be licensed by the Department of Health as a home and community-based services provider and meet the module requirements for adult day care or supported employment in LAC 48:I.Chapter 50.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2450 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2162 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1766 (December 2019), LR 47:1516 (October 2021), LR 48:1565 (June 2022) LR 50:1833 (December 2024).

**§16325. Professional Services**

A. - B.6. ...

C. Professional services can include:

1. - 2. ...

3. intervening in a crisis situation with the goal of stabilizing and addressing issues related to the cause(s) of the crisis. Activities may include development of support plan(s), training, documentation strategies, counseling, on-call supports, back-up crisis supports, on-going monitoring, and intervention;

4. - 8. ...

9. assistance in increasing independence, participation, and productivity in the beneficiary’s home, work, and/or community environments.

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D. - E. ...

1. Enrollment of individual practitioners. Individual practitioners who enroll as providers of professional services must:

- a. - b. ...
- c. in addition, the specific service delivered must be consistent with the scope of the license held by the professional.

2. - 4.b....

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2450 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2163 (October 2015), by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, amended LR 47:1518 (October 2021), LR 48:1566 (June 2022), LR 50:1833 (December 2024).

**§16327. Respite Care Services—Out of Home**

A. ...

1. A licensed respite care facility shall ensure that community activities are available to the beneficiary in accordance with his approved POC, including transportation to and from these activities.

A.2. - B.3.

C. Service Exclusions

1. ...

2. Respite care services-out of home is not a billable waiver service to a beneficiary receiving the following services:

- a. community living supports (may not be provided at the same time on the same day);
- b. ...
- c. host home; or
- d. shared living.
- e. Repealed.

C.3. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2451 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2164 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1767 (December 2019), LR 47:1519 (October 2021), LR 48:1566 (June 2022), LR 50:1834 (December 2024).

**§16329. Shared Living Services**

A. - A.5. ...

a. Each beneficiary’s essential personal rights of privacy, dignity and respect, and freedom from coercion are protected.

6. ...

a. Each beneficiary has the ability to determine whether or with whom he or she shares a room.

b. Each beneficiary has the freedom of choice regarding daily living experiences, which include meals, visitors, and activities.

c. Each beneficiary is not limited in opportunities to pursue community activities.

7. - 8. ...

a. If the person has a legal guardian, the legal guardian’s approval must also be obtained.

b. Each beneficiary’s plan of care must reflect the shared living services and include the shared rate for the service indicated.

A.9. - B.1. ...

2. ICF/IID residents who choose to transition to a shared living waiver home must also agree to conversion of their residence.

3. - 8. ...

9. In a provider-owned or controlled residential setting, the following additional conditions must be met and any modifications of the conditions must be supported by a specific assessed need and documented in the plan of care.

a. - e. ...

C. Shared Living Options

1. - 4. ...

5. ICF/IID providers who elect to convert to a shared living home via the shared living conversion process shall submit a licensing application for an HCBS provider license, shared living module.

D. Service Exclusions and Limitations

1. - 6.g....

7. Shared living services are not available to beneficiaries who are 17 years of age and under.

D.8. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2452 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2164 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1767 (December 2019), LR 47:1519 (October 2021), LR 48:1567 (June 2022), LR 50:1834 (December 2024).

**§16333. Support Coordination**

A. - A.2. ...

3. Support coordination services include on-going support and assistance to the beneficiary.

B. When beneficiaries choose to self-direct their waiver services, the support coordinator shall provide information, assistance, and management of the service being self-directed.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2453 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2165 (October 2015), by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, amended LR 47:1521 (October 2021), LR 48:1568 (June 2022), LR 50:1834 (December 2024).

**§16335. Supported Employment**

A. - D. ...

1. Transportation is payable only when a supported employment service is provided on the same day or when the provider is transporting to/from the job in follow along services.

D.2. - G. ...

1. Individual supported employment services shall be billed in quarter hour (15 minute) units. One-on-one services shall be billed in quarter hour units and shall be based on the person-centered plan and the beneficiary's ROW budget.

2. Services that assist a beneficiary to develop and operate a micro-enterprise shall be billed in quarter hour (15 minute) units. One-on-one services shall be billed in quarter hour units and shall be based on the person-centered plan and the beneficiary's ROW budget.

3. Group employment services shall be billed in quarter hour (15 minute) units of service up to eight hours per day and shall be based on the person-centered plan and the beneficiary's ROW budget.

G.4. - H. ...

1. Payment will only be made for the adaptations, supervision, and training required by individuals receiving waiver services, and will not include payment for the supervisory activities rendered as a normal part of the business setting.

2. Supported employment cannot be billed for at the same time as any other ROW services, except community life engagement development and MIHC.

3. Any time less than the minimum quarter hour (15 minute) unit of service provided for any model is not billable or payable. No rounding up of service units is allowed.

4. Time spent in transportation to and from the program shall not be included in the total number of service hours provided per day.

a. Travel training for the purpose of teaching the beneficiary how to use transportation services may be included in determining the total number of service hours provided per day, but only for the period of time specified in the POC.

b. Transportation is payable only when a supported employment service is provided on the same day and during follow along when the provider is providing the transportation to/from the job.

H.5. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2453 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2166 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1767 (December 2019), LR 47:1521 (October 2021), LR 48:1569 (June 2022), LR 50:1834 (December 2024).

#### **§16337. Transportation-Community Access**

A. Transportation-community access services are provided to assist the beneficiary in becoming involved in his or her community. The service encourages and fosters the development of meaningful relationships in the community, which reflects the beneficiary's choice and values. This service provides the beneficiary with a means of access to community activities and resources. The goal is to increase the beneficiary's independence, productivity, and community inclusion and to support self-directed employee benefits as outlined in the beneficiary's POC.

A.1. - C.4. ...

D. Provider Qualifications. Friends and family members who furnish transportation/community access services to waiver beneficiaries, must be enrolled as a Medicaid non-emergency medical transportation (NEMT) family and friends provider with the Louisiana Department of Health, Bureau of Health Services Financing.

1. In order to receive reimbursement for transporting Medicaid beneficiaries to waiver services, family and friends must maintain compliance with the following:

1.a. - 2....

3. Documentation of compliance with the three listed requirements for this class of provider must be submitted when enrollment with the Medicaid agency is sought. Acceptable documentation shall be the signed statement of the individual enrolling for payment that all three requirements are met.

D.3.a. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2454 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2166 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1768 (December 2019), LR 47:1523 (October 2021), LR 48:1570 (June 2022), LR 50:1835 (December 2024).

#### **§16343. Adult Day Health Care Services**

A. - D. ...

E. ADHC services shall be provided no more than 10 hours per day and no more than 50 hours per week.

F. Provider Qualifications:

1. ADHC providers must be licensed according to the adult day health care provider licensing requirements contained in the Revised Statutes (R.S. 40:2120.41-40:2120.47).

2. ADHC providers must be enrolled as a Medicaid ADHC provider.

3. ADHC providers must comply with LDH rules and regulations.

4. Qualifications for ADHC center staff are set forth in the *Louisiana Administrative Code*.

G. - G.4. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 42:62 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1768 (December 2019), LR 47:1524 (October 2021), LR 48:1571 (June 2022), LR 50:1835 (December 2024).

#### **§16345. Monitored In-Home Caregiving Services**

A. - A.1. ...

2. This goal is achieved by promoting a cooperative relationship between a beneficiary, a principal caregiver, the professional staff of a monitored in-home caregiving agency provider, and the beneficiary's support coordinator.



B. The principal caregiver is responsible for supporting the beneficiary to maximize the highest level of independence possible by providing necessary care and supports that may include:

1. - 4. ...

5. supervision or assistance while escorting or accompanying the beneficiary outside of the home to perform tasks, including instrumental activities of daily living, health maintenance or other needs as identified in the plan of care and to provide the same supervision or assistance as would be rendered in the home; and

6. ...

C. Service Exclusions and Restrictions

1. Beneficiaries electing monitored in-home caregiving, are not eligible to receive the following ROW services during the period of time that the beneficiaries are receiving monitored in-home caregiving services:

a. - b. ...

c. host home; and

d. shared living supports.

e. Repealed.

D. Monitored in-home caregiving providers must be agency providers who employ professional nursing staff, including a registered nurse and a care manager, and other professionals to train and support principal caregivers to perform the direct care activities in the home.

D.1. - F. ...

G. Provider Qualifications

1. MIHC providers must be licensed according to the HCBS provider licensing requirements contained in the R.S. 40:2120.2-2121.9.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1768 (December 2019), amended LR 47:1525 (October 2021), LR 48:1571 (June 2022), LR 50:1835 (December 2024).

**§16347. Community Life Engagement Development**

A. Community life engagement development (CLED) should be used for the development of opportunities to assist beneficiaries in becoming involved in their community and to help develop a meaningful day for each beneficiary.

B. The purpose is to encourage and foster the development of meaningful relationships and memberships in the community, reflecting the beneficiary's choices and values.

1. This service will be person-centered with an outcome of increased community activities and involvement in areas of interest as expressed by the beneficiary.

2. This should include church involvement, civic involvement, volunteering opportunities, as well as recreational activities.

3. The activities should be integrated with the community and not segregated groups.

C. The role of CLED should be to develop individual activities, memberships and volunteer positions within the beneficiary's community, based off of each beneficiary's community, based on each beneficiary's person-centered plan and expressed interests and desires.

D. Transportation cost is included in the rate paid to the provider.

E. To use this service, the beneficiary may, or may not, be present.

F. Service limitations:

1. this service can be billed at the same time the beneficiary is receiving a day or employment service;

2. 15-minute unit increments;

3. 240 units per POC year (60 hours) which includes the combination of shared and non-shared CLE;

4. services shall not exceed the number of units as defined in the beneficiary's POC and must have a prior authorization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 50:1836 (December 2024).

**§16349. Financial Management Services**

A. Financial Management Services (FMS) assist the beneficiary to live independently in the community while controlling his or her services by choosing the staff who work with them.

B. FMS are provided to beneficiaries who have chosen and are capable of self-directing their ROW services.

C. FMS are provided by a Medicaid enrolled Fiscal Employer Agent (F/EA) and the F/EA's responsibilities and standards for participation are identified in LAC 50:XXI.Chapter 11, Subchapters A-C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 50:1836 (December 2024).

**Chapter 165. Self-Direction Initiative**

**§16501. Self-Direction Service Option**

A. ...

1. Beneficiaries are informed of all available services and service delivery options, including self-direction, at the time of the initial assessment, annually, or as requested by beneficiaries or their authorized representative. Beneficiaries who are interested in self-direction need only notify their support coordinator who will facilitate the enrollment process.

2. A fiscal/employer agent is responsible for processing the beneficiary's employer-related payroll, withholding and depositing the required employment-related taxes, and sending payroll reports to the beneficiary or his/her authorized representative.

3. Support coordinators assist beneficiaries by providing the following activities:

a. - d. ...

e. back-up service and emergency preparedness planning;

A.3.f. - B.3. ...

\*\*\*

C. Beneficiary Responsibilities. Responsibilities of the waiver beneficiary or his or her authorized representative include the following:

1. - 1.b....

2. Waiver beneficiary's participation in the development and management of the approved personal purchasing plan.

a. This annual budget is determined by the recommended service hours listed in the beneficiary's POC to meet his or her needs.

b. - 3. ...

4. Prior to enrolling in self-direction, the beneficiary or his or her authorized representative is trained by the support coordinator on the process for completing the following duties:

a. - k. ...

1. back-up service planning.

5. - 7. ...

D. Termination of Self-Direction Service Option. Termination from this option may be either voluntary or involuntary and the support coordinator will assist with the transition. Termination of participation in the self-direction service option requires a revision of the POC, the elimination of the fiscal agent and the selection of the Medicaid-enrolled waiver service provider(s) of choice.

1. ...

a. Proper arrangements will be made by the support coordinator to ensure that there is no lapse in services.

b. Should the request for voluntary withdrawal occur, the beneficiary will receive counseling and assistance from his or her support coordinator immediately upon identification of issues or concerns in any of the above situations.

c. Beneficiaries may choose, at any time, to voluntarily return to a traditional direct service provider (DSP). Beneficiaries who return to a traditional DSP must remain with this DSP for at least 90 calendar days (three months) before opting to return to the self-direction option, if they are eligible to do so.

2. Involuntary Termination. The department may terminate the self-direction service option for a beneficiary and require him or her to receive provider-managed services under the following circumstances:

a. - b. ...

c. the beneficiary is no longer able to direct his or her own care and there is no responsible representative to direct the care;

d. ...

e. over three payment cycles in the period of a year, the beneficiary or authorized representative:

i. permits employees to work over the hours approved in the beneficiary's plan of care or allowed by the beneficiary's program;

e.ii - f. ...

g. a beneficiary may be removed from Self-Direction and required to return to traditional DSP if there are any violations of the ROW or Self-Direction program rules.

3. When action is taken to terminate a beneficiary from self-direction involuntarily, the support coordinator immediately assists the beneficiary in accessing needed and appropriate services through the ROW and other available programs, ensuring that no lapse in necessary services occurs for which the beneficiary is eligible. There is no denial of services, only the transition to a different payment option. The beneficiary and support coordinator are provided with a written notice explaining the reason for the action and citing the policy reference.

E. Employees of beneficiaries in the self-direction service option are not employees of the fiscal agent or the department.

1. Employee Qualifications. All employees under the self-direction option must meet the qualifications for furnishing personal care services as set forth in LAC 48:I.Chapter 92.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2455 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2167 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1525 (October 2021), LR 48:1572 (June 2022), LR 49:1727 (October 2023), LR 50:1836 (December 2024).

## Chapter 167. Provider Participation

### §16701. General Provisions

A. - C. ...

1. Exception. The following services may be provided when the beneficiary is not present:

a. ...

b. personal emergency response systems;

c. one-time transitional services; and

d. community life engagement development.

2. All services must be documented in service notes which describe the services rendered and progress towards the beneficiary's personal outcomes and his or her POC.

D. - E. ...

F. Some ROW services may be provided by a member of the beneficiary's family, provided that the family member meets all requirements of a non-family direct support worker and provision of care by a family member is in the best interest of the beneficiary.

1. Payment for services rendered are approved by prior and post authorization as outlined in the POC.

2. Payments to legally responsible individuals, legal guardians, and family members living in the home shall be audited on a semi-annual basis to ensure payment for services rendered.

G. - G.3.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2455 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2168 (October 2015), LR 42:63 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1527 (October 2021), LR 48:1573 (June 2022), LR 50:1837 (December 2024).

### §16703. Staffing Restrictions and Requirements

A. ...

B. In order to receive payment, relatives must meet the criteria for the provision of the service and the same provider qualifications specified for the service as other providers not related to the beneficiary.

1. - 1.c.ii. ...
2. Family members who may provide services include:
  - a. parents/guardians of minor children and adult children;
  - b. - c. ...
  - d. aunts and uncles;
  - e. cousins; and
  - f. in-laws.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2168 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1527 (October 2021), LR 48:1573 (June 2022), LR 50:1837 (December 2024).

## Chapter 169. Reimbursement

### §16901. Unit of Reimbursement

A. Reimbursement for the following services shall be a prospective flat rate for each approved unit of service provided to the waiver beneficiary. One quarter hour (15 minutes) is the standard unit of service and reimbursement shall not be made for less than one quarter hour of service. This covers both the service provision and administrative costs for these services:

1. - 4.b....
5. professional services furnished by a/an:
  - a. - d. ...
  - e. social worker; or
- 5.f. - 9. ...

EXCEPTION: Repealed.

B. The following services shall be reimbursed at the authorized rate or approved amount of the assessment, installation/fitting, maintenance, repairs, adaptation, device, equipment, or supply item and when the service has been prior authorized by the POC:

1. environmental accessibility adaptations:
  - a. upon completion of the environmental accessibility adaptations and prior to submission of a claim for reimbursement, the provider shall give the beneficiary a certificate of warranty for all labor and installation work and supply the beneficiary with all manufacturers' warranty certificates;
2. assistive technology/specialized medical equipment and supplies;
3. personal emergency response system (PERS) installation; and
4. monitored in-home caregiving (MIHC) assessment.

C. - C.4.a. ...

D. The following services shall be reimbursed at an established monthly rate:

1. support coordination:
  - a. the reimbursement for support coordination shall be in accordance with the terms of the established contract;
2. monthly service fee for PERS; and
3. financial management services.

EXCEPTION: The reimbursement for support coordination shall be at a fixed monthly rate and in accordance with the terms of the established contract.

E. The reimbursement for transportation services is a flat fee based on a capitated rate.

F. Nursing services are reimbursed at either an hourly or per visit rate for the allowable procedure codes.

G. Transition expenses from an ICF/IID or nursing facility to a community living setting are reimbursed at the cost of the service(s) up to a lifetime maximum rate of \$3,000.

H. Dental Services. Dental services are reimbursed according to the LA Dental Benefit Program.

I. Reimbursement Exclusion. No payment will be made for room and board under this waiver program.

J. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2456 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 39:1049 (April 2013), LR 41:2168, 2170 (October 2015), LR 42:63 (January 2016), LR 42:900 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2530 (December 2017), LR 45:1769 (December 2019), LR 47:1527 (October 2021), LR 48:1573 (June 2022), LR 50:1838 (December 2024).

### §16903. Direct Service Worker Wages and Bonus

#### Payments

A. Establishment of Direct Service Worker Wage Floor for Medicaid Home and Community-Based Services for Intellectual and Developmental Disabilities

1. ...

2. Effective October 1, 2021, this increase or its equivalent will be applied to all service units provided by direct service workers with an effective date of service for the identified home and community-based waiver services provided beginning October 1, 2021.

A.3. - C.5.b. ...

D. Sanctions for Direct Service Worker Wage Floor and Workforce Bonus Payments

1. The provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

a. Direct Service Worker Wage Floor;

i. - iii. ...

b. Direct Service Worker Workforce Bonus Payments;

b.i. - c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2456 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2169 (October 2015), LR 42:900 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities LR 48:42R (January 2022), LR 49:1071 (June 2023), LR 50:1838 (December 2024).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

**RULE**

**Department of Health  
Bureau of Health Services Financing  
and  
Office of Aging and Adult Services**

**Home and Community-Based Services Waivers  
Support Coordination Standards for Participation  
(LAC 50:XXI.Chapter 5)**

The Department of Health, Bureau of Health Services Financing and Office of Aging and Adult Services have amended LAC 50:XXI.Chapter 5 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE  
Part XXI. Home and Community-Based Services  
Waivers**

**Subpart 1. General Provisions**

**Chapter 5. Support Coordination Standards for  
Participation for Office of Aging and  
Adult Services Waiver Programs**

**Subchapter A. General Provisions**

**§501. Introduction**

A. The Louisiana Department of Health (LDH) establishes these minimum standards for participation which provides the core requirements for support coordination services provided under home and community-based services waiver programs administered by the Office of Aging and Adult Services (OAAS). OAAS must determine the adequacy of quality and protection of waiver participants in accordance with the provisions of these standards.

B. - D.1. ...

E. If a support coordination agency fails to comply and/or is unable to comply with their requirements as a certified support coordination agency, OAAS may temporarily perform the mandatory duties of the support coordination agency to ensure the continuity of the participants' services and the participants' health and welfare. The support coordination agency shall not be reimbursed for support coordination duties performed by OAAS.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:254.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3086 (November 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 47:886 (July 2021), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1839 (December 2024).

**§503. Certification Requirements**

A. All agencies that provide support coordination to OAAS administered home and community-based services

(HCBS) waivers must be certified by LDH. It shall be unlawful to operate as a support coordination agency for OAAS administered HCBS waiver programs without being certified by the department.

B. In order to provide support coordination services for OAAS administered HCBS waiver programs, the agency must:

1. - 3. ...

4. enroll as a Medicaid support coordination agency in all regions in which it intends to provide services for OAAS administered HCBS waiver programs; and

5. comply with all LDH and OAAS policies and procedures.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:254.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3087 (November 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1839 (December 2024).

**§505. Certification Issuance**

A. A certification shall:

1. - 2. ...

3. enable the support coordination agency to provide support coordination for OAAS administered HCBS waivers within the specified LDH region; and

4. ...

B. Provisional certification may be granted when the agency has deficiencies which are not a danger to the health and welfare of participants. Provisional certification shall be issued for a period not to exceed 90 calendar days.

C. Initial certification shall be issued by OAAS based on the survey report of LDH, or its designee.

D. Unless granted a waiver by OAAS, a support coordination agency shall provide such services only to waiver participants residing in the agency's designated LDH region(s).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:254.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3087 (November 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1839 (December 2024).

**Subchapter B. Administration and Organization**

**§515. Business Location and Operations**

A. Each support coordination agency shall have a business location which shall not be in an occupied personal residence. The business location shall be in the LDH region for which the certification is issued and shall be where the agency:

A.1. - B.6. ...

C. Records and other confidential information shall be secure and protected from unauthorized access.

D. Each support coordination agency must utilize business issued email accounts that are private, secure, and HIPAA compliant, and must not use publicly available email addresses.

E. All email that involves PHI must be sent utilizing a secure email process.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3088 (November 2013), amended LR 40:1936 (October 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1839 (December 2024).

#### §519. Policy and Procedures

A. The support coordination agency shall have written policies and procedures approved by the owner or governing body which must be implemented and followed that address at a minimum the following:

1. - 4. ...
5. statewide criminal history background checks;
6. database checks upon hire and monthly thereafter;
7. participant rights;
8. grievance procedures;
9. emergency preparedness;
10. abuse and neglect reporting;
11. critical incident reporting;
12. worker safety;
13. documentation; and
14. admission and discharge procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3088 (November 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1840 (December 2024).

#### §521. Organizational Communication

A. - C. ...

D. The support coordination agency shall be responsible for:

1. obtaining written approval of the brochure from OAAS prior to distributing to applicants/participants of OAAS-administered HCBS waiver programs;

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3089 (November 2013), amended LR 40:1936 (October 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1840 (December 2024).

#### Subchapter C. Provider Responsibilities

##### §525. General Provisions

A. Any entity wishing to provide support coordination services for any OAAS administered HCBS waiver program shall meet all of the standards for participation contained in this Rule, unless otherwise specifically noted within these provisions.

B. The support coordination agency shall also abide by and adhere to any federal, state law, Rule, policy, procedure, performance agreement, manual or memorandum pertaining to the provision of support coordination services for OAAS administered HCBS waiver programs.

C. Failure to comply with the requirements of these standards for participation may result in sanctions including, but not limited to:

1. monetary sanctions;
2. suspension of payments;

3. recoupments;

4. cessation of linkages

5. citation of deficient practice and plan of correction submission;

6. removal from the freedom of choice list;

7. decertification as a support coordination agency for OAAS administered HCBS waiver services; and/or

8. termination of support coordination performance agreement.

D. ...

E. Designated representatives of the department, in the performance of their mandated duties, shall be allowed by a support coordination agency to:

1. inspect all aspects of a support coordination agency's operations which directly or indirectly impact participants; and

E.2. - G. ...

H. Support coordination agencies shall, at a minimum:

1. maintain and/or have access to a comprehensive resource directory containing all of the current inventory of existing formal and informal resources that identifies services within the geographic area which shall address the unique needs of participants of OAAS administered HCBS waiver programs;

2. ...

3. demonstrate knowledge of the eligibility requirements and application procedures for federal, state and local government assistance programs, which are applicable to participants of OAAS administered HCBS waiver programs;

4. - 5. ...

6. ensure that all agency staff are employed in accordance with Internal Revenue Service (IRS) and Department of Labor regulations (subcontracting of individual support coordinators and/or supervisors is prohibited);

7. have appropriate agency staff attend trainings, as mandated by LDH and OAAS;

8. - 9. ...

10. ensure each participant has freedom of choice in the selection of available qualified providers and the right to change providers in accordance with program guidelines; and

11. ensure that the agency and support coordinators will not provide both support coordination and Medicaid-reimbursed direct services to the same participant(s).

I. Abuse and Neglect. Support coordination agencies shall establish policies and procedures relative to the reporting of abuse and neglect of participants, pursuant to the provisions of R.S. 15:1504-1505, R.S. 40:2009.20 and any subsequently enacted laws. Providers shall ensure that staff complies with these regulations.

J. Ensure that statewide criminal history background checks are performed on all unlicensed persons working for the support coordination agency (SCA) in accordance with R.S. 40:1203.1 et seq. and/or other applicable state law upon hire;

1. ensure that the SCA does not hire unlicensed persons who have a conviction that bars employment in accordance with R.S. 40:1203.3 or other applicable state law;

a. the SCA shall maintain documentation on the final disposition of all charges that bars employment pursuant to applicable state law.

K. Ensure that all employees, including contractors, are not excluded from participation in the Medicaid programs by checking the databases upon hire and then monthly thereafter.

1. the SCA shall maintain documentation of the results of these database checks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3089 (November 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1840 (December 2024).

### **§527. Support Coordination Services**

A. Support coordination is a mandatory service in the OAAS waiver programs that assists participants in gaining access to needed waiver and other state plan services, as well as needed medical, social, educational, housing and other services, regardless of the funding source for these services. Support coordination agencies shall be required to perform the following core elements of support coordination services:

1. intake;
2. assessment and re-assessment;
3. plan of care development and revision;
4. follow-up/monitoring;
5. critical incident management; and
6. transition discharge and closure.
7. - 9. Repealed

B. The support coordination agency shall also be responsible for completing the following functions:

1. linkage to direct services and other resources;
2. assessing, addressing and documenting delivery of services, including remediation of difficulties encountered by participants in receiving direct services;
3. coordination of multiple services among multiple providers;
4. ongoing assessment and mitigation of health, behavioral and personal safety risk; and
5. responding to participant crisis.

C. A support coordination agency shall not refuse to serve, or refuse to continue to serve, any individual who chooses/has chosen its agency unless there is documentation to support an inability to meet the individual's health and welfare needs, or all previous efforts to provide services and supports have failed and there is no option but to refuse services.

C.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3090 (November 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1841 (December 2024).

### **§529. Transfers and Discharges**

A. All participants of OAAS administered waiver programs must receive support coordination services. However, a participant has the right to choose a support

coordination agency. This right includes the right to be discharged from his/her current support coordination agency and/or be transferred to another support coordination agency.

B. ...

C. The support coordination agency shall also have the responsibility of planning for a participant's transfer when the support coordination agency ceases to operate or when the participant moves from the geographical region serviced by the support coordination agency.

1. If a support coordination agency ceases to operate, the agency must give OAAS at least 60 calendar days written notice of its intent to close. Where transfer of participants is necessary due to the support coordination agency closing, the written discharge summary for all participants served by the agency shall be completed within 10 working days of the notice to OAAS of the agency's intent to close.

D. - D.3 ...

E. The written discharge summary, along with the current plan of care, shall be completed and provided to the receiving support coordination (if applicable) agency and OAAS regional office, within five working days of any of the following:

1. - 2. ...

3. notice by the participant or authorized representative that the participant will be transferring to a LDH geographic region not serviced by his/her current support coordination agency; or

E.4. - F. ...

G. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3090 (November 2013), amended LR 40:1936 (October 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1841 (December 2024).

### **§531. Staffing Requirements**

A. Agencies must maintain sufficient staff to comply with OAAS staffing, timelines, workload, and performance requirements. This includes, but is not limited to, including sufficient support coordinators and support coordination supervisors that have passed all of the OAAS training and certification requirements. At all times, an agency must have at least one certified support coordination supervisor and at least one certified support coordinator, both employed full time. Agencies may employ staff who are not certified to perform services or requirements other than assessment and care planning.

B. - B.2. ...

C. Agencies shall employ or contract a licensed registered nurse to serve as a consultant. The nurse consultant shall work a minimum of 16 hours per month.

D. ...

E. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3091 (November 2013), amended LR 40:1937 (October 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1841 (December 2024).

### §533. Personnel Standards

A. Support coordinators must meet one of the following requirements:

1. a bachelor's or master's degree in social work from a program accredited by the Council on Social Work Education; or

2. a diploma, associate's, bachelor's or master's degree in nursing (RN) currently licensed in Louisiana; or

3. a bachelor's or master's degree in a human service related field which includes:

a. - i. ...

j. substance abuse;

k. gerontology; or

l. vocational rehabilitation; or

4. a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the fields in §533.A.3.a-1 of this Section; or

5. a bachelor's or master's degree in a field other than those listed in §533.A.1.- 4, if approved by OAAS.

B. Support coordination supervisors must meet the following requirements:

1. a bachelor's or master's degree in social work from a program accredited by the Council on Social Work Education; or

2. a bachelor's or master's degree in nursing (RN), currently licensed in Louisiana; or

3. a bachelor's or master's degree in a human service related field which includes: psychology, education, counseling, social services, sociology, philosophy, family and participant sciences, criminal justice, rehabilitation services, child development, substance abuse, gerontology, and vocational rehabilitation; or

4. a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the following fields: psychology, education, counseling, social services, sociology, philosophy, family and participant sciences, criminal justice, rehab services, child development, substance abuse, gerontology, or vocational rehabilitation; or

5. a bachelor's or master's degree in a field other than those listed in §533.B.1.- 4, if approved by OAAS; and

6. have two years of paid post degree experience in providing support coordination services.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3091 (November 2013), amended LR 40:1937 (October 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1842 (December 2024).

### §537. Orientation and Training

A. - B. ...

C. Orientation and training of at least 32 hours shall be provided by the agency to all newly hired support coordinators and support coordination supervisors within five working days of employment. The topics shall be agency/OAAS specific and shall include, at a minimum:

1. - 16. ...

D. Upon completion of the agency-provided training requirements set forth above, newly hired support coordinators and support coordination supervisors must

successfully complete all OAAS assessment and care planning training (if applicable).

E. ...

F. All support coordinators and support coordination supervisors must complete a minimum of 16 hours of training per year. The 32 hours of orientation and initial training for support coordinators and support coordination supervisors required in the first 90 calendar days of employment may be counted toward the 16 hour minimum annual training requirement. Routine supervision shall not be considered training.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3092 (November 2013), amended LR 40:1937 (October 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1842 (December 2024).

### §543. Critical Incident Reporting

A. Support coordination agencies shall report critical incidents according to established OAAS policy including timely entries into the designated LDH critical incident database.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3093 (November 2013), amended LR 40:1938 (October 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1842 (December 2024).

### §545. Participant Records

A. Participant records shall be maintained in the support coordinator's office. The support coordinator shall have a current record for each participant.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3093 (November 2013), amended LR 40:1938 (October 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1842 (December 2024).

### §547. Emergency Preparedness

A. Support coordination agencies shall ensure that each participant has an individual plan for dealing with emergencies and disasters and shall assist participants in identifying the specific resources available through family, friends, the neighborhood, and the community. The support coordination agency shall assess monthly whether the emergency plan information is current and effective and shall make changes accordingly.

B. - C. ...

D. The support coordination agency shall cooperate with the department and with the local or parish Office of Homeland Security and Emergency Preparedness in the event of an emergency or disaster and shall provide information as requested.

E. The support coordination agency shall monitor weather warnings and watches as well as evacuation orders from local and state emergency preparedness officials.

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3094 (November 2013), amended LR 40:1938 (October 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1842 (December 2024).

**§551. Support Coordination Agency Monitoring**

A. Support coordination agencies shall be monitored as outlined in the OAAS policies and procedures and the support coordination performance agreement.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3095 (November 2013), amended LR 40:1939 (October 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1843 (December 2024).

**§553. Workforce Retention Bonus Payments**

A. - A.2. ...

B. Audit Procedures for Support Coordination Workforce Bonus Payments

B.1. - 5.b. ...

C. Sanctions for Support Coordination Workforce Bonus Payments

C.1.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 49:685 (April 2023), LR 50:1843 (December 2024).

**§555. Cost Reporting Requirements**

A. Support coordination agencies (SCAs) must submit annual cost reports with a fiscal year from July 1st through June 30th to the department to verify expenditures and to support rate setting for the services rendered to waiver participants.

B. Each SCA must complete the LDH approved cost report and submit the cost report(s) to the department no later than November 30th, which is five months after the state's fiscal year end date (June 30th).

C. When the SCA fails to submit the cost report by November 30th, which is five months after the state's fiscal year end date (June 30th), a penalty of 5 percent of the total monthly payment for the first month and a progressive penalty of 5 percent of the total monthly payment for each succeeding month may be levied and withheld from the SCA's payment for each month that the cost report is due, not extended and not received. If no claims are submitted for payment during the time of the penalty implementation, the penalty will be imposed when the provider commences submitting claims for payment. The late filing penalty is non-refundable and not subject to an administrative appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1843 (December 2024).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of

Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Michael Harrington, MBA, MA  
Secretary

2412#035

**RULE**

**Department of Health  
Bureau of Health Services Financing  
and  
Office for Citizens with Developmental Disabilities**

**Home and Community-Based Services Waivers  
Supports Waiver  
(LAC 50:XXI.5701, 5725, and 5901)**

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities have amended LAC 50:XXI.Chapters 57 and 59 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq. This Rule is hereby adopted on the day of promulgation.

**Title 50**

**PUBLIC HEALTH-MEDICAL ASSISTANCE  
Part XXI. Home and Community-Based Services  
Waivers**

**Subpart 5. Supports Waiver**

**Chapter 57. Covered Services**

**§5701. Supported Employment Services**

A. - C. ...

D. Transportation is a separate billable component for supported employment services, both individual and group. Transportation may be billed on the same day as a supported employment service is delivered or if follow-along supports are on the plan of care (POC).

E. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:1605 (September 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:2585 (December 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2532 (December 2017), LR 48:1575 (June 2022), LR 50:212 (February 2024), LR 50:1843 (December 2024).

**§5725. Specialized Medical Equipment and Supplies**

A. Specialized Medical Equipment and Supplies

1. Incontinence briefs and supplies are available for a beneficiary, 21 years or older, who has a physician's order and requires the use of incontinence briefs and supplies.

2. Assistive technology (AT), which may include remote features, is a service intended to increase the individual's ability to perform activities more independently in their home, at their job, traveling around their community and/or communicating with others. The service may include



equipment and applications that are used to support an individual remotely and increase their safety, independence and control. This service includes a consultation and, if needed, a monthly subscription fee.

**B. Service Restrictions**

1. Incontinence supplies are for those who are 21 years of age or older.
2. Assistive technology with remote features is for anyone 18 years or older.
3. Incontinence supplies require a physician's order.
4. An AT consultation is available if needed.

**C. Service Limitations**

1. Incontinence supplies' cost cannot exceed \$2,500 in a single plan of care year.
2. Assistive technology with remote features services shall not exceed the number of units of service as outlined in the plan of care, and must have a prior authorization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 50:214 (February 2024), LR 50:1843 (December 2024).

**Chapter 59. Provider Participation**

**§5901. General Provisions**

A. - B. ...

C. In addition to meeting the requirements cited in §5901.A and B, providers must meet the following requirements for the provision of designated services:

1. Day Habilitation and Prevocational Services. The provider must possess a current, valid license as an adult day care center in order to provide these services and for the community career planning service (prevocational), the provider may possess a valid certificate as a community rehabilitation provider (CRP) from an approved program or the certification and training as required per OCDD.

2. - 7. ...

8. Specialized Medical Equipment and Supplies. Providers of this service must be enrolled to participate in the Medicaid Program as a provider of assistive technology, specialized medical equipment, and supplies.

9. Community Life Engagement Development. Providers of this service must possess a valid adult day care license and provide day habilitation services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:1607 (September 2006), LR 34:662 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, Office for Citizens with Developmental Disabilities, LR 40:2587 (December 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2532 (December 2017), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2532 (December 2017), LR 48:1579 (June 2022), LR 50:215 (February 2024), LR 50:1844 (December 2024).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Michael Harrington, MBA, MA  
Secretary

2012#036

**RULE**

**Department of Health  
Bureau of Health Services Financing  
and  
Office of Aging and Adult Services**

Long Term Personal Care Services  
(LAC 50:XV.Chapter 129)

The Department of Health, Bureau of Health Services Financing and Office of Aging and Adult Services have amended LAC 50:XV.Chapter 129 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XV. Services for Special Populations**

**Subpart 9. Personal Care Services**

**Chapter 129. Long Term Care**

**§12907. Recipient Rights and Responsibilities**

A. Recipients who receive services under the Long-Term Personal Care Services Program have the right to actively participate in the development of their plan of care and the decision-making process regarding service delivery. Recipients also have the right to freedom of choice in the selection of a provider of personal care services and to participate in the following activities:

1. - 4. ...

5. signing off /approving time entries and other documentation to verify staff work hours and to authorize payment;

A.6. - B ...

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AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:912 (June 2003), amended LR 30:2832 (December 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2579 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:2508 (September 2013), LR 42:903 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1844 (December 2024).

**§12909. Standards for Participation**

A. - A.2. ...

B. In addition, a Medicaid enrolled agency must:

1. ...

2. ensure that all agency staff are employed in accordance with Internal Revenue Service (IRS) and U.S. Department of Labor regulations.

3. ensure that statewide criminal history background checks are performed on all unlicensed persons working for

the provider in accordance with R.S. 40:1203.1 et. seq. and/or other applicable state law upon hire;

a. ensure that the provider does not hire unlicensed persons who have a conviction that bars employment in accordance with R.S. 40:1203.3 or other applicable state law;

i. the provider shall have documentation on the final disposition of all charges that bars employment pursuant to applicable state law;

4. ensure that all employees, including contractors, have not been excluded from participation in the Medicaid programs by checking the databases upon hire and monthly thereafter;

a. the provider shall maintain documentation of the results of these database checks.

C. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:912 (June 2003), amended LR 30:2832 (December 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2579 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2451 (November 2009), LR 39:2508 (September 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services and the Office for Citizens with Developmental Disabilities, LR 43:1980 (October 2017), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1844 (December 2024).

#### **§12917. Rate Methodology**

A. A rate validation process will occur every two years, at a minimum, to determine the sufficiency of reimbursement rates. The rate validation process will involve the comparison of current provider reimbursement rates to reimbursement rates established using the department's reimbursement methodology.

1. The department's reimbursement methodology will establish an estimated reimbursement through the summation of the following two rate component totals:

- a. adjusted staff cost rate component; and
- b. other operational cost rate component.

2. The adjusted staff cost rate component will be determined in the following manner.

a. Direct service worker wage expense, contract labor expense, and hours worked for reimbursable assistance services will be collected from provider cost reports.

i. Collected wage and contract labor expense will be divided by collected hours worked, on an individual cost report basis, to determine a per hour labor rate for direct service workers.

ii. The individual cost report hourly labor rates will be aggregated for all applicable filed cost reports, outliers will be removed, and a simple average statewide labor rate will be determined.

b. A blended direct service worker labor rate will be calculated by comparing the simple average statewide labor rate to the most recently available, as of the calculation of the department's rate validation process, average personal care aide wage rate from the Louisiana Occupational

Employment and Wages report for all Louisiana parishes published by the Louisiana Workforce Commission (or its successor).

i. If the simple average statewide labor rate is less than the wage rate from the Louisiana Occupational Employment and Wages report, a blended wage rate will be calculated using 50 percent of both wage rates.

ii. If the simple average statewide labor rate is equal to or greater than the wage rate from the Louisiana Occupational Employment and Wages report, the simple average statewide labor rate will be utilized.

c. An employee benefit factor will be added to the blended direct service worker wage rate to determine the unadjusted hourly staff cost.

i. Employee benefit expense allocated to reimbursable assistance services will be collected from provider cost reports.

ii. Employee benefit expense, on an individual cost report basis, will be divided by the cost report direct service wage and contract labor expense for reimbursable assistance services to calculate employee benefits as a percentage of labor costs.

iii. The individual cost report employee benefit percentages will be aggregated for all applicable filed cost reports, outliers will be removed, and a simple average statewide employee benefit percentage will be determined.

iv. The simple average statewide employee benefit percentage will be multiplied by the blended direct service worker labor rate to calculate the employee benefit factor.

d. The department will be solely responsible for determining if adjustments to the unadjusted hourly staff cost for items that are underrepresented or not represented in provider cost reports are considered appropriate.

e. The unadjusted hourly staff cost will be multiplied by a productive hours adjustment to calculate the hourly adjusted staff cost rate component total. The productive hours adjustment allows the reimbursement rate to reflect the cost associated with direct service worker time spent performing required non-billable activities. The productive hours adjustment will be calculated as follows.

i. The department will determine estimates for the amount of time a direct service worker spends performing required non-billable activities during an eight hour period. Examples of non-billable time include, but are not limited to: meetings, substitute staff, training, wait-time, supervising, etc.

ii. The total time associated with direct service worker non-billable activities will be subtracted from eight hours to determine direct service worker total billable time.

iii. Eight hours will be divided by the direct service worker total billable time to calculate the productive hours' adjustment.

3. The other operational cost rate component will be calculated in the following manner.

a. Capital expense, transportation expense, other direct non-labor expense, and other overhead expense allocated to reimbursable assistance services will be collected from provider cost reports.

b. Capital expense, transportation expense, supplies and other direct non-labor expense, and other overhead expense, on an individual cost report basis, will be divided

by the cost report direct service wage and contract labor expense for reimbursable assistance services to calculate other operational costs as a percentage of labor costs.

c. The individual cost report other operational cost percentages will be aggregated for all applicable filed cost reports, outliers will be removed, and a simple average statewide other operational cost percentage will be determined.

d. The simple average other operational cost percentage will be multiplied by the blended direct service worker labor rate to calculate the other operational cost rate component.

4. The calculated department reimbursement rates will be adjusted to a one quarter hour unit of service by dividing the hourly adjusted staff cost rate component and the hourly other operational cost rate component totals by four.

5. The department will be solely responsible for determining the sufficiency of the current reimbursement rates during the rate validation process. Any reimbursement rate change deemed necessary due to the rate validation process will be subject to legislative budgetary appropriation restrictions prior to implementation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:913 (June 2003), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:253 (February 2008), LR 34:2581 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:1901 (September 2009), LR 36:1251 (June 2010), LR 37:3267 (November 2011), LR 39:1780 (July 2013), LR 42:904 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR:47:594 (May 2021), LR 49:697 (April 2023), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1845 (December 2024).

#### **§12919. Reimbursement**

A. Reimbursement for long term personal care services shall be a prospective flat rate for each approved unit of service that is provided to the participant. One quarter hour (15 minutes) is the standard unit of service for LT-PCS. Reimbursement shall not be paid for the provision of less than one quarter hour (15 minutes) of service. Additional reimbursement shall not be available for transportation furnished during the course of providing LT-PCS.

B. The state has the authority to set and change LT-PCS rates and/or provide lump sum payments to LT-PCS providers based upon funds allocated by the legislature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:1052 (April 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR:47:594 (May 2021), amended LR 50:1846 (December 2024).

#### **§12921. Cost Reporting Requirements**

##### **[Formerly §12919]**

A. LT-PCS providers must submit annual cost reports with a fiscal year from July 1 through June 30 to the department to verify expenditures and to support rate setting for the services rendered to HCBS LT-PCS participants.

1. - 5. Repealed.

B. Each LT-PCS provider must complete the LDH approved cost report and submit the cost report(s) to the department no later than November 30, five months after the state's June 30 fiscal year end date.

1. - 2. Repealed.

C. When the LT-PCS provider fails to submit a cost report by November 30, five months after the state's June 30 fiscal year end date, a penalty of 5 percent of the total monthly payment for the first month and a progressive penalty of 5 percent of the total monthly payment for each succeeding month may be levied and withheld from the provider's payment for each month that the cost report is due, not extended and not received. If no claims are submitted for payment during the time of the penalty implementation, the penalty will be imposed when the provider commences submitting claims for payment. The late filing penalty is non-refundable and not subject to an administrative appeal.

C.1. - D.1.d. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:1052 (April 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR:47:594 (May 2021), amended, LR 50:1846 (December 2024).

#### **§12923. Direct Service Worker Wages, Other Benefits, and Workforce Bonus Payments** **[Formerly §12921]**

A. Establishment of Direct Service Worker Wage Floor and Other Benefits

1. Long term-personal care services (LT-PCS) providers that were providing LT-PCS on or after October 1, 2021 and employing direct service workers (DSWs) will receive the equivalent of a \$4.50 per hour rate increase.

2. This increase, or its equivalent, will be applied to all service units provided by DSWs with an effective date of service for the LT-PCS provided on or after October 1, 2021.

3. All LT-PCS providers affected by this rate increase shall be subject to passing 70 percent of their rate increases directly to the DSW in various forms. These forms include a minimum wage floor of \$9 per hour and wage and non-wage benefits. This wage floor and wage and non-wage benefits are effective for all affected DSWs of any working status, whether full-time or part-time.

4. The Louisiana Department of Health (LDH) reserves the right to adjust the DSW wage floor and/or wage and non-wage benefits as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

B. Establishment of Direct Service Worker Workforce Bonus Payments

1. LT-PCS providers who provided services from April 1, 2021 to October 31, 2022, shall receive bonus payments of \$300 per month for each DSW that worked with participants for those months.

2. The DSW who provided services from April 1, 2021 to October 31, 2022 to participants must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all affected DSWs of any working status, whether full-time or part-time.

C. Audit Procedures for Direct Service Worker Wage Floor, Other Benefits, and Workforce Bonus Payments

1. The wage enhancements, wage and non-wage benefits and bonus payments reimbursed to LT-PCS providers shall be subject to audit by LDH.

2. LT-PCS providers shall provide LDH or its representative all requested documentation to verify that they are in compliance with the DSW wage floor, wage and non-wage benefits and/or bonus payments.

3. This documentation may include, but is not limited to: payroll records, wage and salary sheets, check stubs, etc.

4. LT-PCS providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

5. Non-compliance or failure to demonstrate that the wage enhancement, wage and non-wage benefits and/or bonus payments were paid directly to DSWs may result in the following:

- a. sanctions; or
- b. disenrollment from the Medicaid program.

D. Sanctions for Direct Service Worker Wage Floor, Other Benefits, and Workforce Bonus Payments

1. The LT-PCS provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

a. failure to pass 70 percent of the LT-PCS provider rate increases directly to the DSWs in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments;

b. the number of employees identified that the LT-PCS provider has not passed 70 percent of the LT-PCS provider rate increases directly to the DSWs in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments;

c. the persistent failure to not pass 70 percent of the LT-PCS provider rate increases directly to the LT-PCS DSWs in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments; or

d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:913 (June 2003), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2581 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2451 (November 2009), LR 39:2509 (September 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:1846 (December 2024).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Michael Harrington, MBA, MA  
Secretary

2412#037

**RULE**

**Department of Health  
Bureau of Health Services Financing**

Pharmacy Benefits Management Program  
Pharmacy Copayment  
(LAC 50.XXIX.111)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XXIX.111 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XXIX. Pharmacy**

**Chapter 1. General Provisions**

**§111. Copayment**

**A. Payment Schedule**

1. A copayment requirement in the Pharmacy Program is based on the following payment schedule.

Calculated State Payment	Copayment
\$5.00 or less	\$0.00
\$5.01 to \$10.00	\$0.50
\$10.01 to \$25.00	\$1.00
\$25.01 to \$50.00	\$2.00
\$50.01 or more	\$3.00

**A.2. - B.5. ...**

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 32:1055 (June 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1181 (June 2017), LR 43:1553 (August 2017), LR 46:34 (January 2020), LR 48:2975 (December 2022), LR 50:1847 (December 2024).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Michael Harrington, MBA, MA  
Secretary

2412#038

**RULE**

**Department of Health  
Licensed Professional Counselors Board of Examiners**

Code of Ethics Requirement (LAC 46:LX.603)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners has amended LAC 46:LX.603 pertaining to the required coursework in Ethics and Professional Orientation. Specifically, to require

the most recent edition of the Code of Ethics as published by the American Counseling Association. The Licensed Professional Counselors Board of Examiners adopts Chapter 6 Section 603 in the December 20, 2024, edition of the *Louisiana Register*. This Rule is hereby adopted on the day of promulgation.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS REVISED**  
**Part LX. Licensed Professional Counselors Board of**  
**Examiners**  
**Subpart 1. Licensed Professional Counselors**  
**Chapter 6. Application, Practice, and Renewal**  
**Requirements for**  
**Provisional Licensed Professional Counselors**  
**§603. Provisional Licensed Professional Counselors**  
**Licensing Requirements**

A. - A.4.a.viii. ...

(a). the most recent ethical standards as published by the American Counseling Association, state counselor licensure boards, and national counselor certifying agencies;

A.4.a.viii.(b). - A.8 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 41:712 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 45:277 (February 2019), LR 50:1848 (December 2024).

Jamie S. Doming  
Executive Director

2412#041

**RULE**  
**Department of Health**  
**Licensed Professional Counselors Board of Examiners**

Continuing Education for PLMFTs and LMFTs  
(LAC 46:LX.3315, 3501, and 3503)

In accordance with the applicable provisions of the Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners proposes to clarify and amend the continuing education requirements for PLMFT and LMFT renewal applicants.

The Licensed Professional Counselors Board of Examiners adopts Chapter 33 Section 3315, Chapter 35 Section 3501 and Section 3503 for publication in the December 20, 2024, edition of the *Louisiana Register*. This Rule is hereby adopted on the day of promulgation.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**  
**Part LX. Licensed Professional Counselors Board of**  
**Examiners**  
**Subpart 2. Professional Standards for Licensed**  
**Marriage and Family Therapists and Provisional**  
**Licensed Marriage and Family Therapists**  
**Chapter 33. Requirements for Licensure and**  
**Provisional Licensure**  
**§3315. Application Practice, and Renewal**  
**Requirements for Provisional Licensed**  
**Marriage and Family Therapists**

A. - E. ...

1. A provisional licensee must accrue 20 clock hours of continuing education by every renewal period every two years. Of the 20 clock hours of continuing education, one and a half clock hours must be accrued in ethics specific to marriage and family therapy and one and a half clock hours must be accrued in diagnosis (assessment, diagnosis, and treatment under the most recent *Diagnostic and Statistical Manual of Mental Disorders*, as published by the American Psychiatric Association. The required training in diagnosis, assessment, and treatment under the most recent *Diagnostic and Statistical Manual of Mental Disorders* may be specific to a particular condition and/or may be general training in diagnosis, assessment, and treatment. A generic ethics course is not acceptable.

E.1.a. ...

b. Accrual of continuing education begins after the date the license was issued for initial licensure and only during the renewal period for renewal applicants. The renewal period is November 1 to October 31.

c. CEHs accrued beyond the required 20 hours may not be applied toward the next renewal period.

E.1.d. ...

e. At the time of renewal, 10 percent of the licensees will be audited to ensure that the continuing education requirement is being met.

E.1.f. - E.2. ...

a. A licensee may obtain the 20 CEHs through one or more of the options listed below. A maximum of 10 CEHs may be obtained through an online format, with the exception of coursework obtained through a regionally accredited institution of higher education.

i. The advisory committee will accept workshops and presentations approved by the Louisiana Counseling Association (LCA), the American Association for Marriage and Family Therapy (AAMFT) and its regional or state divisions including the Louisiana Association for Marriage and Family Therapy (LAMFT). Contact them directly to find out which organizations, groups, or individuals are approved providers. Graduate coursework either taken for credit or

audit must be from a regionally accredited college or university and in the areas of marriage and family therapy described in §3315.E.4.

E.2.b.ii. - E.2.c.i.(b). ...

ii. Original presentations at workshops, seminars, symposia, and meetings in an area of marriage and family therapy as described in §3315.E.4 may count for up to 10 hours maximum at a rate of three clock hours per one-hour presentation. Presenters must meet the qualifications stated in §3315.E.2.b.iii.(c). The presentation must be to the professional community, not to the lay public or a classroom presentation.

iii. Peer Consultation (10 hours maximum per renewal period). One may receive one clock hour of continuing education per hour of participation in peer consultation activities. Per consultation content must meet the guidelines indicated in 3503.C.3. All peer consultation sessions must include at least one LMFT.

E.3. - F.3. ...

4. Completed peer supervision form

5. For authoring, editing, or reviewing professional manuscripts or presentations in the area of marriage and family therapy:

i. copy of article plus the table of contents of the journal it appears in

ii. copy of chapter plus table of contents for chapter authored for books

iii. title page and table of contents for authoring or editing books

iv. letter from conference coordinator or journal editor for reviewing refereed workshop presentations or journal articles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:158 (February 2003), amended LR 29:2787 (December 2003), LR 35:1114 (June 2009), LR 38:1966 (August 2012), LR 39:1806 (July 2013), LR 41:742 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners, LR 43:1983 (October 2017), LR 45:1204 (September 2019), LR 47:1529 (October 2021), LR 50:1848 (December 2024).

## **Chapter 35. Renewal of License for Licensed Marriage and Family Therapists**

### **§3501. General Provisions**

A. Licenses shall be renewed every two years. The licensee shall submit an application form and payment of the renewal fee. Upon approval by the advisory committee, the board shall issue a document renewing the license for two years.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:160 (February 2003), amended LR 29:2789 (December 2003). LR 50:1849 (December 2024).

### **§3503. Continuing Education Requirements**

A. - A.2. ...

3. Accrual of continuing education begins after the date the license was issued for initial licensure and only during the renewal period for renewal applicants. The renewal period is January 1 to December 31.

4. Continuing education hours accrued beyond the required 40 clock hours may not be applied toward the next renewal period.

5. ...

6. At the time of renewal 10 percent of the licensees will be audited to ensure that the continuing education requirement is being met. Licensees audited will be notified as specified in §3503.B of their continuing education hours.

7. - 8. ...

9. A licensee must accrue six clock hours of training in diagnosis every renewal period that specifically addresses the assessment, diagnosis, and treatment of clinical conditions under the most recent *Diagnostic and Statistical Manual of Mental Disorders*, as published by the American Psychiatric Association. This required training may be specific to the diagnosis, assessment, and treatment of a particular condition and/or may be general training in diagnosis, assessment, and treatment under the most recent *Diagnostic and Statistical Manual of Mental Disorders*.

A.10. - B.3. ...

4. Completed peer consultation form

5. For authoring, editing, or reviewing professional manuscripts or presentations in the area of marriage and family therapy:

i. copy of article plus the table of contents of the journal it appears in

ii. copy of chapter plus table of contents for chapter authored for books

iii. title page and table of contents for authoring or editing books

iv. letter from conference coordinator or journal editor for reviewing refereed workshop presentations or journal articles.

C. ...

1. An LMFT may obtain the 40 clock hours of continuing education through the options listed. Effective January 1, 2017, a maximum of 20 CEHs may be obtained through an online format, with the exception of coursework obtained through a regionally accredited institution of higher education. All continuing education hours may be obtained through Subparagraph a or 20 of the 40 hours may be obtained through Subparagraph b:

C.2.a. ...

i. The advisory committee will accept workshops and presentations approved by, the Louisiana Counseling Association (LCA), the American Association for Marriage and Family Therapy (AAMFT) and its regional or state divisions including the Louisiana Association for Marriage and Family Therapy (LAMFT). Contact them directly to find out which organizations, groups, or individuals are approved providers. Graduate coursework either taken for credit or audit must be from a regionally accredited college or university and in the areas of marriage and family therapy described in Paragraph C.3.

C.2.a.ii. - C.2.b.i.(b). ...

ii. Original presentations at workshops, seminars, symposia, and meetings in an area of marriage and family therapy as described in Paragraph C.3 may count for up to 10 hours maximum at a rate of three clock hours per one-hour presentation. Presenters must meet the qualifications stated in Subparagraph 2.a. The presentation must be to the



professional community, not to the lay public or a classroom presentation.

iii. Peer Consultation (10 hours maximum per renewal period). One may receive one clock hour of continuing education per hour of participation in peer consultation activities. Per consultation content must meet the guidelines indicated in 3503.C.3. All peer consultation sessions must include at least one LMFT.

C.3. - C.3.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:160 (February 2003), repromulgated LR 29:581 (April 2003), amended LR 29:2789 (December 2003), LR 41:752 (April 2015), LR 50:1849 (December 2024).

Jamie S. Doming  
Executive Director

2412#043

## RULE

### Department of Health Licensed Professional Counselors Board of Examiners

#### Endorsement (LAC 46:LX.1101 and 3701)

In accordance with the applicable provisions of the Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners has amended the requirement for endorsement applicants.

The Licensed Professional Counselors Board of Examiners hereby adopts Chapter 11 Section 1101 and Chapter 37 Section 3701 for publication in the December 20, 2024, edition of the *Louisiana Register*. This Rule is hereby adopted on the day of promulgation.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LX. Licensed Professional Counselors Board of Examiners

##### Subpart 1. Licensed Professional Counselors

#### Chapter 11. Endorsement and Expedited Processing §1101. Endorsement

A. Upon recommendation of the board, the board shall issue a license to any person who has been licensed as a licensed professional counselor and has actively practiced mental health counseling for at least one year in another jurisdiction. The applicant must submit an application on forms prescribed by the board in the prescribed manner and pay the required licensure fee. Applicants must also provide proof of having passed the National Counselor Examination (NCE) or the National Clinical Mental Health Counseling Examination (NCMHCE) or successfully complete an oral exam administered by the board. An applicant must submit documentation of at least 40 CEHs, in accordance with the requirements listed in Chapter 7, within two years of the date of application for licensure endorsement in Louisiana. An applicant must also be in good standing in all jurisdictions in

which they are licensed and must not have been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice mental health counseling in the state of Louisiana at the time the act was committed

B. Upon recommendation of the board, the board shall issue a license to any person licensed as a licensed as a licensed professional counselor for less than one year in another jurisdiction whose requirements for the license are substantially equivalent to or exceed the requirements of the state of Louisiana. The applicant must submit an application on forms prescribed by the board in the prescribed manner and pay the required licensure fee. Applicants must also provide proof of having passed the National Counselor Examination (NCE) or the National Clinical Mental Health Counseling Examination (NCMHCE). An applicant must also be in good standing in all jurisdictions in which they are licensed and must not have been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice mental health counseling in the state of Louisiana at the time the act was committed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:84 (February 1988), amended by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 22:103 (February 1996), LR 29:137 (February 2003), LR 39:1790 (July 2013), amended LR 41:723 (April 2015), LR 50:1850 (December 2024).

#### Subpart 2. Professional Standards for Licensed Marriage and Family Therapists and Provisional Licensed Marriage and Family Therapists Chapter 37. Endorsement and Expedited Processing §3701. Endorsement

A. Upon recommendation of the board and Marriage and Family Therapy Advisory Committee, the board shall issue a license to any person who has been licensed as a marriage and family therapist and has actively practiced marriage and family therapy for at least one year in another jurisdiction. The applicant must submit an application on forms prescribed by the board in the prescribed manner and pay the required licensure fee. An applicant must submit documentation of at least 40 CEHs, in accordance with the requirements listed in Chapter 35, within two years of the date of application for licensure endorsement in Louisiana. An applicant must also be in good standing in all jurisdictions in which they are licensed and must not have been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice marriage and family therapy in the state of Louisiana at the time the act was committed.

B. Upon recommendation of the board and marriage and family therapy advisory committee, the board shall issue a license to any person licensed as a licensed as a marriage and family therapist for less than one year in another jurisdiction whose requirements for the license are substantially equivalent to or exceed the requirements of the state of Louisiana. The applicant must submit an application on forms prescribed by the board in the prescribed manner and pay the required licensure fee. Applicants must also

provide proof of having passed the Association of Marital and Family Therapy Regulatory Board's examination in marital and family therapy or an examination that would be substantially equivalent, as determined by the Marriage and Family Therapy Advisory Committee. An applicant must also be in good standing in all jurisdictions in which they are licensed and must not have been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice marriage and family therapy in the state of Louisiana at the time the act was committed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:162 (February 2003), amended LR 39:1806 (July 2013), LR 41:752 (April 2015), LR 46:1686 (December 2020), LR 50:1850 (December 2024).

Jamie Doming  
Executive Director

2412#042

## RULE

### Department of Health Licensed Professional Counselors Board of Examiners

Social and Cultural Foundations  
Continuing Education Requirement  
(LAC 46:LX.611, 707, 3315, and 3503)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners has amended the continuing education requirements for renewal applicants.

The Licensed Professional Counselors Board of Examiners adopts Chapter 6 Section 611, Chapter 7 Section 707, Chapter 33 Section 3315, and Chapter 35 Section 3503 for publication in the December 20, 2024, edition of the *Louisiana Register* with the effective date of April 1, 2027. This Rule is hereby adopted on the day of promulgation.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LX. Licensed Professional Counselors Board of Examiners

##### Subpart 1. Licensed Professional Counselors

#### Chapter 6. Application, Practice, and Renewal Requirements for Provisional Licensed Professional Counselors

##### §611. Continuing Education Requirements for Provisional Licensed Professional Counselors

A. A provisional licensee must accrue 20 clock hours of continuing education by every renewal period every two years. Of the 20 clock hours of continuing education, one and a half clock hours must be accrued in ethics, one and a half hours must be accrued in social and cultural foundations, and one and a half clock hours must be accrued in diagnosis (assessment, diagnosis, and treatment under the

Diagnostic and Statistical Manual of Mental Disorders 5, as published by the American Psychiatric Association).

A.1. - D.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 41:717 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 50:1851 (December 2024), effective April 1, 2027.

#### Chapter 7. Application and Renewal Requirements for Licensed Professional Counselors

##### §707. Renewal Requirements for Licensed Professional Counselors and Board-Approved Supervisors

A. ...

1. A licensee must accrue 40 clock hours of continuing education by every renewal period every two years. Of the 40 clock hours of continuing education, three clock hours must be accrued in ethics, three hours must be accrued in social and cultural foundations, and six clock hours must be accrued in diagnosis (assessment, diagnosis, and treatment under the *Diagnostic and Statistical Manual of Mental Disorders 5*, as published by the American Psychiatric Association). A board-approved supervisor must accrue three clock hours (of the required 40 clock hours of continuing education) in supervision.

A.2. - D.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 41:719 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 50:1851 (December 2024), effective April 1, 2027.

##### Subpart 2. Professional Standards for Licensed Marriage and Family Therapists and Provisional Licensed Marriage and Family Therapists

#### Chapter 33. Requirements for Licensure and Provisional Licensure

##### §3315. Application Practice and Renewal Requirements for Provisional Licensed Marriage and Family Therapists

A. - E. ...

1. A provisional licensee must accrue 20 clock hours of continuing education by every renewal period every two years. Of the 20 clock hours of continuing education, one and a half clock hours must be accrued in ethics specific to marriage and family therapy, one and a half clock hours must be accrued in social and cultural foundations, and one and a half clock hours must be accrued in diagnosis (assessment, diagnosis, and treatment under the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5)* as published by the American Psychiatric Association on May 18, 2013). The required training in diagnosis, assessment, and treatment under the most DSM-5 may be specific to a particular condition and/or may be general training in diagnosis, assessment, and treatment. A generic ethics course is not acceptable.

E.1.a. - E.2.c.ii. ...

3. Continuing education hours must be relevant to the practice of marriage and family therapy and generally evolve from the following eight areas.



E.3.a. - E.3.g. ...

h. Social and Cultural Foundations of Marriage and Family Therapy. Continuing education in this area shall include studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, and differing lifestyles.

F. - F.1.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:158 (February 2003), amended LR 29:2787 (December 2003), LR 35:1114 (June 2009), LR 38:1966 (August 2012), LR 39:1806 (July 2013), LR 41:742 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners, LR 43:1983 (October 2017), LR 45:1204 (September 2019), LR 47:1529 (October 2021), LR 50:1851 (December 2024), effective April 1, 2027.

**Chapter 35. Renewal of License for Licensed Marriage and Family Therapists**

**§3503. Continuing Education Requirements**

A. - A.9. ...

10. A licensee must accrue three clock hours of training in the subject area of social and cultural foundations as defined in Subparagraph C.3.h every renewal period.

11. Those licensed marriage and family therapists who hold another license that requires continuing education hours may count the continuing education hours obtained for that license toward their LMFT CEH requirements. Of the 40 CEHs submitted, however, 20 hours must be in the area of marriage and family therapy with an emphasis upon systemic approaches or the theory, research, or practice of systemic psychotherapeutic work with couples or families including three clock hours of ethics specific to marriage and family therapy and six clock hours specific to diagnosis.

12. The approval of and requirements for continuing education are specified in Subsection C.

B. - C.2.b.ii. ...

3. Continuing education hours must be relevant to the practice of marriage and family therapy and generally evolve from the following eight areas.

C.3.a. - C.3.g. ...

h. Social and Cultural Foundations of Marriage and Family Therapy. Continuing education in this area shall include studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, and differing lifestyles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:160 (February 2003), repromulgated LR 29:581 (April 2003), amended LR 29:2789 (December 2003), LR 41:752 (April 2015), LR 50:1852 (December 2024), effective April 1, 2027.

Jamie S. Doming  
Executive Director

2412#044

**RULE**

**Department of Insurance  
Office of the Commissioner**

**Regulation 14—Limiting Exclusions in Industrial Policies,  
Restricting Payment for Death Caused in Specified Manner  
(LAC 37:XIII.Chapter 57)**

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby repeals Regulation 14—Limiting Exclusions in Industrial Policies, Restricting Payment for Death Caused in Specified Manner. The Department of Insurance is repealing Regulation 14 as existing statutory language provides sufficient guidance, and regulatory clarification is no longer necessary. This Rule is hereby adopted on the day of promulgation.

**Title 37**

**INSURANCE**

**Part XIII. Regulations**

**Chapter 57. Regulation 14—Limiting Exclusions in  
Industrial Policies, Restricting Payment  
for Death Caused in Specified Manner**

**§5701. Payment of Death or Funeral Benefits**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, July 9, 1962, repealed LR 50:1852 (December 2024).

**§5703. Rider or Endorsement**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, July 9, 1962, repealed LR 50:1852 (December 2024).

Timothy J. Temple  
Commissioner

2412#025

**RULE**

**Department of Insurance  
Office of the Commissioner**

**Regulation 128—Louisiana Agriculture Transportation  
Group Self-Insurance Fund  
(LAC 37:XIII.19303, 19305, and 19309)**

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby amends Regulation 128.

The purpose of the amendment to Regulation 128 is to require that certain financial documents be submitted and to provide the name change of the fund due to legislative

changes from Act No. 191 of the 2023 Regular Legislative Session related to audited financial statements. This Rule is hereby adopted on the day of promulgation.

### Title 37

### INSURANCE

#### Part XIII. Regulations

#### Chapter 193. Regulation Number 128—Louisiana Agriculture Transportation Group Self-Insurance Fund

##### §19303. Excess Insurance and Reinsurance

A. ...

B. The maximum retention allowed for the fund's specific excess policy shall be approved by the department.

B.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3.4351.3.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 49.1411 (August 2023), amended LR 50:1853 (December 2024).

##### §19305. Financial and Actuarial Reports

A. - B. ...

C. In lieu of an audited financial statement, the department may require that the fund submit necessary financial documents in a form and manner approved by the department to verify the combined net worth of those members or principals.

D. Actual reviews shall be made by a qualified actuary. Actuarial reports shall be due and filed at the same time as the fund's annual financial statement, except as otherwise provided by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3.4351.3.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 49.1411 (August 2023), amended LR 50:1853 (December 2024).

##### §19309. Cease and Desist Orders and Other Penalties

A.1. - A.2. ...

B. Upon the determination that the fund failed to comply with any provision of R.S. 3.4351 et seq., any rule or regulation promulgated by the department, or orders or directed issued by the commissioner, the department may levy a fine of up to \$2,000 for each violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3.4351.3.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 49.1411 (August 2023), amended LR 50:1853 (December 2024).

Timothy J. Temple  
Commissioner

2412#026

### RULE

#### Department of Public Safety and Corrections Office of Motor Vehicles

Digital Transaction Providers  
(LAC 55:III.Chapter 14)

In compliance with Act 152 of the 2024 Regular Session of the Louisiana Legislature, ("Act"), the Department of Public Safety and Corrections, Office of Motor Vehicles ("OMV") is authorized to contract with digital transaction

providers, who may be private persons or public or private agencies, for the purpose of carrying out the provisions authorized in R.S. 39:17.2 and R.S. 39:17.5. Digital transaction providers may collect the registration license taxes and fees associated with the renewal of vehicle registration, driver's license, or identification cards or for reinstatement of driving and motor vehicle registration privileges. Digital transaction providers are authorized to collect a convenience charge not to exceed ninety percent of the amount authorized by R.S. 47:532.1(C), provided that the charges are disclosed immediately to the consumer prior to the initiation of the transaction. This Rule is adopted to implement Act152. The permanent Rule shall become effective on December 20, 2024. This Rule is hereby adopted on the day of promulgation.

### Title 55

### PUBLIC SAFETY

#### Part III. Motor Vehicles

#### Chapter 14. Digital Transaction Providers

##### §1401. Definitions

*Digital Transaction Provider (DTP)*—a private person or public or private agency who enters into contract with the Office of Motor Vehicles which, by contract, provides a digitized credential, engages in the collection of registration license tax and fees associated with the renewal or issuance of duplicate registrations, fees associated with driver's licenses and identification cards, fees associated to the reinstatement of driving and motor vehicle registration privileges or performs other transactions authorized by the Office of Motor Vehicles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 50:1853 (December 2024).

##### §1403. Convenience Fee

A. Digital transaction providers may collect a convenience in addition to any other fee or tax collected when processing a transaction for the department. The convenience fee shall not exceed 90 percent of the amount authorized in R.S. 47:532.1(C) and shall be retained by the digital transaction provider.

B. The convenience fee must be disclosed to the customer in a conspicuous manner prior to initiation of the transaction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 50:1853 (December 2024).

##### §1405. Cyber Liability Insurance Requirement

A. Digital transaction providers shall obtain a cyber-liability insurance policy with a company qualified to do business in Louisiana in the amount of one million dollars, which names the state of Louisiana, the department, the department's employees, and the Office of Technology Services and its employees as additional insureds.

B. Digital transaction provider shall provide the department with complete information regarding the cyber-liability insurance policy including a copy of any declaration page prior to be authorized to process any transaction.

C. Digital transaction provider shall include all subcontractors as insureds under its cyber liability insurance

policy or shall be responsible for verifying and maintaining the certificates provided by each subcontractor. Subcontractors shall be subject to all of the requirements stated herein. The department reserves the right to request copies of subcontractor's certificates at any time.

D. Digital transaction provider must maintain cyber-liability insurance for the duration of its contract with the department

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 50:1853 (December 2024).

#### **§1407. Surety Bond Requirements**

A. Each digital transaction provider shall execute a good and sufficient surety bond with a surety company qualified to do business in Louisiana as surety, in a sum of not less than \$100,000 which bond shall name the Department of Public Safety and Corrections, Office of Motor Vehicles as obligee and shall be subject to the condition that, if such digital transaction provider shall, throughout the entire term of the bond, timely file with the office of motor vehicles all applications delivered to such digital transaction provider for filing, and all fees and taxes collected by such digital transaction provider, the obligation shall be void. If the company does not do so, the obligation of the surety shall remain in full force and effect.

B. Digital transaction provider must maintain the bond for the duration of its contract with the department.

C. Digital transaction provider must include all subcontractors under the required surety bond or require each subcontractor to obtain its own surety bond as required by R.S. 47:532.4.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 50:1854 (December 2024).

#### **§1409. Qualifications for Digital Transaction Provider Owners, Employees and Agents**

A. Qualifications for a Digital Transaction Provider. To contract with the department as a digital transaction provider, the owner/applicant shall:

1. be a citizen of the United States or be lawfully present in the United States;
2. maintain the primary physical location of its operations within the continental United States of America;
3. provide proof of registration with the secretary of state to do business in the state of Louisiana;
4. possess any required business license.

B. The department may deny an application and refuse to grant the applicant authority to act as a digital transaction provider or suspend, revoke or impose other restrictions on its contract with the digital transaction provider as a result of any of the following actions by the applicant, by any of the applicant's employees, by officers, directors, managers, representatives, or owners of the digital transaction provider, or agents of the digital transaction provider:

1. operating as a DTP without an executed contract or written authorization for each transaction performed by the DTP, with an expired contract, or without a valid surety bond on file with the department;

2. failure to remit taxes and fees collected from applicants on any transaction performed by the digital transaction provider in the manner specified by the department and in the timeframe specified by the department;

3. operating from an unapproved website or web address;

4. operating from a location outside of the continental United States of America;

5. effecting a change in the ownership of the DTP and the DTP:

- a. fails to report the change in writing to the department; and

- b. does not submit to and pass the standard background check prior to the effective date of such change;

6. changing the officers or directors of the DTP and the DTP:

- a. fails to report the change in writing to the department; and

- b. the officers or directors do not submit to and pass the standard background check prior to the effective date of such change;

7. use of a subcontractor without department approval;

8. being a principal or accessory to the alteration of any information or data relevant to any transaction or process that results in a material injury to the public records or a shortfall in the collection of taxes or fees owed;

9. the forwarding to the office of motor vehicles by a DTP of information or data relevant to a to any transaction that results in a material injury to the public records, or a shortfall in the collection of fees or taxes owed when the DTP had knowledge of facts causing such injury or shortfall, and failed to disclose same to the office of motor vehicles;

10. failure to report any arrests of any officer or authorized employee for any criminal charge an element of which is fraud, theft, conversation, or unauthorized use, or for any offense that is considered a sex offense which requires registration as a sex offender in the state of Louisiana or is offense in any other jurisdiction which is substantially similar to a sex offense which would require registration as a sex offender in the state of Louisiana if the offense occurred in the state of Louisiana;

11. conviction of, or entry of a plea of guilty or nolo contendere to, any felony or conviction of, or entry of a plea of guilty or nolo contendere to, any criminal charge an element of which is fraud, theft, conversation, or unauthorized use, or for any offense that is considered a sex offense which requires registration as a sex offender in the state of Louisiana or is offense in any other jurisdiction which is substantially similar to a sex offense which would require registration as a sex offender in the state of Louisiana;

12. fraud, deceit, or perjury in obtaining any contract perfected pursuant to R.S. 47:532.4;

13. failure to maintain at all times during the term of the contract all qualifications required by R.S. 47:532.4 the by rule adopted by the department;

14. failure to notify the department of any security breaches of the network or system of the DTP, or any of its contractors or subcontractors, whether or not it can be

determined that data or information on the department's system was accessed, altered, or copied;

15. failure to comply with the Office of Technology Services' current Information Security Policy, including all additional appendices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 50:1854 (December 2024).

#### **§1411. Background Check Requirements**

A. Every owner, employee, officer, director, manager, representative, agent or agent employee who will have access to information or data regulated by the Driver Privacy Protection Act shall have a background check performed by Louisiana State Police.

B. The digital transaction provider shall not permit any employee, owner, officer, director, manager, representative, agent or agent employee to have access to information or data regulated by the Driver Privacy Protection Act until the receipt of written approval from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 50:1855 (December 2024).

#### **§1413. Office Location**

A. The digital transaction provider must maintain a primary physical location of its operations within the continental United States of America.

B. Any and all activities involving the processing of transactions, or any other use or storage of any identifying information or payment information of persons using the DTP's application that occur outside the continental United States of America are strictly prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 50:1855 (December 2024).

#### **§1415. Confidentiality**

A. The digital transaction provider, its employees, representatives, and agents shall maintain the confidentiality of all records and information received or processed in connection with any function performed pursuant to a contract with the department.

B. The digital transaction provider shall forward all request for information commonly referred to as public records request to the department for a response.

C. The digital transaction provider shall be responsible for the disclosure of any information in connection with the processing of any transaction on behalf of the department. The digital transaction provider shall comply with all applicable federal and state laws regarding the disclosure of information, including but not limited to 18 U.S.C. §2721 et seq., and 42 U.S.C. §405(c)(2)(C).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 50:1855 (December 2024).

#### **§1417. Information Security**

A. The digital transaction provider shall comply with the Office of Technology Services' current Information Security

Policy, Version 1.03 dated 10/24/2022, which includes all additional appendices and can be found at <https://www.doa.la.gov/doa/ots/aboutus/infosec/>. In the event this policy is amended or updated, the department will notify the digital transaction provider of the update and the digital transaction provider shall immediately comply with the amended or updated policy.

B. The failure of the digital transaction provider to comply with the Office of Technology Services' current Information Security Policy, which includes all additional appendices shall be ground for the department to immediately suspend the digital transaction provider's access to the department's network. Access to the department's network will be restored only after the digital transaction provider demonstrates it has come into compliance with the Office of Technology Services' current Information Security Policy, which includes all additional appendices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 50:1855 (December 2024).

#### **§1419. Required Specifications to Access Department's Network**

A. All specification required to access the department's network shall be contained in the contract, or in an attachment to the contract, executed by the digital transaction provider and the department. The specifications shall be based upon the transaction that the digital transaction provider has been authorized to process by the department as itemized in the contract or its attachments.

B. The failure of the digital transaction provider to comply with the specifications contained in the contract, or in an attachment to the contract, shall be ground for the department to immediately suspend the digital transaction provider's access to the department's network. Access to the department's network will be restored only after the digital transaction provider demonstrates it has come into compliance with the specifications contained in the contract, or in an attachment to the contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 50:1855 (December 2024).

Daniel Casey  
Commissioner

2412#053

#### **RULE**

#### **Department of Public Safety and Corrections Public Safety Services Office of Management and Finance**

Constables and Justices of the Peace Supplemental Pay  
(LAC 55:XIII.Chapter 1, 3, 5, 7)

In accordance with the provisions of R.S. 13:2591 et seq., the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance (department) hereby amends warrant and payroll procedures

for Constable and Justices of the Peace Supplemental Pay, authorized and administered pursuant to R.S. 36:404, R.S. 40:1667.1, R.S. 40:1667.2, and R.S. 40:1667.3, 2022 regular session of the legislature. Prior to enactment of R.S. 36:404, R.S. 40:1667.1, R.S. 40:1667.2, and R.S. 40:1667.3, the law required the mayor of the respective municipality to forward all approved and certified supplemental pay warrants to the secretary of the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, on the basis of such warrants, the secretary of the department had to prepare, sign, and issue individual checks representing the amount to be paid out of state funds to each recipient. Each such check showed the legislative appropriation from which payment was made and noted that it represents additional compensation paid by the state. Checks were required to be delivered by mail to the individual recipients in whose favor it was drawn. Many instances were recorded where recipients of supplemental pay were either underpaid or overpaid. These cases primarily arose from miscommunication in the trilateral relationship between the department, employer, and recipient. Where underpayments occurred, the remediation process was protracted, unduly burdensome and, in some cases, significantly adversely affected the financial health, safety or wellbeing of the recipient. Where overpayments occurred, the claw-back period of collecting funds was likewise protracted thereby affecting the department's budget and funding of services and, ultimately, affected the state fiscal year. The utility of the former process was far outweighed by the gravity of harm often suffered by recipients of supplemental pay and the state.

The legislature recognized the detrimental effects of the former process and enacted laws to streamline the procedures and bring about immediacy when financial errors are being corrected. The new law eliminated the trilateral process where the department paid supplemental pay directly to the recipient based on information provided by the municipality. The new law streamlined the process by requiring the municipality to furnish warrant information to the department and then the department pays the total sum of the warrants solely to the municipality. The municipality then distributes the supplemental pay directly to its individual recipients. When there is an error, the municipality and recipient can remediate the problem without the need for intervention by the department. The expedited process is important, particularly where a financial error affects the home mortgage, utility bills, or prescriptive medication of a recipient. It improves departmental budgeting procedures by making line item allowances predictable, and with greater accuracy in reporting to departmental auditors and legislative oversight bodies.

This Rule provides clarity for the procedural operations by recognizing modern technological methods for delivery of supplemental pay, e.g., direct deposit to the recipient's financial institution. Moreover, this Rule clarifies how warrants are to be processed, how changes are to be made, notification of changes to employment status, and eligibility requirements for the receipt thereof, all limited by the provisions of R.S. 36:404, R.S. 40:1667.1, R.S. 40:1667.2, and R.S. 40:1667.3. This Rule is hereby adopted on the day of promulgation.

## Title 55 PUBLIC SAFETY

### Part XIII. Constables and Justices of the Peace Supplemental Pay

#### Chapter 1. Warrants

##### §101. Purpose

A. The warrant consists of a list of all recipients in a municipality who are currently receiving supplemental pay and a signature sheet.

B. The warrant is the municipality's authorization for the department to pay the listed recipients for the following month. Warrants will be issued by the department on a monthly basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 13:2591, R.S. 36:404, R.S. 40:1667.1, R.S. 40:1667.2, and R.S. 40:1667.3

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1856 (December 2024).

##### §103. Who Is Required to Sign the Warrants

A. Two officials must sign every warrant authorizing payment of supplemental pay in addition to the preparer. The parish president is required to sign the warrants as the approving officer and the certifying officer should be police jury secretary/treasurer. The preparer must hold an administrative position, such as payroll/human resources/finance.

B. The department will request certifying signature authorizations annually. The municipality must notify the department whenever there is a change to the person or persons authorized to sign.

AUTHORITY NOTE: Promulgated in accordance with R.S. 13:2591, R.S. 36:404, R.S. 40:1667.1, R.S. 40:1667.2, and R.S. 40:1667.3

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1856 (December 2024).

##### §105. Extent of Municipality's Obligation

A. The department shall remit the supplemental pay for employees listed on the warrant to the municipality. Prior to distributing payment to employees who are eligible for supplemental pay, the municipality is obligated to confirm eligibility for that specific month. If the department overpays the municipality as a result of any change in any employee's employment status, the municipality will be invoiced for the amount of the overpayment and shall promptly reimburse the department for the amount of the overpayment. The municipality shall use extreme care in ascertaining each recipient's eligibility for the next month prior to certifying and submitting the warrant.

B. Each person who prepares, signs, or submits any supplemental pay form or document on behalf of a municipality is hereby deemed to acknowledge understanding the following legal ramifications.

C. The submission of a supplemental pay form or document and the contents therein constitutes the filing or depositing of a public record pursuant to R.S. 14:132 and R.S. 14:133. Intentionally submitting false information, forging the document or wrongfully altering the document

and the contents therein may constitute a violation of applicable provisions of criminal law, including but not limited to R.S. 14:132 or R.S. 14:133, or both, and may subject the submitting party or parties to felony criminal prosecution, criminal fines and criminal restitution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 13:2591, R.S. 36:404, R.S. 40:1667.1, R.S. 40:1667.2, and R.S. 40:1667.3

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1856 (December 2024).

### **§107. How to Indicate Changes**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1857 (December 2024).

### **§109. Due Date**

A. The approved and certified warrants must be returned to the department by the close of business on the fifteenth day of the month. If the fifteenth day of the month falls on a Saturday, Sunday, or a legal holiday, the warrant must be received immediately prior thereto. If the warrant is not received by the deadline, the municipality shall be placed in deferment and shall not receive any payments until the municipality is in compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 13:2591, R.S. 36:404, R.S. 40:1667.1, R.S. 40:1667.2, and R.S. 40:1667.3

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 13:247 (April 1987), amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1857 (December 2024).

## **Chapter 3. Applications**

### **§301. Requirements**

A. The municipality is required to submit all applications on line through the SuMPay Portal, using the most current forms and instructions on the department's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 13:2591, R.S. 36:404, R.S. 40:1667.1, R.S. 40:1667.2, and R.S. 40:1667.3

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1857 (December 2024).

### **§303. When to Submit the Oath of Office**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1857 (December 2024).

## **Chapter 5. Change in Status**

### **§501. When to Notify the Department**

A. Notification of any change in employment or pay status must be received within fifteen days of the effective date of the change. These changes may be indicated on the

warrant if time permits, if not, notification must be made via an official electronic notification. Supporting documentation must be provided.

B. Changes in employment status include but are not limited to:

1. resignations/retirements/death;
2. suspensions;
3. leave without pay;
4. change in duties/pro tem status;
5. classification/job title changes;
6. workmen's compensation;
7. military leave;
8. furlough;
9. reinstatement/return from any of the above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 13:2591, R.S. 36:404, R.S. 40:1667.1, R.S. 40:1667.2, and R.S. 40:1667.3

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1857 (December 2024).

### **§503. Resignations**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1857 (December 2024).

### **§505. Death**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1857 (December 2024).

## **Chapter 7. Payroll Information**

### **§701. Eligibility Requirements**

A. A constable or justice of the peace is eligible for state supplemental pay when the individual takes office.

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 13:2591, R.S. 36:404, R.S. 40:1667.1, R.S. 40:1667.2, and R.S. 40:1667.3

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1857 (December 2024).

### **§703. Cut Off Date for Eligibility for that Month's Check**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1857 (December 2024).

### **§705. Back Pay Policy**

A. The department's fiscal year ends on June 30, therefore, Legislative approval is required for back supplemental pay beyond July.

AUTHORITY NOTE: Promulgated in accordance with R.S. 13:2591, R.S. 36:404, R.S. 40:1667.1, R.S. 40:1667.2, and R.S. 40:1667.3

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1857 (December 2024).

#### **§707. Stop Payments**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1858 (December 2024).

#### **§709. Duplicate W-2s**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2218.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), repealed by the Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1858 (December 2024).

#### **§711. Correspondence**

A. All correspondence and or notifications to the department must come from the municipality, not the individual recipient. In all correspondence or notifications, please include the applicant or recipient's name, last four digits of social security number, and the municipality's contact information. All correspondence or notifications shall be by electronic means.

AUTHORITY NOTE: Promulgated in accordance with R.S. 13:2591, R.S. 36:404, R.S. 40:1667.1, R.S. 40:1667.2, and R.S. 40:1667.3

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, LR 13:246 (April 1987), amended by Department of Public Safety and Corrections, Public Safety Services, Office of Management and Finance, LR 50:1858 (December 2024).

Gail Holland  
Deputy General Counsel

2412#002

### **RULE**

#### **Department of Revenue Tax Policy and Planning Division**

##### **Severance Tax Returns—Electronic Filing and Payment Requirements (LAC 61:III.1525)**

Under the authority of R.S. 47:1511, 47:1519, 47:1520 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, through this Rule amends its regulations to require electronic filing by severers and purchasers of timber and minerals (other than oil and gas) who are filing severance tax returns and to require electronic payments of all severance taxes.

R.S. 47:1519(B)(1) authorizes the secretary to require payments by electronic funds transfer, and R.S. 47:1520(A)(2)-(3) grants the secretary the discretion to require electronic filing of tax returns or reports by

administrative rule promulgated with legislative oversight in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. The purpose of this Rule is to require electronic filing of mineral and timber severance tax returns and to require electronic payment of all severance taxes. This Rule is written in plain language in an effort to increase transparency. This Rule is hereby adopted on the day of promulgation.

### **Title 61**

#### **REVENUE AND TAXATION**

#### **Part III. Administrative and Miscellaneous Provisions Chapter 15. Mandatory Electronic Filing of Tax Returns and Payment**

##### **§1525. Severance Tax**

###### **A. Oil and Gas**

1. R.S. 47:1520(A)(1)(b) authorizes the secretary of revenue to require electronic filing of tax returns or reports by persons severing oil or gas from the soil or water from the state that are required to file reports under R.S. 47:635(A)(2) or 640(A)(2).

2. Persons required to file reports under R.S. 47:635(A)(2) and 640(A)(2) shall be required to file the tax returns or report electronically with the Department of Revenue using the electronic format prescribed by the department.

3. Form G-2, Application for Certification of Incapable Wells, and Form O-2, Application for Certification of Stripper/Incapable Wells, must be filed electronically with the Department of Revenue on or before the twenty-fifth day of the second month following the production month in which the reduced tax rate(s) is applicable. If the due date falls on a weekend or holiday, the application and electronic filing thereof is due on the next business day.

4. Effective for all taxable periods beginning on or after the January 1, 2025, all payments due on the severance of oil or gas shall be electronically transferred to the Department of Revenue on or before the twenty-fifth day of the second month following the production month.

###### **B. Minerals (other than oil and gas) and Timber**

1. Effective for all taxable periods beginning on or after the January 1, 2025, all returns and reports required by R.S. 47:635(A)(1) and 640(A)(1) shall be filed electronically with the Department of Revenue using the electronic format prescribed by the department.

2. Effective for all taxable periods beginning on or after the January 1, 2025, all payments of tax on the severance of any natural resources, other than oil or gas, shall be electronically transferred to the Department of Revenue on or before the twenty-fifth day of the second month following the production month.

3. Specific requirements relating to the procedures for making payments by electronic funds transfer are set forth in R.S. 47:1519 and LAC 61.I.4910.

###### **C. Penalties**

1. Failure to comply with these electronic filing requirements will result in the assessment of a penalty of \$100 or five percent of the tax, whichever is greater, as provided by R.S. 47:1520(B).

2. If the taxpayer can prove electronic filing of a tax return, report, or application for certification would create an undue hardship, the secretary may exempt the taxpayer from filing the return, report, or application electronically.

3. Failure to comply with the electronic funds transfer requirements shall result in the tax payment being considered delinquent and subject to penalties and interest as provided under R.S. 47:1601 through 1602.

4. In any case where the taxpayer can prove payment by electronic funds transfer would create an undue hardship, the secretary shall exempt the taxpayer from the requirement to transmit funds electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 47:1519, 47:1520, 47:635(A)(2), 47:640(A)(1), 47:633(9)(c).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 36:1271 (June 2010), amended LR 37:1614 (June 2011), amended by the Department of Revenue, Tax Policy and Planning Division, LR 50:1858 (December 2024).

Richard Nelson  
Secretary

2412#028

## RULE

### Department of Revenue Tax Policy and Planning Division

#### Tax Credit Documentation Requirements (LAC 61:I.1001 and 1302)

Under the authority of R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, amends LAC 61:I.1001 and 1302.

R.S. 47:1624(F) authorizes the suspension of the accrual of interest during any period of time that a delay in the issuance of a refund is attributable to the taxpayer's failure to provide information or documentation required by statute or regulation. The amendments set forth the information and documentation required to be provided by a taxpayer claiming the pass-through entity exclusion and nonresident individuals reporting a net operating loss. This Rule is hereby adopted on the day of promulgation.

#### Title 61

### REVENUE AND TAXATION

#### Part I. Taxes Collected and Administered by the Secretary of Revenue

#### Chapter 10. Income: Pass-Through Entities

#### §1001. Election of Pass-Through Entities

A. - C.4.c. ...

d. For calculation purposes, individual or fiduciary income taxpayers with an ownership interest in an entity making the election shall submit a copy of Form R-6981, Louisiana Statement of Owner's Share of Entity Level Tax Items, and a pro forma Federal Form 1040 or 1041, respectively, that excludes any income, deductions or other tax items that were included in the calculation of Louisiana net income on the entity's Louisiana Form CIFT-620. A nonresident individual shall submit a pro forma NPR Worksheet of the Louisiana Form IT-540B excluding any income, deductions or other tax items that were included in the calculation of Louisiana net income on the entity's Louisiana Form CIFT-620 instead of a pro forma Federal Form 1040.

e. The accrual of interest shall be suspended during any period of time that a delay in the issuance of a refund is attributable to the taxpayer's failure to provide information or documentation required herein, as provided by R.S. 47:1624(F).

C.5. - D.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.732.2 and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 46:43 (January 2020), amended by the Department of Revenue, Policy Services Division, LR 48:2991 (December 2022), amended by the Department of Revenue, Tax Policy and Planning Division, LR 50:407 (March 2024), amended LR 50:1859 (December 2024).

#### Chapter 13. Income: Individual §1302. Nonresident Net Operating Losses

A. ...

B. Application

1. The years to which Louisiana net operating losses may be carried are the same as they are for federal personal income tax purposes.

2. Net operating loss carrybacks and carryovers are considered an adjustment to Louisiana income and must be applied against total Louisiana income before applying any deductions.

C. Limitations

1. A Louisiana net operating loss carryback or carryover cannot include any amount that has already been deducted for Louisiana purposes.

2. Nothing in this Section authorizes a federal income tax deduction for income that did not bear Louisiana personal income tax.

D. Documentation for claiming the deduction

1. When a year produces a Louisiana net operating loss, a pro forma Federal Form 1040 showing how the Louisiana NOL was calculated must be attached to the return at the time of filing.

2. When a net operating loss carryback or carryover is used you must mark the "NOL" box on the face of the return and the following documentation must be attached to the return at the time of filing:

a. a schedule showing:

i. the taxable year in which each loss that is being carried back or carried over occurred; and

ii. the amount of each loss applied to each taxable year to which it was carried over or carried back.

b. a pro forma Federal Form 1040 showing the utilization of the Louisiana net operating loss; and

c. a pro forma Federal Form 1040 for the year producing the Louisiana net operating loss if it was not provided for the year in which it was produced.

3. When federal law provides for the carryback of a net operating loss:

a. If an amended return is being filed to carryback a Federal net operating loss, you must mark the "Amended Return" box on the face of the return and attach an explanation of the change and a copy of the federal amended return, Federal Form 1040X, or Federal Form 1045 whichever was filed.

b. If an amended return is being filed to carryback a federal and Louisiana net operating loss, you must mark the "Amended Return" and "NOL" box on the face of the



return; attach the schedule required by Subparagraph (2)(a) of this Subsection, a copy of the federal amended return, Federal Form 1040X or Federal Form 1045 whichever was filed; and a *pro forma* Federal Form 1040 to show how the Louisiana net operating loss was utilized.

4. The accrual of interest shall be suspended during any period of time that a delay in the issuance of a refund is attributable to the taxpayer's failure to provide information or documentation required herein, as provided by R.S. 47:1624(F).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:293, R.S. 47:295, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 28:101 (January 2002), amended by the Department of Revenue, Tax Policy and Planning Division, LR 50:1859 (December 2024).

Richard Nelson  
Secretary

2412#029

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Derelict Crab Trap Removal Program (LAC 76:VII.367)

In accordance with the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in R.S. 56:332(N), that the Wildlife and Fisheries Commission amends LAC 76:VII.367 to temporarily close a portion of state inside waters to the use of crab traps in order to facilitate the removal of abandoned crab traps in these waters.

These abandoned crab traps can cause navigational hazards, user-group conflicts, and cause stress on the state blue crab stock by continuing to fish after being abandoned or displaced. Traps are often displaced or abandoned due to storm and tidal movements or theft, from having the floats cut by propellers or are captured in another fisherman's gear. The removal of these traps is necessary to keep Louisiana's coast pristine, reduce litter, and to facilitate improvement of the blue crab stock.

The Wildlife and Fisheries Commission amended the provisions in LAC 76:VII.367 governing the locations of temporary crab trap closures to address problems in portions of state waters resulting from a large number of abandoned and derelict crab traps since 2004. The Wildlife and Fisheries Commission took action on August 1, 2024 to describe a new portion of state waters to be temporarily closed to the use of crab traps for the purpose of conducting a crab trap cleanup. This Rule is hereby adopted on the day of promulgation.

## Title 76

### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter 3. Saltwater Sport and Commercial Fishery

#### §367. Derelict Crab Trap Removal Program

A. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 1, 2025 through 11:59 p.m. February 14, 2025 within Jefferson, St. Charles, St. John the

Baptist, St. Tammany, and Tangipahoa Parishes as described below:

1. from a point of origin where I-55 intersects Pass Manchac (30 degrees 17 minutes 07.08 seconds north latitude, 90 degrees 24 minutes 06.07 seconds west longitude); thence easterly following the northern bank of Pass Manchac to the point where Pass Manchac exits at the northwest bank of Lake Pontchartrain; thence northerly following the bank of Lake Pontchartrain to the south bound lane of the Lake Pontchartrain Causeway (30 degrees 21 minutes 51.75 seconds north latitude, 90 degrees 05 minutes 38.59 seconds west longitude); thence southerly to a point where the Lake Pontchartrain Causeway crosses the Lakefront Trail located at 30 degrees 01 minutes 10.06 seconds north latitude, 90 degrees 09 minutes 17.28 seconds west longitude; thence westerly following the Lakefront Trail along the south bank of Lake Pontchartrain until it intersects the Duncan Canal (30 degrees 02 minutes 50.56 seconds north latitude, 90 degrees 16 minutes 45.21 seconds west longitude); thence westerly past the Duncan Canal continuing to follow the south bank of Lake Pontchartrain to a point where I-10 passes over the southern bank of Lake Pontchartrain (30 degrees 03 minutes 21.43 seconds north latitude, 90 degrees 22 minutes 17.79 seconds west longitude); thence westerly on I-10 to the intersection of I-55, thence northerly on I-55 and terminating at the origin.

B. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 1, 2025 through 11:59 p.m. February 14, 2025 within portions of Iberia, St. Mary, and Vermilion Parishes as described below:

1. from a point originating on the northern shoreline of the Gulf Intracoastal Waterway where it intersects the Acadiana Navigational Channel (29 degrees 50 minutes 37.17 seconds north latitude, 91 degrees 50 minutes 32.40 seconds west longitude); thence southerly to a point on the southern shoreline of the Gulf Intracoastal Waterway (29 degrees 50 minutes 28.22 seconds north latitude, 91 degrees 50 minutes 35.30 seconds west longitude); thence southwesterly along the Acadiana Navigational Channel red buoy line to the red navigational marker number 12 on the Marsh Island shoreline near Southwest Pass (29 degrees 36 minutes 10.81 seconds north latitude, 92 degrees 00 minutes 17.16 seconds west longitude); thence easterly along the northern shoreline of Marsh Island to the northeastern tip of Marsh Island (29 degrees 33 minutes 51.30 seconds north latitude, 91 degrees 43 minutes 00.00 seconds west longitude); thence north along 91 degrees 43 minutes 00.00 seconds west longitude to the northern shoreline of West Cote Blanche Bay (29 degrees 44 minutes 21.17 seconds north latitude, 91 degrees 43 minutes 00.00 seconds west longitude); thence westerly along the northern shoreline of West Cote Blanche Bay to its intersection with the Ivanhoe Canal (29 degrees 45 minutes 03.58 seconds north latitude, 91 degrees 44 minutes 15.16 seconds west longitude); thence northerly along the eastern shoreline of the Ivanhoe Canal to its intersection with the Gulf Intracoastal Waterway (29 degrees 45 minutes 45.92 seconds north latitude, 91 degrees 44 minutes 20.76 seconds west longitude); thence north to the northern shoreline of the Gulf Intracoastal Waterway (29 degrees 45 minutes 52.14 seconds north latitude, 91 degrees 44 minutes 23.78 seconds west longitude); thence westerly

along the northern shoreline of the Gulf Intracoastal Waterway and terminating at the origin.

C. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 8, 2025 through 11:59 p.m. February 21, 2025 within portions of Jefferson, Lafourche, and Plaquemines Parishes as described below:

1. from a point originating at the intersection of the Gulf Intracoastal Waterway and the northern shoreline of Hero Canal (29 degrees 48 minutes 12.73 seconds north latitude, 90 degrees 04 minutes 09.21 seconds west longitude); thence westerly to a point along the western shoreline of the Gulf Intracoastal Waterway at 29 degrees 48 minutes 15.14 seconds north latitude, 90 degrees 04 minutes 18.67 seconds west longitude; thence southerly along the western shoreline of the Gulf Intracoastal Waterway to a point opposite the western shoreline of Bayou Perot (29 degrees 40 minutes 56.67 seconds north latitude, 90 degrees 11 minutes 36.79 seconds west longitude); thence easterly to a point on the western shoreline of Bayou Perot at 29 degrees 40 minutes 50.66 seconds north latitude, 90 degrees 11 minutes 25.48 seconds west longitude; thence southerly along the western shoreline of Bayou Perot and Little Lake to Bay L'Ours; thence westerly and southerly around the shoreline of Bay L'Ours to Brusle Lake; thence southerly and easterly following the shoreline of Brusle Lake to a point on the southern shoreline of Bayou De Chene at 29 degrees 29 minutes 14.83 seconds north latitude, 90 degrees 12 minutes 02.02 seconds west longitude; thence easterly along the southern shoreline of Bayou De Chene to Round Lake (29 degrees 29 minutes 10.15 seconds north latitude, 90 degrees 11 minutes 38.40 seconds west longitude); thence southerly and easterly along the shoreline of Round Lake to a point on the western shoreline of East Fork Bayou L'Ours (29 degrees 28 minutes 52.30 seconds north latitude, 90 degrees 09 minutes 32.60 seconds west longitude); thence southerly along the western shoreline of East Fork Bayou L'Ours to a point at 29 degrees 27 minutes 35.00 seconds north latitude, 90 degrees 08 minutes 48.23 seconds west longitude; thence eastward along 29 degrees 27 minutes 35.00 seconds north latitude to the eastern shoreline of Wilkinson Canal (29 degrees 27 minutes 35.00 seconds north latitude, 89 degrees 57 minutes 04.11 seconds west longitude); thence northerly along the eastern shoreline of Wilkinson Canal to its termination; thence northerly to the western shoreline of the Mississippi River at 29 degrees 38 minutes 24.94 seconds north latitude, 89 degrees 57 minutes 01.21 seconds west longitude; thence northerly along the western shoreline of the Mississippi River to a point easterly of the northern shoreline of Hero Canal (29 degrees 47 minutes 09.60 seconds north latitude, 90 degrees 01 minutes 17.77 seconds west longitude); thence westerly to the northern shoreline of Hero Canal; thence westerly along the northern shoreline of Hero Canal and terminating at the origin.

D. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 15, 2025 through 11:59 p.m. February 28, 2025 within Terrebonne Parish as described below:

1. from a point originating on the eastern shoreline of Bayou Caillou (29 degrees 26 minutes 16.00 seconds north latitude, 90 degrees 42 minutes 09.59 seconds west longitude); thence east along 29 degrees 26 minutes 16.00

seconds north latitude to a point on the eastern shoreline of Bayou Petit Calliou (29 degrees 26 minutes 16.00 seconds north latitude, 90 degrees 35 minutes 40.56 seconds west longitude); thence southerly along the eastern shoreline of Bayou Petit Calliou to a point located opposite the Lapeyrouse Canal (29 degrees 18 minutes 33.73 seconds north latitude, 90 degrees 38 minutes 45.65 seconds west longitude), thence easterly to the northern shoreline of the Lapeyrouse Canal (29 degrees 18 minutes 32.82 seconds north latitude, 90 degrees 38 minutes 39.71 seconds west longitude); thence easterly along the northern shoreline of the Lapeyrouse Canal to its intersection with the western shoreline of Bayou Terrebonne (29 degrees 18 minutes 09.92 seconds north latitude, 90 degrees 37 minutes 34.72 seconds west longitude); thence southerly along the western shoreline of Bayou Terrebonne to a point at 29 degrees 15 minutes 29.97 seconds north latitude, 90 degrees 35 minutes 44.00 seconds west longitude; thence south along 90 degrees 35 minutes 44.00 seconds west longitude to the shrimp inside-outside line (29 degrees 05 minutes 34.34 seconds north latitude, 90 degrees 35 minutes 44.00 seconds west longitude); thence westerly along the shrimp inside-outside line to its intersection with the western shoreline of Grand Pass des Ilettes (29 degrees 07 minutes 04.77 seconds north latitude, 90 degrees 53 minutes 03.57 seconds west longitude); thence northeasterly along the western shoreline of Grand Pass des Ilettes to its intersection with the eastern shoreline of Pass des Ilettes (29 degrees 07 minutes 54.45 seconds north latitude, 90 degrees 49 minutes 43.65 seconds west longitude); thence northerly along the eastern shoreline of Pass des Ilettes to its intersection with Dog Lake (29 degrees 08 minutes 39.93 seconds north latitude, 90 degrees 49 minutes 50.11 seconds west longitude); thence northerly along the southern and eastern shorelines of Dog Lake to its intersection with the eastern shoreline of Quitman Bayou (29 degrees 09 minutes 23.87 seconds north latitude, 90 degrees 49 minutes 15.15 seconds west longitude); thence northerly along the eastern shoreline of Quitman Bayou to its intersection with the eastern shoreline of Bayou Grand Caillou (29 degrees 13 minutes 23.88 seconds north latitude, 90 degrees 48 minutes 52.91 seconds west longitude); thence northerly along the eastern shoreline of Bayou Grand Caillou to its intersection with the western shoreline of the Houma Navigation Canal (29 degrees 20 minutes 30.46 seconds north latitude, 90 degrees 44 minutes 10.91 seconds west longitude); thence easterly across the Houma Navigational Canal to the eastern shoreline of Bayou Caillou (29 degrees 20 minutes 39.54 seconds north latitude, 90 degrees 43 minutes 58.96 seconds west longitude); thence northerly along the eastern shoreline of Bayou Caillou and terminating at the origin.

E. The use of crab traps shall be prohibited for 10 days from 12 a.m. February 17, 2025, through 11:59 p.m. February 26, 2025, within portions of Calcasieu and Cameron Parishes as described below:

1. from a point originating on the western shoreline of the Calcasieu Ship Channel at 29 degrees 56 minutes 30.00 seconds north latitude, 93 degrees 20 minutes 25.77 seconds west longitude; thence northerly along the western shoreline of the Calcasieu Ship Channel to a point at 30 degrees 03 minutes 51.00 seconds north latitude, 93 degrees 19 minutes 51.92 seconds west longitude, thence due east along 30

degrees 03 minutes 51.00 seconds north latitude to a point on the north shoreline of Turner's Bay in Calcasieu Lake (30 degrees 03 minutes 51.00 seconds north latitude, 93 degrees 19 minutes 06.75 seconds west longitude); thence easterly and southerly to a point on the eastern shoreline of Calcasieu Lake at 29 degrees 56 minutes 30.00 seconds north latitude, 93 degrees 14 minutes 51.92 seconds west longitude; thence due west along 29 degrees 56 minutes 30.00 seconds north latitude and terminating at the origin.

F. All crab traps remaining in the closed area during the specified period shall be considered abandoned. Crab trap removal regulations do not provide authorization for access to private property; authorization to access private property can only be provided by individual landowners. Crab traps may be removed only between one-half hour before sunrise to one-half hour after sunset. Department of Wildlife and Fisheries personnel or its designees are authorized to remove these abandoned crab traps within the closed area. All traps removed during a closed area are to be brought to the designated disposal area. The Wildlife and Fisheries Commission authorizes the secretary of the Department of Wildlife and Fisheries to designate disposal sites and determine the final disposition of crab traps removed from

the closure areas, including but not limited to disposal, buy-back, recycling, surplus in conformity with R.S. 39:330.1, or returned to industry members participating in the retrieval of crab traps from within a closure area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(N).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 30:101 (January 2004), amended LR 31:108 (January 2005), LR 32:266 (February 2006), LR 33:113 (January 2007), LR 34:97 (January 2008), LR 36:77 (January 2010), LR 38:146 (January 2012), LR 38:3250 (December 2012), LR 40:96 (January 2014), LR 41:155 (January 2015), LR 42:70 (January 2016), amended by the Department of Wildlife and Fisheries, Office of Fisheries and the Wildlife and Fisheries Commission LR 42:2196 (December 2016), LR 44:100 (January 2018), LR 45:78 (January 2019), repromulgated LR 45:282 (February 2019), amended LR 45:1815 (December 2019), LR 46:1613 (November 2020), LR 47:1649 (November 2021), LR 48:2767 (November 2022), LR 50:39 (January 2024), LR 50:1860 (December 2024).

Madison D. Sheahan  
Secretary

2412#040

# Notices of Intent

## NOTICE OF INTENT

### Department of Agriculture and Forestry Board of Veterinary Medicine

Licensing Procedures  
(LAC 46:LXXXV.301, 801, and 1201)

In accordance with the Administrative Procedure Act, R.S. 49:953 et seq., the Board of Veterinary Medicine (“board”) has amended LAC 46:LXXXV. Sections 301, 801, and 1201 in Chapters 3, 8 and 12, respectively, in an effort to provide greater uniformity and clarity to the application for licensure language for veterinarians (DVMs), registered veterinary technicians (RVTs), and certified animal euthanasia technicians (CAETs). The amendments to sections 301.F, 801.F, and 1201.E changed the length of time for which an application is valid from two years to one year from the initial application submission date. The board determined that this amendment is reasonable due to several changes which have accelerated the application process including: the board’s transition to an online application process; the establishment of an online testing option for the required state jurisprudence exam; the repeal of the letters of recommendation requirement for licensure; the repeal of the eight-week preceptorship program requirement for DVM licensure; the addition of three total CAET trainings annually; and, the addition of a third testing window annually for the national exam (NAVLE) for DVMs.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LXXXV. Veterinarians

#### Chapter 3. Licensure Procedures

#### §301. Applications for Licensure

A. The application for licensure to practice veterinary medicine in the state of Louisiana shall contain the information set forth in R.S. 37:1520.A, and shall include certification that the applicant has not practiced veterinary medicine in this state without a license, temporary permit, or exception from licensure as provided by R.S. 37:1514.

B. In addition to the above requirements, the board may also require that any applicant furnish the following information or documentation:

1. a current passport-type photograph of the applicant;
2. a copy of the applicant's diploma or official transcript from a veterinary medical school or college accredited or approved by the American Veterinary Medical Association;
3. prior to licensure in Louisiana, a graduate from a DVM program not accredited by the AVMA must provide to the board proof of completion of the Educational Commission for Foreign Veterinary Graduates (ECFVG) program offered through the American Veterinary Medical Association (AVMA) or the Program for the Assessment of Veterinary Education Equivalence (PAVE) program offered

through the American Association of Veterinary State Boards (AAVSB);

4. the certified score on any national examinations previously taken by the applicant;

5. a list of all licenses in a state, territory, or district of the United States or Canada that the applicant currently holds and has previously held;

6. certification from the applicant stating that he has not been convicted, pled guilty, or pled nolo contendere to either a felony or misdemeanor other than minor traffic violations, and, in the event that the applicant is unable to so certify, the board may require the applicant to explain in full and/or provide further documentation;

7. certification from the applicant stating that he has not been arrested or indicted for or been convicted, pled guilty, or pled nolo contendere to either a felony or misdemeanor, other than minor traffic violations; and, in the event that the applicant is unable to so certify, the board may require the applicant to explain in full and/or provide further documentation; and

8. certification from the applicant stating that he has never had his or her license to practice veterinary medicine revoked, suspended or denied in any state, territory, or district of the United States; and, in the event that the applicant is unable to so certify, the board may request or require full explanation and/or documentation concerning such revocation, suspension, or denial.

C. The board may require such application to be sworn to by the applicant, notarized, or attested to by the applicant under penalty of perjury.

D. The board may reject any applications which do not contain full and complete answers or information as requested, and may reject any application, or take action against the license of any licensee, if any of the information furnished in the application is fabricated, false, misleading or incorrect.

E. The board shall reject the application of an applicant who has practiced veterinary medicine in this state without a license, temporary permit, or exception from licensure as provided by R.S. 37:1514, during the one-year period immediately prior to the initial application submission date.

F. An application shall become expired if not completed by the issuance of a license within one year from the initial application submission date. Once expired, the entire application process, including the payment of all applicable fees, shall begin anew.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 8:66 (February 1982), amended LR 10:464 (June 1984), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:223 (March 1990), LR 19:343 (March 1993); LR 23:964 (August 1997), LR 25:2231 (November 1999), LR 28:1982 (September 2002), LR 40:308 (February 2014), LR 49:2074 (December 2023), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:

## **Chapter 8. Registered Veterinary Technicians**

### **§801. Applications for Certificate of Approval**

A. The application for a certificate of approval for a registered veterinary technician in the state of Louisiana shall contain the information set forth in R.S. 37:1543 and shall include certification that the applicant has not practiced veterinary medicine or veterinary technology in this state without a certificate of approval.

B. In addition to the above requirements, the board may also require that any applicant furnish all of the following information or documentation:

1. a current passport-type photograph of the applicant;
2. a copy of the applicant's diploma or official transcript from the veterinary technology school of graduation;
3. the certified score on any national examinations previously taken by the applicant;
4. a list of all certificates or licenses in a state, territory, or district of the United States or Canada that the applicant currently holds and has previously held;
5. certification from the applicant stating that he has not been arrested or indicted for or been convicted, pled guilty, or pled nolo contendere to either a felony or misdemeanor, other than minor traffic violations; and, in the event that the applicant is unable to so certify, the board may require the applicant to explain in full and/or provide further documentation;
6. certification from the applicant stating that he has never had his or her certificate as a registered veterinary technician in veterinary medicine revoked, suspended or denied and, in the event that the applicant is unable to so certify, the board may request or require full explanation and/or documentation concerning such revocation, suspension, or denial; and
7. certification from the applicant stating that he has not violated or been subject to any of the grounds for denial of a certificate of approval as listed in R.S. 37:1544.

C. The board may require such application to be sworn to by the applicant, notarized, or attested to by the applicant under penalty of perjury.

D. The board may reject any applications which do not contain full and complete answers or information as requested and may reject any application, or take action against the certificate of approval of any registered veterinary technician, if any information furnished in the application is fabricated, false, misleading, or incorrect.

E. The board shall reject the application of an applicant who has practiced veterinary medicine or veterinary technology in this state without a certificate of approval during the one-year period immediately prior to the initial application submission date.

F. An application shall become expired if not completed by issuance of a certificate within one year from the initial application submission date. Once expired, the entire application process, including the payment of all applicable fees, shall begin anew.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:226 (March 1990), amended LR 40:309 (February 2014), LR 49:2074 (December 2023), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:

## **Chapter 12. Certified Animal Euthanasia Technicians**

### **§1201. Applications for Certificate of Approval**

A. The application for a certificate of approval to perform euthanasia in the state of Louisiana shall contain the information set forth in R.S. 37:1553, and shall include certification that the applicant has not performed euthanasia in this state without a certificate of approval.

B. In addition to the above requirements, the board may also require that any applicant furnish the following information or documentation:

1. a current passport-type photograph of the applicant;
2. a copy of an official birth certificate or a copy of a current driver's license as proof of attaining the age of 18 years in order to commence the application process, attend the required training course, sit for the certification examination and receive certification as a CAET or Lead CAET;
3. an official transcript of the applicant's high school records or photocopy of the applicant's high school diploma or GED or an official transcript or copy of a diploma indicating attendance at an institution of higher learning;
4. unless otherwise already in possession of the board, evidence that the applicant has successfully completed a board-approved program in animal euthanasia, which shall include instruction in the proper methods of humanely euthanizing animals by injecting legal drugs in accordance with rules adopted by the board, in proper security precautions, in proper record keeping, and related skills identified by the board;
5. a list of all professional certificates or licenses that the applicant currently holds and has previously held;
6. certification by the applicant that he has never been convicted, pled guilty or pled nolo contendere to either a felony or misdemeanor, other than a minor traffic violation. In the event that the applicant is unable to so certify, the board shall require the applicant to explain in full and/or provide further documentation;
7. certification by the applicant that he has never had certification as a certified animal euthanasia technician revoked, suspended, or denied. In the event that the applicant is unable to so certify, the board shall require the applicant to explain in full and/or provide further documentation;
8. a release waiver form to authorize a background check regarding the applicant's history with dangerous and/or controlled substances to be performed by the Drug Enforcement Administration or other law enforcement agency at the board's request. A photostatic copy of the applicant's authorization is accepted with the same authorization as the original. The background check must be successfully passed, which means that the Drug Enforcement Administration or other law enforcement agency has indicated to the board that the applicant has no previous criminal convictions involving dangerous and/or controlled substances; and
9. certification by the applicant that he has not violated or been subject to any of the grounds for denial of a certificate of approval as listed in R.S. 37:1554.

C. The board may require such application to be sworn to by the applicant, notarized, or attested to by the applicant under penalty of perjury.

D. The board may reject any applications which do not contain full and complete answers and/or information as requested and may reject any application, or take action against the certificate of approval of any certified animal euthanasia technician, if any information furnished in the application is fabricated, false, misleading, or incorrect.

E. The board shall reject the application of an applicant who has practiced veterinary medicine, veterinary technology, or euthanasia technology with sodium pentobarbital in this state without a certificate of approval during the one-year period immediately prior to the initial application submission date.

F. An application shall become expired if not completed by issuance of a certificate within one year from the initial application submission date. Once expired, the entire application process, including the payment of all applicable fees and completion of a board-approved course in animal euthanasia, shall begin anew.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1424 (November 1993), amended LR 26:317 (February 2000), LR 29:1479 (August 2003), LR 38:357 (February 2012), LR 40:310 (February 2014), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:

#### **Family Impact Statement**

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

#### **Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested parties may submit written comments to the Louisiana Board of Veterinary Medicine, Attention: Jared B. Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to [director@lsbvm.org](mailto:director@lsbvm.org) or via hand delivery. Comments will be accepted until 3 p.m. on Thursday, January 9, 2025. All written comments must be dated and must include the first and last name, email address, mailing address, phone number, and the original signature of the person submitting the comments.

#### **Public Hearing**

Interested parties may submit a written request to conduct a public hearing to the Louisiana Board of Veterinary Medicine, Attention: Jared B. Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to [director@lsbvm.org](mailto:director@lsbvm.org) or via hand delivery; however, such request must be received by no later than 3 p.m. on Thursday, January 9, 2025. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, a public hearing will be conducted at 1 p.m. on Friday, January 24, 2025 at 5825 Florida Blvd, Baton Rouge, LA 70806. To confirm whether or not a public hearing will be held, interested parties should visit [www.lsbvm.org/rulemaking-projects](http://www.lsbvm.org/rulemaking-projects) after Friday, January 10, 2025. If a public hearing is to be held, all interested parties are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in front of the Department of Agriculture and Forestry Building at 5825 Florida Blvd, Baton Rouge, LA 70806.

Jared B. Granier  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Licensing Procedures**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There will be no costs or savings to state or local governmental units resulting from the proposed rule change, except for the cost associated with publishing, which is included in the annual operating budget of the Board of Veterinary Medicine (Board).

The proposed Rule change provides greater uniformity and clarity to the application process for licensure language for veterinarians (DVMs), registered veterinary technicians (RVTs), and certified animal euthanasia technicians (CAETs) and changes the application lifespan from two years to one year.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed Rule change will not affect revenue collections for state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed Rule change will help expedite the application review process and the issuance of licenses by the Board by ensuring all necessary supplemental documentation is submitted from the applicants in a more timely manner. The change in the application lifespan from two years to one year is possible due to several changes which have accelerated the overall application process including: the Board's transition to an online application process; the establishment of an online testing option for the required state jurisprudence exam; the repeal of the letters of recommendation requirement for licensure; the repeal of the eight-week preceptorship program requirement for DVM licensure; the addition of three total Board-offered CAET trainings annually; and, the addition of a third testing window annually for the national exam (NAVLE) for DVMs.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed Rule change is anticipated to have no effect on competition or employment.

Jared B. Granier, MBA  
Executive Director  
2412#018

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Culture, Recreation and Tourism Office of State Parks

Cultural Resources  
(LAC 25:IX.101, Chapter 3, and Chapter 5)

Editor's Note: The following Notice of Intent is being repromulgated to correct a manifest typographical error in original the public comment period. The original Notice of Intent can be found on pages 1678-1685 of the November 20, 2024 edition of the *Louisiana Register*.

The Department of Culture, Recreation and Tourism, Office of State Parks, proposes to adopt additions, revisions, and deletions to LAC 25:IX.101, 303, 305, 307, 308, 309, 313, 321, 331, 500, 501, 502, 503, 504, 505, 506, and 507. The proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. The proposed Rule change is made in accordance with R.S. 36:204, which gives the secretary of culture, recreation and tourism the authority to make, alter, amend, and promulgate rules and regulations necessary for the administration of the functions of the department in accordance with the Administrative Procedure Act. This proposed Rule is written in plain language in an effort to increase transparency.

The proposed Rule abbreviates the terms "office of state parks" to "OSP" and "Department of Culture, Recreation and Tourism" to "DCRT" and makes numerous spelling, grammar, and re-numbering/re-lettering revisions throughout LAC 25:IX.101, 303, 305, 307, 308, 309, 313, 321, 331, 500, 501, 502, 503, 504, 505, 506, and 507. The proposed Rule adds language for certain items that may be included as "Property" of OSP or another person that may not be intentionally removed, damaged, disturbed, or destroyed. The proposed Rule adds language prohibiting the display, possession, and/or use of metal detectors or similar devices on OSP property. The proposed Rule adds language prohibiting visitors to state historic sites "and recreation sites" from leaving designated trails. The proposed Rule

revises the period of time that vehicles will be considered abandoned if left unattended from seven consecutive days to 24 hours. The proposed Rule revises the term "should" to "shall" in requiring OHV riders to wear appropriate protective clothing. The proposed Rule removes "Hodges Gardens Lake" as a location where personal watercrafts are prohibited. The proposed Rule revises the title of LAC 25:IX.307 to state "Watercraft" instead of "Water Craft." The proposed Rule revises the term "pet(s)" to "dog(s)" and clarifies the locations on OSP property where dogs are allowed. The proposed Rule adds language that "OSP follows all rules, guidelines, and enforcements from the Louisiana Department of Wildlife and Fisheries (LDWF)" and removes language restricting the "taking of flounder by gigs, crabbing at Grand Isle SP and the taking of fish by means of a yo-yo or trigger device (as defined in R.S. 56:8) in Chicot Lake at Chicot State Park." The proposed Rule adds language prohibiting fishing in all designated swimming areas. The proposed Rule adds language requiring site visitors "without a reservation" to provide photo identification and other basic contact information. The proposed Rule adds language that "higher value items (Ex: Flat Screen TVs, appliances, etc.) are subject to market value replacement fee" if an item not reported as missing or damaged upon occupancy, becomes missing or damaged when the structure is vacated. The proposed Rule removes the term "Hodges Gardens SP" and all general admission fees for Hodges Gardens SP. The proposed Rule adds language that allows "seniors 62 and older" to receive free admission to St. Bernard State Park and requires proof of residency for St. Bernard and Plaquemines Parish residents to receive free admission to St. Bernard State Park on Sundays. The proposed Rule removes language specifying that an annual vehicle permit for St. Bernard State Park will be in the form of a windshield decal and replaces the word "decal" with "permit." The proposed Rule revises the replacement fee for an annual vehicle permit to \$10 instead of free "if a windshield or vehicle has been replaced." The proposed Rule adds language increasing and/or modifying the general admission fees for all state historic sites and Poverty Point World Heritage Site, establishing charges for guided site, house, or tram tours, and clarifying that guided site, house, or tram tour fees include all grounds, gardens, and structures open to the public. The proposed Rule revises general admission charges and guided house tour charges for Rosedown Plantation State Historic Site and clarifies that guided house tour fees include all grounds and gardens of Rosedown Plantation State Historic Site. The proposed Rule removes all site-specific admission charges for Audubon State Historic Site. The proposed Rule adds language exempting admission fees at "state historic sites and Poverty Point World Heritage Site as defined in §502.C" for all students and chaperones on a field trip. The proposed Rule removes language giving example locations of all type I, II, and III meeting rooms. The proposed Rule adds language authorizing the assistant secretary to set day-use facility rental rates at his/her discretion and lists factors to be considered in pricing the day-use facility rental rates. The proposed Rule revises the title of LAC 25:IX.502 to state "Fees and Exemptions; Entrance Discounts." The proposed Rule removes duplicative language regarding annual day-use permits and the ability for the permit holder to obtain a

permit in the form of a vehicle decal. The proposed Rule revises the cost of an annual day-use permit from \$80 to \$100 per year. The proposed Rule adds language instructing the annual day-use permit holder on what actions to take if their permit needs to be replaced and that a \$10 fee will be charged for a replacement permit. The proposed Rule revises the maximum campsite fee not to exceed \$75 per night and the group camp rental fee not to exceed \$2,500 per night. The proposed Rule removes summer weekday, winter weekend, and winter weekday campsite rental rates and revises the summer weekend campsite rental rate to the standard "Overnight Rate" for all visitors. The proposed Rule removes the standard weekday cabin rental rate and revises the standard weekend cabin rental rate to the "Overnight Rate" for all visitors. The proposed Rule removes the provision that the "rental fee for all cabins at Hodges Gardens S.P. and modular cabins at Sam Houston Jones S.P. will be the standard weekday rate year-round." The proposed Rule removes the standard weekday lodge rental rate, the standard lodge classification rental rates, revises the standard weekend lodge rental rate to the "Overnight Rate" for all visitors, and revises the new Overnight Rate from \$225 to \$250. The proposed Rule removes the Class I, II, and III classification, maximum capacity, and overnight rate schedule for group camps and replaces it with a new site-specific group camp overnight rate schedule with site-specific group camp sleeping capacity limitations. The proposed Rule adds language requiring that group camp reservation guests be charged a one-time fee of \$5 in addition to paying the new site-specific group camp overnight rates. The proposed Rule adds language that "group camps with multiple structures will provide facilities based on the number of guests on a reservation." The proposed Rule revises Poverty Point "SHS" to Poverty Point "World Heritage Site." The proposed Rule adds language requiring requests for use of the special research dormitory facility at Poverty Point World Heritage Site to be made in writing via letter "or email." The proposed Rule adds language requiring requests for all programs and activities conducted by groups or individuals using the special research dormitory facility at Poverty Point World Heritage Site to be made in writing "via letter or email." The proposed Rule adds language authorizing the assistant secretary to set overnight rates for all campsites, camping areas, cabins, lodges, group camps, and dormitory facilities at his/her discretion and lists factors to be considered in pricing the overnight rates. The proposed Rule removes the specific telephone number to make a reservation for all OSP facilities and replaces the telephone number with the phrase "the currently contracted reservation center customer service line." The proposed Rule revises the time that overnight and day-use facilities, including cabins, lodges, group camps, camping sites, rally shelters, meeting rooms and pavilions may be reserved in advance from 11 months to 13 months. The proposed Rule revises the terms "he" with "they" and "August" with "June", and removes the language ", or the first business day after August 2," in an example given to illustrate the timeframe for when a reservation may be made for all OSP facilities. The proposed Rule removes the language "Deposit in f" in the first line of LAC 25:IX.505.A.4., so that the first line now just states "Full deposit." The proposed Rule adds language

implementing a one night charge at the reserved facility's rate if a guest is a no-show for a reservation, but allows the assistant secretary or their designee to grant an exception to that charge in writing. The proposed Rule removes all two and three night minimum reservation requirements for weekend and weekday reservations at all OSP facilities and the specifications for which rate would apply in a situation where a weekend and weekday reservation overlapped. The proposed Rule adds language clarifying that exceptions "to the reservation policy" may be granted by the assistant secretary or his designee. The proposed Rule removes the provision that "up to five" campsites may be designated for long-term stays during the winter season. The proposed Rule removes the provision that "temporary visitors passes are available for the purpose of inspecting the site facilities prior to an anticipated visit." The proposed Rule revises the title of LAC 25:IX.507 to state "Special Uses and Use Restrictions." The proposed Rule also revises the title of LAC 25:IX.507.A. to state "Special Use." Lastly, the proposed Rule adds language so that the title to LAC 25:IX.507.D. is now "Commercial Media" and adds subsections 1., a., and b. to LAC 25:IX.507.D.

#### **Title 25**

### **CULTURAL RESOURCES**

#### **Part IX. Office of State Parks**

#### **Chapter 1. Definitions**

#### **§101. Definitions**

\* \* \*

*Assistant Secretary*—the assistant secretary of the OSP is executive head of the office and is appointed by the lieutenant governor with consent of the Senate. This officer is subject to the overall direction and control of the secretary of the Department of Culture, Recreation and Tourism (DCRT) while having direct responsibility for the policies of the OSP, and for the administration, control and operation of the functions, programs and affairs of the office.

*Classification System*—the method of categorizing OSP sites based on purpose, selection, development and management criteria. The categories established by this system are state park, state historic site, and state preservation area. Use of these classification terms in any official name, public or private lands, or holdings is prohibited except when approved by the secretary of DCRT, and when such areas meet the classification criteria as identified in R.S. 56:1684.

\* \* \*

*Secretary*—the secretary of DCRT serves as the executive head and chief administrative officer of the department and is appointed by the lieutenant governor with consent of the Senate. This officer has responsibility for the policies of the department and for the administration, control and operation of the functions, programs and affairs of the department.

*Site*—any holding of the OSP including, but not limited to, state historic sites, state parks, state preservation areas, and special holdings.

\* \* \*

*State Park (SP)*—an official designation within the classification system of the OSP. State parks are natural areas, which when evaluated on a statewide basis, possess outstanding scenic and natural qualities, as well as exceptional potential for recreation utilization.

\* \* \*



AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690, R.S. 56:1801-1809 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:90 (February 1986), amended LR 19:308 (March 1993), LR 31:1979 (August 2005), LR 36:1225 (June 2010), LR 43:290 (February 2017), LR 51:

### **Chapter 3. General Provisions**

#### **§303. Park Property and Environment**

A. ...

B. No person shall intentionally remove, damage, disturb, or destroy any OSP property or the property of another person, without the consent of the owner. "Property" shall include but is not limited to structures, watercraft, movables, signs, markers, natural features, cultural features wildlife, plants, and overnight supplies for rental facilities (pots, pans, pillows, blankets, etc.).

C. - G. ...

H. The display, possession, and/or use of metal detectors or similar devices is prohibited on OSP property. It is strictly forbidden to dig for or otherwise remove any historical feature, relic or artifact. Persons wishing to excavate and remove historical features by professional archaeological means for research purposes must request a permit from the Louisiana Archaeological Survey and Antiquities Commission. Applications for such permits must be made through the assistant secretary.

I. ...

J. Visitors to state historic sites and recreation sites are prohibited from leaving designated trails and may not walk on historic earthworks, fortifications, mounds or like features without specific permission of the site manager.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:634 (December 1982), amended LR 12:89 (February 1986), LR 16:1052 (December 1990), LR 19:308 (March 1993), LR 26:25 (January 2000), LR 27:1673 (October 2001), LR 31:1980 (August 2005), LR 36:1226 (June 2010), LR 43:290 (February 2017), LR 51:

#### **§305. Vehicle Use**

A. - F. ...

G. Vehicles will be considered abandoned if left unattended for more than twenty-four hours unless the proper permit or advanced written approval is granted by the site manager.

H. ...

I. Off-highway vehicles (OHV) are prohibited on OSP sites, including back country trails, except as set forth in this section.

I.1.a.i. - I.1.b. ...

c. OHV riders shall wear appropriate personal protective clothing such as eye protection, gloves, boots, long-sleeve shirt, and long pants.

I.1.d. - I.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:634 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 26:25 (January 2000), LR 31:1980 (August 2005), LR 39:1264 (May 2013), LR 43:290 (February 2017), LR 51:

#### **§307. Watercraft**

A. - J. ...

K. Personal watercrafts (defined as any one or more person jet propelled craft such as a Jet Ski or Sea-Doo) are prohibited at Poverty Point Reservoir, Chicot Lake and in any portion of any site posted as a "no ski zone."

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:634 (December 1982), amended LR 12:89 (February 1986), LR 16:1052 (December 1990), LR 26:26 (January 2000), LR 31:1981 (August 2005), LR 36:1226 (June 2010), LR 39:1265 (May 2013), LR 43:291 (February 2017), LR 51:

#### **§308. Poverty Point Reservoir State Park**

A. All of the restrictions on and requirements for operating watercraft in Poverty Point Reservoir State Park listed in this section are in addition to those restrictions and requirements found elsewhere in these OSP rules and regulations. These section rules apply only to Poverty Point Reservoir State Park's visitors. No part of this section however, shall be construed so as to nullify, in whole or in part, any other section of the OSP rules and regulations as they exist.

B. - C.3. ...

4. operating a watercraft without a current day-use receipt or "resident boat permit."

D. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 31:1981 (August 2005), amended LR 36:1226 (June 2010), LR 43:291 (February 2017), LR 51:

#### **§309. Horseback Riding, Livestock, Animals and Pets**

A. ...

B. Any dog brought on OSP property must be leashed, caged or crated. Leashes shall not exceed 6 feet in length. With the exception of service animals, dogs are only permitted in designated cabins. Dogs are not permitted within any other buildings or other enclosed structures on site, nor are they allowed near designated swimming areas and in other overnight facilities. Owners shall be fully responsible for any injury and/or damage caused by their dog.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:635 (December 1982), amended LR 12:89 (February 1986), LR 14:773 (November 1988), LR 26:26 (January 2000), LR 31:1982 (August 2005), LR 36:1226 (June 2010), LR 43:292 (February 2017), LR 51:

#### **§313. Fishing, Hunting, Trapping and the Use of Firearms or Fireworks**

A. - D. ...

E. OSP follows all rules, guidelines, and enforcements from the Louisiana Department of Wildlife and Fisheries (LDWF). A person fishing on OSP property must adhere to all state and federal laws and criteria regarding fresh and/or salt water fishing. The taking of fish by nets, traps or any means other than hook or line is prohibited at any and all

sites, except for management purposes as authorized by special permit.

F. ...

G. Fishing is prohibited in all designated swimming areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:773 (November 1988), LR 16:1052 (December 1990), LR 19:308 (March 1993), LR 31:1982 (August 2005), LR 36:1227 (June 2010), LR 39:1265 (May 2013), LR 43:292 (February 2017), LR 51:

**§321. Fines and Enforcement**

A. - B. ...

C. Site visitors without a reservation are required to provide photo identification and basic contact information including phone number, mailing address and email address. Site visitors may also be required to furnish specific information upon admission or registration, including but not limited to, vehicle license plate number and a driver's license number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:636 (December 1982), amended LR 12:89 (February 1986), LR 26:27 (January 2000), LR 27:1673 (October 2001), LR 31:1983 (August 2005), LR 36:1227 (June 2010), LR 39:1266 (May 2013), LR 43:293 (February 2017), LR 51:

**§331. Overnight-Use Facilities**

A. - B.6. ...

C. Cabins, Lodges, Other Overnight Facilities

1. A written inventory of movable equipment and furnishings is posted in each overnight structure or will be furnished to the visitor. It is the visitor's responsibility to check the inventory immediately upon occupancy. The visitor must report to the site manager or his designee any discrepancy between the actual inventory and the printed inventory. The visitor may be assessed the cost of items which, if not reported as missing or damaged upon occupancy, are missing or damaged when the structure is vacated. Higher value items (Ex: Flat Screen TVs, appliances, etc.) are subject to market value replacement fee. Failure to reimburse the OSP for any missing property or damage to property may result in denial of future use of OSP facilities.

C.2. - C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:634 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 16:1053 (December 1990), LR 19:308 (March 1993), LR 26:28 (January 2000), LR 27:1673 (October 2001), LR 31:1984 (August 2005), LR 36:1227 (June 2010), LR 39:1266 (May 2013), LR 43:293 (February 2017), LR 51:

**Chapter 5. Procedures and Fees**

**§500. Admission Fees and Exemptions**

A. State Parks—General Admission Fees

1. Except as otherwise provided in this Chapter, a general admission fee is charged at all state parks as follows.

	State Parks
Visitors (age 4-61) in non-commercial vehicles, walk-in visitors, visitors on bicycles	\$3 per person, per day
Children 3 and under	Free
Seniors 62 and older	Free
Persons, regardless of age, arriving by bus	\$75 per bus, per day

\* \* \*

2. St. Bernard State Park General Admission Fees

a. The general admission fee at St. Bernard State Park is \$2 per person 16 years of age and older and \$1 per person under 16 years of age with a maximum of \$5 per vehicle for all passengers in that vehicle. Seniors 62 and older receive admission free of charge.

b. Except there shall be no admission fee for St. Bernard and Plaquemines Parish residents on Sundays. Proof of residency will be required for admission on Sundays.

c. An annual vehicle permit may be obtained from the park office by St. Bernard and Plaquemines Parish residents only. The annual vehicle permit fee is \$25. There will be no admission charge at any time for anyone entering the park as a passenger or driver of a vehicle with a permit.

d. OSP will replace an annual vehicle permit for \$10.

B. State Historic Sites General Admission Fees

1. General Admission Fees for State Historic Sites

a. Except as otherwise provided in this Chapter, the following general admission fee structure is charged at all state historic sites and Poverty Point World Heritage Site:

- i. \$6 per person (ages 7 to 61);
- ii. \$4 per senior citizen (ages 62 and over);
- iii. free for children (ages 6 and under).

b. Charges for guided site, house or tram tours are as follows:

- i. \$10 per person (ages 7 to 61);
- ii. \$8 per senior citizen (ages 62 and over);
- iii. free for children (ages 6 and under).

c. Guided site, house, or tram tour fees include all grounds, gardens and structures open to the public.

2. ...

3. Rosedown Plantation State Historic Site

a. Charges for admission to the plantation house and the gardens surrounding the house at the following rates:

- i. \$7 per person (ages 7 to 61);
- ii. \$5 per senior citizen (ages 62 and over);
- iii. free for children (ages 6 and under).

b. Charges for guided house tours are as follows:

- i. \$12 per person (ages 7 to 61);
- ii. \$10 per senior citizen (ages 62 and over);
- iii. free for children (ages 6 and under).

c. Guided house tour fees include all grounds and gardens.

d. Organized groups of 20 or more are requested to notify the site manager in advance of their arrival. Special entry rates may apply to organized groups, set by the assistant secretary or his designee.

4. Organized groups of 10 or more are requested to notify the site manager in advance of their arrival. Except as otherwise provided in this Chapter, there is no additional fee for SHS visitors arriving by bus.

5. Special programs and events may include special admission rates.

C. - F. ...

G. Students and chaperones on a field trip are exempt from admission fees at state historic sites and Poverty Point World Heritage Site as defined in §502.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:636 (December 1982), amended LR 12:89 (February 1986), LR 14:774 (November 1988), LR 16:1053 (December 1990), LR 19:309 (March 1993), LR 26:29 (January 2000), LR 27:1673 (October 2001), LR 31:1986 (August 2005), LR 36:1228 (June 2010), LR 39:1266 (May 2013), LR 43:294 (February 2017), LR 48:28 (January 2022), LR 51:

**§501. Day-Use Fees; Miscellaneous Services, Privileges, and Facility Fees**

A. - F.7.b. ...

c. type III pavilion—\$120 per day.

G. Meeting Rooms

1. Meeting rooms used to accommodate meetings and functions of private groups, clubs and other organizations are available during normal park operating hours. Kitchen facilities may be used, if available. Meeting room rates are as follows:

- a. type I—\$100;
- b. type II—\$160;
- c. type III—\$220.

H. Fees for pavilion and meeting room rentals are subject to applicable state and local taxes. Fees for general admission and miscellaneous day-use services, permits, and privileges include applicable state and local sales taxes.

I. Day-use facility rental rates will be at the discretion of the assistant secretary or their designee. Factors considered in pricing will include a facility's amenities and condition (i.e. age of facility, remodel, new construction, access to boat launch, electricity, water, etc.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:637 (December 1982), amended LR 12:89 (February 1986), LR 14:774 (November 1988), LR 16:1052 (December 1990), LR 26:29 (January 2000), LR 27:1673 (October 2001), LR 31:1986 (August 2005), LR 36:1228 (June 2010), LR 39:1266 (May 2013), LR 43:295 (February 2017), LR 51:

**§502. Fees and Exemptions; Entrance Discounts**

A. Disabled Veterans. A special veteran entrance permit allows any disabled Louisiana resident who is a veteran of the armed forces of the United States and any person(s) accompanying him in a single, private, non-commercial vehicle exemption from the day-use entrance fees to any Louisiana state park. Applications for a veteran permit may be made to the Louisiana Department of Veterans' Affairs service office serving the parish in which the applicant resides. After certification of eligibility has been established by the Department of Veterans' Affairs, the assistant secretary of the OSP will issue a permit directly to the applicant.

B. Active-Duty Military. Active-duty military personnel and one immediate family member shall receive a 50 percent discount for general admission to a state park or state

historic site by presenting a current, valid military photo ID.

C. - D. ...

E. Non-Profit Community Home-Based Organization. Any child age 18 or under who is retained in the legal custody of the state through a bona fide contractual service agreement with a public, non-profit community home-based organization or provider shall be exempt from paying the general admission fees or any other day-use fee at any site. Such use must be in conjunction with an organized group outing or event sponsored and supervised by the public, non-profit organization or provider.

F. Annual Day-Use Permits

1. Permits are available at a cost of \$100 per year. This permit, in the form of a wallet I.D. card, allows the holder individually or as a passenger in a single, private non-commercial vehicle entry to all sites in lieu of the normal admission fee. All people accompanying a permit holder as occupants in a single, private non-commercial vehicle in which the permit holder is a passenger or driver are also admitted without charge.

a. The annual day-use permits are valid for a period of one year from the date of purchase. Permits may be obtained at any site.

b. Price does not include applicable state and local taxes.

c. Holder of the annual day-use permit should record the original number. If the original number is lost, they must notify the site office where the permit was purchased and provide the permittee's name and permit number. A \$10 fee will be charged for a replacement permit.

F.2. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:637 (December 1982), amended LR 12:89 (February 1986), LR 14:774 (November 1988), LR 16:1053 (December 1990), LR 19:309 (March 1993), LR 26:29 (January 2000), LR 27:1673 (October 2001), LR 31:1987 (August 2005), LR 36:1229 (June 2010), LR 39:1267 (May 2013), LR 43:296 (February 2017), LR 51:

**§503. Fees and Exemptions; Special Promotions**

A. ...

B. As approved by the assistant secretary and subject to the limits set forth herein, overnight use rates may be subject to a surcharge based on demand. In no event shall campsite rental fees exceed \$75 per night, cabin rental fees exceed \$350 per night, lodge rental fees exceed \$400 per night, nor group camp rental fees exceed \$2,500 per night.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:637 (December 1982), amended LR 12:89 (February 1986), LR 14:774 (November 1988), LR 16:1053 (December 1990), LR 26:29 (January 2000), LR 27:1673 (October 2001), LR 31:1988 (August 2005), LR 43:296 (February 2017), LR 51:

**§504. Fees and Exemptions; Overnight Accommodations**

A. - A.1.f. ...

g. Campsite Fees

Classification	Overnight Rate
Premium	\$33
Improved	\$28

Classification	Overnight Rate
Unimproved	\$18
Backcountry	\$9

2. Primitive Group Camping Areas

a. Designated primitive areas accommodating organized groups (Boy Scouts, Girl Scouts, etc.) are available for camping at \$35 to \$60 per night based on capacity. Capacity will be set by the site manager.

3. Rally Camping

a. Areas designated and reserved for use by organized groups of overnight campers. These areas differ from the normal state park campgrounds since they are available for group use only.

b. Fees

i. A fee of \$60 per night is assessed to the group for the exclusive use of the area, and each individual camper rig is also charged the improved campsite rate.

ii. The day-use fee for a rally campground is \$60 per day for the group, in addition to the standard general admission fees per person.

c. Carrying Capacity

i. Maximum carrying capacity for rally areas is established by individual site managers, and information concerning these capacities is available through the individual site offices.

4. Long-Term Stays

a. No fee exemption or discount provided for by rule may be applied to a long-term stay.

B. Cabins, Lodges and Group Camps—Fees and Exemptions

1. Cabins

a. Except as otherwise set forth in this Chapter, cabins may be rented in accordance with the following rates.

Classification	Overnight Rate	Bedding Accommodations	Maximum Capacity
Deluxe	\$175	6-8	8
Standard	\$95	4-6	6-8

2. Lodges

a. Lodges are large overnight structures equipped with kitchen, bath and sleeping facilities and can accommodate a large family or several family groups. Except as otherwise set forth in this Chapter, lodges may be rented at the following rates.

Overnight Rate	Bedding Accommodations	Maximum Capacity
\$250	14	16

3. Group Camps

a. Group camps are available at certain parks for organized group use, for day- or overnight use. The capacity and rates are as follows:

State Park	Overnight Rate	Sleeping Capacity
Bayou Segnette	\$700	80
Bogue Chitto	\$600	52
Chemin-A-Haut	\$400	38
Chicot	\$600	112
Fontainebleau	\$700	100
Fontainebleau	\$400	65

State Park	Overnight Rate	Sleeping Capacity
Jimmie Davis	\$700	124
Lake Bistineau	\$400	160
Lake D'Arbonne	\$600	50
North Toledo Bend	\$600	150
Tickfaw	\$400	52

b. Group camp reservation guests will be charged a one-time \$5 per person fee in addition to the overnight rate listed above.

c. Group camps with multiple structures will provide facilities based on the number of guests on a reservation.

4. Special Research Dormitory Facilities at Poverty Point World Heritage Site

4.a. - 4.b.i. ...

c. Application Process. Requests for use of the dormitory must be made in writing via letter or email addressed to the site manager. The site manager and the assistant secretary will review the request and respond in writing to the applicant.

4.d. - 4.f.iv. ...

g. Special Conditions. All programs and activities conducted by groups or individuals using the dormitory must be approved in writing via letter or email by the site manager.

h. ...

5. Prices for the facilities listed in this section do not include applicable state and local taxes.

6. ...

7. Overnight rates will be at the discretion of the assistant secretary or their designee. Factors considered in pricing will include a facility's amenities and condition (i.e. age of facility, remodel, new construction, location on park, etc.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:638 (December 1982), amended LR 12:89 (February 1986), LR 12:828 (December 1986), LR 26:30 (January 2000), LR 27:1674 (October 2001), LR 31:1988 (August 2005), LR 36:1229 (June 2010), LR 39:1267 (May 2013), LR 43:297 (February 2017), LR 51:

**§505. Reservation Policy**

A. General Provisions

1. Reservations may be made for all OSP facilities that are subject to reservation by calling the currently contracted reservation center customer service line. Overnight and day-use facilities, including cabins, lodges, group camps, camping sites, rally shelters, meeting rooms and pavilions may be reserved 13 months in advance. For example, if a park user wants to use a facility on July 2, they may make the reservation no earlier than June 2 of the prior year. Reservations may also be made online 24 hours a day by accessing the OSP web site, www.lastateparks.com. A non-refundable service fee is charged for all reservations.

A.2. - A.3. ...

4. Full deposit amount must be received within 10 days of the date the reservation is made; otherwise, the reservation is canceled. Payment may be made by credit card, in-state personal check or money order. A \$35 NSF fee will be charged for checks written on accounts with insufficient funds. If the reservation is made within 14 days

or fewer of the usage date, payment shall be by credit card only.

A.5. - A.6.d. ...

7. In the event a guest is a no-show for a reservation, the guest will be charged for one night at the reserved facility's rate. Exceptions can be granted in writing by the assistant secretary or their designee.

8. In the event reservations must be canceled by OSP staff (e.g., for maintenance or emergency reasons) the rental fee will be refunded in full.

9. Weekday nights are considered Sunday through Thursday and weekends are Friday through Saturday.

10. If facilities are not reserved in advance, they may be rented on weekends or weekdays for one night to walk-up users using the facilities that day.

11. Exceptions to the reservation policy may be granted by the assistant secretary or his designee. Minimum night reservation terms may be adjusted site-by-site or periodically by the assistant secretary or his designee in order to encourage visitation or to correlate with special events.

12. Campsites in a park may be designated for long-term stays during the winter season, October 1 through March 31, with assistant secretary approval. A long-term stay shall not exceed 60 consecutive nights.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1693 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:640 (December 1982), amended LR 12:89 (February 1986), LR 14:777 (November 1988), LR 16:1051 (December 1990), LR 26:32 (January 2000), LR 27:1674 (October 2001), LR 31:1989 (August 2005), LR 36:1230 (June 2010), LR 39:1267 (May 2013), LR 43:298 (February 2017), LR 51:

#### **§506. Refunds**

A. - D. ...

E. Refunds of day-use fees are not granted when a visitor, by his own choosing, leaves the site due to inclement weather.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 12:828 (December 1986), LR 26:32 (January 2000), LR 31:1989 (August 2005), LR 36:1230 (June 2010), LR 51:

#### **§507. Special Uses and Use Restrictions**

A. Special Uses

1. Any function requiring special or restricted use of any facility or area within an OSP site must be approved by the assistant secretary and the fee for such will be computed on a negotiated rate unless otherwise established. Special use for an organized group event (e.g. weddings, tournaments, fundraiser, runs/walks, etc.) will typically require a facility use agreement (FUA). The determination for the requirement of a FUA will be made by the assistant secretary. Written request for special use of a facility must be received at the Office of State Parks, P.O. Box 44426, Baton Rouge, LA 70804-4426 at least 30 days prior to the scheduled event. No telephone requests are accepted.

B. - C.2. ...

D. Commercial Media

1. Use of OSP sites for commercial film-making, videography, or commercial still photography including but not limited to the production of motion picture, television

programs, video or print advertising commercials, or commercial video tapings, any of which involves the exclusive use and occupancy of OSP property and/or facilities must be arranged and negotiated with the Office of State Parks' administrative office, public information officer for location agreement.

a. Such use shall only be permitted in accordance with a signed location agreement. Each location agreement is unique depending on the site, the proposed use, and other relevant factors and is negotiated accordingly. Contact the Office of State Parks' administrative office, public information officer for location agreement.

b. Exempt from this rule and policy are photographers and videographers who enter OSP property at the request of the DCRT, in response to a press release, or otherwise; to cover an event, conduct interviews, capture footage of the OSP site or program, or else to gather information for a news or feature story or DCRT project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:779 (November 1988), LR 19:313 (March 1993), LR 26:32 (January 2000), LR 27:1674 (October 2001), LR 31:1989 (August 2005), LR 36:1230 (June 2010), LR 43:298 (February 2017), LR 51:

#### **Family Impact Statement**

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. the behavior and personal responsibility of children;
5. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Furthermore, the proposed Rule should have minimal, if any, foreseeable impact on family earnings and family budget due to the standardization and consolidation of campsite, cabin, and lodge rates, as well as the proposed rate changes listed below:

1. the addition of a group camp attendee fee and an increase in group camp overnight rates;
2. restructure of state historic site admission fees;
3. increase in annual day-use permit rates.

#### **Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable impact on:

1. the effect on early childhood development and preschool through postsecondary education development;
2. the effect on employment and workforce development;
3. the effect on taxes and tax credits;
4. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Furthermore, the proposed Rule should have minimal, if any, foreseeable impact on household income, assets, and financial security due to the standardization and

consolidation of campsite, cabin, and lodge rates, as well as the proposed rate changes listed below:

1. the addition of a group camp attendee fee and an increase in group camp overnight rates;
2. restructure of state historic site admission fees;
3. increase in annual day-use permit rates.

#### Small Business Analysis

The proposed Rule should have no adverse impact on small business as defined in the Regulatory Flexibility Act. Therefore, a Small Business Economic Impact Statement has not been prepared.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### Public Comments

Interested persons may submit written comments on the proposed Rule until 5 p.m., January 10, 2025 to Mr. Brett Sandifer, Attorney for the Office of State Parks, P.O. Box 44426, Baton Rouge, LA 70804 or via email to [bsandifer@crt.la.gov](mailto:bsandifer@crt.la.gov). He is responsible for responding to inquiries regarding the proposed Rule.

#### Public Hearing

No public hearing on this proposed Rule has been scheduled. If a public hearing is needed, all interested parties will be afforded an opportunity to submit data, views, or arguments either orally or in writing. Interested parties may submit a written request to conduct a public hearing to Mr. Brett Sandifer, Attorney for the Office of State Parks, P.O. Box 44426, Baton Rouge, LA 70804 or via email to [bsandifer@crt.la.gov](mailto:bsandifer@crt.la.gov); however such request must be received no later than 5 p.m. on January 10, 2025.

H. Brandon Burris  
Assistant Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Cultural Resources

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to increase costs for the Louisiana Department of Culture, Recreation and Tourism (CRT), Office of State Parks (OSP). Implementation will be absorbed within existing resources and staff. There is no anticipated impact on local governmental unit costs.

The proposed rule change updates and clarifies existing rules by amending language to provide for several technical changes. Substantive revisions are as follows:

- (1) Revises the cost of an annual day-use permit from \$80 to \$100 per year
- (2) Adds language instructing the annual day-use permit holder on what actions to take if their permit needs to be replaced and that a \$10 fee will be charged for a replacement permit

(3) Revises the maximum campsite fee not to exceed \$75 per night and the group camp rental fee not to exceed \$2,500 per night; increases the new overnight rate from \$225 to \$250, and removes summer weekday, winter weekend, and winter weekday campsite rental rates and revises the summer weekend campsite rental rate to the standard "Overnight Rate" for all visitors

(4) Removes the standard weekday cabin rental rate and revises the standard weekend cabin rental rate to the "Overnight Rate" for all visitors

(5) Removes the provision that the "rental fee for all cabins at Hodges Gardens S.P. and modular cabins at Sam Houston Jones S.P. will be the standard weekday rate year-round."

(6) Removes the standard weekday lodge rental rate, the standard lodge classification rental rates, revises the standard weekend lodge rental rate to the "Overnight Rate" for all visitors, and revises the new Overnight Rate from \$225 to \$250

(7) Removes the Class I, II, and III classification, maximum capacity, and overnight rate schedule for group camps and replaces it with a new site-specific group camp overnight rate schedule with site-specific group camp sleeping capacity limitations

(8) Adds language requiring that group camp reservation guests be charged a one-time fee of \$5 in addition to paying the new site-specific group camp overnight rates

(9) Adds language authorizing the assistant secretary to set overnight rates for all campsites, camping areas, cabins, lodges, group camps, and dormitory facilities at his/her discretion and lists factors to be considered in pricing the overnight rates

(10) Adds language implementing a one-night charge at the reserved facility's rate if a guest is a no-show for a reservation, but allows the assistant secretary or their designee to grant an exception to that charge in writing.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change anticipates an overall increase in revenue collections for CRT, estimated to total \$1.7 M in FY 26 and \$2.1 M in FY 27, due to the standardization and consolidation of campsite, cabin, and lodge rates, as well as the following proposed rate changes: the addition of a group camp attendee fee and an increase in group camp overnight rates; a restructuring of state historic site admission fees; and an increase in annual day-use permit. The new fee structure is anticipated to take effect July 1, 2025, at the outset of FY 26.

There is no anticipated impact on local governmental unit revenues.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will have minimal, if any, direct effects upon persons, small businesses, or non-governmental groups. Patrons of the state parks and historic sites could experience an increase in costs from the increase in certain rates and fees compared to the amounts paid currently.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to influence competition or employment.

H. Brandon Burris  
Assistant Secretary  
2412#004

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Louisiana Economic Development Board of Commerce and Industry

#### Industrial Ad Valorem Tax Exemption Program (LAC 13:I.Chapter 5)

Louisiana Economic Development (LED) and the Board of Commerce and Industry, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 36:104 hereby provide notice of their intent to amend the rules of the Industrial Tax Exemption Program to set forth the criteria the Board of Commerce and Industry will consider for purposes of determining what is in the best interests of the state for consideration of ITEP contracts, and also to implement procedural revisions for more effective program administration.

#### Title 13

#### ECONOMIC DEVELOPMENT

#### Part I. Financial Incentive Programs

#### Chapter 5. Industrial Ad Valorem Tax Exemption Program

#### Subchapter A. ITEP Rules for Projects with Advances Filed Prior to February 21, 2024

#### §529. Renewal of Tax Exemption Contract; Amendment of Tax Exemption Contract

A. Application for renewal of the exemption must be filed with LED through its online Fastlane portal not more than six months before, and not later than, the expiration of the initial contract. A renewal fee, and late filing fee if applicable, shall be filed with the renewal application, in accordance with LED's fee schedule, as defined in R.S. 36:104. The document shall not be considered officially received and accepted until the appropriate fee is submitted. Upon proper showing of compliance with the initial contract of exemption, a renewal contract of exemption may be approved by the board for an additional period of no more than five years and provide for an ad valorem exemption of up to 80 percent.

B. - D. ...

E. Companies with ITEP contracts existing under 2017 and 2018 Rules may "opt out" of the jobs, payroll and compliance components by amending Exhibit A's to reflect zero jobs and zero payroll regardless of whether the contract is up for renewal. Because the amendment of jobs and payroll will have no impact on the local tax exemption, the amendment will not require approval by the local governmental entities.

F. Application for a contract amendment, including but not limited to an Exhibit A amendment, must be filed with LED through its online Fastlane portal and shall include a filing fee, in accordance with LED's fee schedule, as defined in R.S. 36:104.

**AUTHORITY NOTE:** Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution Of 1974.

**HISTORICAL NOTE:** Adopted by the State Board of Commerce and Industry, December 9, 1946, amended and promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 20:867 (August 1994), amended by the Department of Economic Development, Office of Business

Development, LR 37:2379 (August 2011), LR 41:2319 (November 2015), LR 43:1137 (June 2017), LR 44:1423 (August 2018), amended by the Louisiana Economic Development and Board of Commerce and Industry, LR 51:

#### §537. Reporting to the Parish Assessor

A. The applicant shall file annually with the assessor of the parish in which the manufacturing establishment is located, a complete taxpayer's report on forms approved by the Tax Commission, in order that the exempted property may be separately listed on the assessment rolls.

B. All property exempted shall be listed on the assessment rolls and submitted to the Tax Commission or its successor, and taxes shall not be collected for the portion of taxes deemed exempt during the period of exemption.

**AUTHORITY NOTE:** Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

**HISTORICAL NOTE:** Adopted by the Department of Commerce, Office of Commerce and Industry, Division of Financial Programs Administration, September 1974, amended by the Department of Economic Development, Office of Business Development, LR 37:2380 (August 2011), LR 43:1138 (June 2017), LR 44:1424 (August 2018), amended by the Louisiana Economic Development and Board of Commerce and Industry, LR 51:

#### Subchapter B. ITEP Rules for Projects with Advances Filed on or after February 21, 2024

#### §539. Statement of Purpose

##### A. Purpose

1. Louisiana values its manufacturers and their contributions to its economy.

2. Article VII, Section 21 (F) of the Louisiana Constitution of 1974 provides that the Board of Commerce and Industry ("board"), with the approval of the governor, may enter into contracts for the exemption from ad valorem taxes of a new manufacturing establishment or an addition to an existing manufacturing establishment on such terms and conditions as the board, with the approval of the governor, deems is in the best interest of the state.

##### B. Best Interest of the State

1. The provisions set forth in this Subchapter establish the criteria that the governor and the board will consider for purposes of deciding what is in the best interest of the state.

##### C. Applicability

1. The provisions set forth in this Subchapter shall apply to projects with advances filed on or after February 21, 2024.

2. The provisions set forth in this Subchapter shall not apply to projects with advances filed prior to February 21, 2024, or ITEP projects approved by the board prior to February 21, 2024.

##### D. Property Exemption rates

1. As a general rule, approved projects may be eligible for an ad valorem tax exemption rate of 80 percent;

2. In exceptional circumstances, mega projects may be eligible for an increased ad valorem tax exemption rate range beginning at 93 percent up to 100 percent, if so recommended by the local ITEP Committee, or as otherwise approved by the governor.

**AUTHORITY NOTE:** Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

**HISTORICAL NOTE:** Promulgated by the Board of Commerce and Industry and Louisiana Economic Development, LR 51:



## §541. Definitions

*Addition to a Manufacturing Establishment*—

1.a. a capital expenditure for property that would meet the standard of a new manufacturing establishment if the addition were treated as a stand-alone establishment;

b. a capital expenditure for property that is directly related to the manufacturing operations of an existing manufacturing establishment; or

c. an installation or physical change made to a manufacturing establishment that increases its value, utility or competitiveness;

2. Sustaining capital expenditure, proactive environmental capital upgrades, and replacement parts shall qualify as an addition to a manufacturing establishment only if required in the rehabilitation or restoration of an establishment, to conserve as nearly, and as long as possible, original condition, and described in the project application.

3. a capital expenditure associated with the rehabilitation or restoration of an establishment as provided for in §545 shall be included as an addition to a manufacturing establishment.

4. a capital expenditure associated with the expansion of an existing manufacturing establishment may be considered an addition, if the expansion project is a planned initiative to increase the size, capacity, scope, or reach of an existing establishment, or adds new components or features to accommodate growth.

*Annual Project Property Report*—the required annual filing submitted to LED by the company which may include but not be limited to: a description of the project progress over the last year and a listing of any asset or group of assets being placed in service, within the scope of the approved project, as required by §559.

*Beginning of Construction*—the first day on which foundations are started or, where foundations are unnecessary, the first day on which installations of the manufacturing establishment begins.

*Board*—Board of Commerce and Industry, or BCI.

*Capital Expenditure*—the cost associated with a new manufacturing establishment or an addition to an existing manufacturing establishment, including purchasing or improving real property and tangible personal property, whose useful life exceeds one year and which is used in the conduct of business.

*Committee*—Local ITEP Committee

*Contiguous*—Property that is adjoining. Rights of way do not prevent property from being considered contiguous. Two or more parcels of land with a common boundary or separated solely by a roadway or other right of way.

*Department*—Louisiana Department of Economic Development.

*Exemption Period*—the period of the exemption for an asset or group of assets, which shall begin when placed in service, as set forth in company's annual project property report (APPR) annual filings submitted to LED.

*Integral*—equipment, structures or materials needed to make the product in accordance with applicable environmental, health and safety requirements, and associated activities supporting operations at the Site, as approved by LED.

*ITEP Contract*—a contract for exemption between applicant company, BCI, and the governor, setting forth the

project period, the exemption percentage and the general terms and conditions of the contract deemed in the best interest of the state.

*LED*—Louisiana Economic Development, formerly known as the Department or the Louisiana Department of Economic Development.

*LDR*—Louisiana Department of Revenue.

*LWC*—Louisiana Workforce Commission

*Local Governmental Entity*—the parish governing authority, school board, sheriff, or any municipality in which the manufacturing establishment is or will be located.

*Maintenance Capital*—expenditures made for routine maintenance, turnarounds, and for the repair of existing equipment.

*Manufacturer*—a person or business who engages in manufacturing at a manufacturing establishment.

*Manufacturing*—working raw materials by means of mass or custom production, including fabrication, applying manual labor or machinery into wares suitable for use or which gives new shapes, qualities or combinations to matter which already has gone through some artificial process. The resulting products must be suitable for use as manufactured products that are placed into commerce for sale or sold for use as a component of another product to be placed, and placed into commerce for sale.

*Manufacturing Establishment*—a new plant or establishment or an addition or additions to any existing plant or establishment which engages in the business of working raw materials into wares suitable for use or which gives new shapes, qualities or combinations to matter which already has gone through some artificial process.

*Mega-Project*—a manufacturing establishment expansion or addition project, with capital expenditures meeting or exceeding the following benchmarks, in accordance with statewide data posted on LED's website, to be updated annually:

1. 200 percent of the 10 year parish average for capital expenditures by completed ITEP Projects; if none,

2. 200 percent of the 10 year regional average for capital expenditures by completed ITEP Projects;

a. In accordance with the geographic boundaries of the 8 regional economic development organizations; if none,

3. 200 percent of the 10 year statewide average for capital expenditures by completed ITEP Projects.

*Miscellaneous Capital Additions*—capital expenditures that are not part of the project.

*Obsolescence*—the inadequacy, disuse, outdated or non-functionality of facilities, infrastructure, equipment or product technologies due to the effects of time, decay, changing market conditions, invention and adoption of new product technologies or changing consumer demands.

*Place in Service and Placed in Service*—the date when an asset is substantially complete and ready for its intended use, as reflected in a company's fixed asset register, books or records.

*Proactive Environmental Capital Upgrades*—voluntary improvements or modifications to infrastructure or equipment that go beyond legal or regulatory compliance to reduce environmental impact and enhance sustainability, efficiency, and environmental performance.

*Project*—a brief but adequate description of the general scope of work intended by the company at a single site, for



which ITEP benefits are being pursued, and as stated by the company on the project application. This should include what is planned to be constructed, added, the purpose of the project, and the calendar years in which assets or groups of assets will be placed in service within the project period. If a project spans two or more parishes, one project application may be submitted, however, separate annual filings with a breakdown of assets by parish will be required.

*Project Period*—the designated project period during which the applicant company may place in service new assets or spend capital expenditures on assets within the scope of the approved project.

*Qualified Disaster*—

1. a disaster which results from:
  - a. an act of terror directed against the United States or any of its allies; or
  - b. any military action involving the Armed Forces of the United States and resulting from violence or aggression against the United States or any of its allies (or threat thereof), but not including training exercises;
2. any disaster which, with respect to the area in which the manufacturing establishment is located, resulted in a subsequent determination by the president of the United States that such area warrants assistance by the federal government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act;
3. a disaster which is determined by an applicable federal, state, or local authority (as determined by the secretary) to warrant assistance from the federal, state, or local government, or agency or instrumentality thereof; or
4. any other extraordinary event that destroys or renders all or a portion of the manufacturing establishment inoperable.

*Regional Economic Development Organization*—any of the following eight organizations: the Baton Rouge Area Chamber; the Central Louisiana Economic Development Alliance; Greater New Orleans, Inc.; the Northeast Louisiana Economic Alliance; the North Louisiana Economic Partnership; One Acadiana; the South Louisiana Economic Council; the Southwest Louisiana Economic Development Alliance, or any of their successors. Abbreviated and also known as “REDO”.

*Rehabilitation*—the extensive renovation of a building or project that is intended to cure obsolescence or to repurpose a facility.

*Required Environmental Capital Upgrades*—upgrades required by any state or federal governmental agency, as a result of an enforcement action by said agency.

*Restoration*—repairs to bring a building or structure to at least its original form or an improved condition.

*Secretary*—secretary of the Louisiana Economic Development.

*Site*—one or more contiguous parcels of land which are under the control of the manufacturing establishment or which contains certain assets of the manufacturing establishment. Assets leading to and from the project boundary, such as pipelines, rail lines, or other forms of transporting goods to and from the site or between sites that reside on easements or right of ways shall not be included as the contiguous area of the entire manufacturing operation.

*Sustaining Capital Expenditure*—investments in new equipment, property, or plant to replace existing outmoded

assets without necessarily increasing the business's output capacity.

**AUTHORITY NOTE:** Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

**HISTORICAL NOTE:** Promulgated by the Board of Commerce and Industry and Louisiana Economic Development, LR 51:

### **§543. Ineligible Property**

A. Notwithstanding any provision to the contrary, the following property is ineligible for the tax exemption:

1. Property
  - a. Miscellaneous capital additions;
  - b. Maintenance capital; required environmental capital upgrades; and replacement parts, except those replacements required in the rehabilitation or restoration of an establishment, to conserve as nearly, and as long as possible, original condition, are not eligible for the tax exemption.
  - c. If the establishment or addition is on the taxable rolls and property taxes have been paid at more than 20 percent, the establishment or addition is not eligible for the exemption, unless one or more of the following conditions are met:
    - i. if the applicant paid the taxes under protest, then the property may be eligible for exemption once the protest and appeals process concludes and concludes in favor of the tax payer;
    - ii. if the applicant has a change order approved by the Louisiana Tax Commission and the change order results in a reimbursement of property taxes paid on eligible property, then such property, or the proportional value thereof, may be considered by exemption.
  - d. The board shall not consider for tax exemption any property previously subject to an ad valorem tax exemption that has expired or otherwise been terminated.
2. Land. The land on which a manufacturing establishment is located is not eligible for tax exemption.
3. Inventories of the following items:
  - a. inventories of raw materials used in the course of manufacturing;
  - b. inventories of work-in-progress or finished products;
  - c. any other consumable items.
4. Maintenance and repair costs not eligible for capitalization shall not qualify.
5. Moveable, non-permanent property, such as mobile computers, phones, cameras, vehicles licensed for highway use, or other non-manufacturing equipment that is not permanently located at the manufacturing establishment.

**AUTHORITY NOTE:** Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

**HISTORICAL NOTE:** Promulgated by Louisiana Economic Development, Board of Commerce and Industry, LR 51:

### **§545. Illustrative Examples of Eligible Items**

A. The following items may be eligible for the tax exemption:

1. Buildings and Facilities Used in Manufacturing. The board shall consider for tax exemption buildings and facilities used in the operation of new manufacturing establishments located within the state of Louisiana (subject to the limitations stated in §543) and additions to manufacturing establishments within the state of Louisiana. Exemptions are granted to the owners of buildings that

house a manufacturing establishment and facilities that are operated specifically in the manufacturing of a product. The board recognizes two categories of ownership:

a. owners who engage in manufacturing at said facilities; and

b. owners who are not engaged in manufacturing at said manufacturing establishment, but who have provided either or both of the following for a predetermined manufacturing establishment:

i. buildings to house a manufacturing establishment;

ii. facilities that consist of manufacturing equipment operated specifically in the manufacturing process;

c. owners who are not engaged in manufacturing at the manufacturing establishment are eligible for the exemption only if the manufacturer at the site is obligated to pay the property taxes if the exemption were not granted.

2. Leased Property. Leased property is eligible for the exemption, if the property is used in the manufacturing process, is and remains on the plant site, and the manufacturer is obligated under the lease agreement to pay the property taxes if the exemption were not granted.

3. Capitalized Materials. Capitalized materials which are an essential and integral part of a manufacturing process, but do not form part of the finished product, may be exempted along with the manufacturing establishment. Some examples of these are:

a. ammonia in a freezing plant;

b. solvent in an extraction plant; and

c. catalyst in a manufacturing process.

i. To be eligible for exemption, a manufacturing establishment must be in an operational status and engaged in manufacturing. An owner of a new manufacturing establishment under construction may apply for an exemption with the expectation that the manufacturing establishment will become operational. If the manufacturing establishment fails to become operational or ceases operations without a reasonable expectation of recommencing operations, the facility shall no longer be eligible for exemption and its contract shall be subject to termination under §563.

4. Integral Parts of the Manufacturing Operation. The following may be considered an integral part of the manufacturing operation:

a. quality control/quality assurance;

b. packaging;

c. transportation of goods on the Site during the manufacturing process;

d. portable equipment that is necessary to the operation of the manufacturing process, and permanently located at the manufacturing establishment.

e. other on site essential activities as approved by the secretary and the board.

5. Rehabilitation and Restoration of Property.

a. Capital expenditures for the rehabilitation or restoration of an existing establishment may be exempted if replacements or upgrades are made as part of a rehabilitation or restoration to an establishment, only the capital expenditures in excess of original cost shall be eligible for tax exemption. A deduction for the original cost of property

to be replaced shall not be made if the project will result in capital additions that exceed \$50,000,000.

b. Exemption may be granted on the costs of rehabilitation or restoration of a partially or completely damaged facility, but only on the amount in excess of the original cost.

c. Original costs deducted from rehabilitation or restoration made or rebuilding shall be clearly documented.

d. A deduction for the original cost of property to be replaced as part of a rehabilitation or restoration, as provided by sections a or b above, shall not be made if the project is related to the replacement or reconstruction of property after the destruction of or damage to such property, as a result of a qualified disaster.

6. Relocations

a. A manufacturing establishment moved from one location in the state to another place within the state shall be eligible for the unexpired consecutive years, if any, of the tax exemption contract granted at the original location.

b. If a manufacturing establishment moves from one location in the state to another location within the state, the company shall be required to seek approval of the local ITEP Committee in which the manufacturing establishment will be located if this is a different entity than that which approved the exemption at the original Site.

7. Used Equipment. Used equipment is eligible for tax exemption provided no more than 20 percent of ad valorem property taxes have been paid in Louisiana on said property.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974. HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and Louisiana Economic Development, LR 51:

#### **§547. Project Application**

A. A project application for tax exemption may be filed with LED through its online Fastlane portal, subject to the following conditions:

1. the filing shall be prior to the beginning of construction or installation of facilities on all projects for tax exemption;

2. an application fee shall be submitted with the application, in accordance with LED's fee schedule, as defined in R.S. 36:104.

B. Project applications shall include but not be limited to the following information: a project description, legal description of the project site, NAICS code, project start and end dates.

1. Documents that further define and show the boundaries of a project site, such as surveys or boundary maps, may be submitted to LED.

C. LED reserves the right to request additional information necessary to make an eligibility determination, or if the correct fee is not submitted. Such information or fees shall be provided to LED within 90 days of written request.

D. Project applications with insufficient fees or inadequate information after this time frame may result in a determination of ineligibility of the project, and subsequent cancellation of the application.

a. Project applications with insufficient fees or inadequate information shall not be cancelled unless the deficiency is more than 90 days delinquent with no bi-lateral communications between LED and the company during these 90 days.

E. Project applications shall be made available for review by the local ITEP Committee as soon as practicable after LED has completed its review.

**AUTHORITY NOTE:** Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

**HISTORICAL NOTE:** Promulgated by the Board of Commerce and Industry and Louisiana Economic Development, LR 51:

#### **§549. Local ITEP Committee**

##### **A. Establishment**

1. If local governmental entities wish to provide input to the governor or BCI on pending ITEP Project Applications, local officials or employees, collectively comprising an ad hoc local ITEP Committee (the Committee) shall follow the procedures outlined in this Section.

2. If a local ITEP Committee is to be established, it shall be composed of one voting member representative from each of the following local governmental entities; the parish or police jury, as applicable; the school board; the sheriff; and the mayor, if applicable;

a. Representatives shall be elected by each local governmental entity, by a majority vote at a public meeting conducted in accordance with open meetings laws;

b. Each local ITEP Committee shall submit to LED within 45 calendar days of the promulgation of these rules, or prior to consideration of an ITEP Project in any given jurisdiction, whichever is later, the following information: each designated representative's name, provision for a designee if desired, and one centralized point of contact information for receipt of ITEP related communications. Thereafter, updated information may be submitted annually to LED by January 31 of any calendar year.

i. LED shall make the local ITEP Committee contact information available to the public via a posting on its website and upon written request.

c. If a local ITEP Committee does not take action or provide information as required herein, then the ITEP project application shall be deemed accepted by each such entity.

3. Additional, ex-officio non-voting members may include:

a. the assessor;

b. the parish's highest-ranking economic development staff;

c. representatives of the local economic development organization; or

i. if no local economic development organization exists, a representative from the regional economic development organization.

4. One representative of the local economic development organization can serve as coordinator for the Committee, to provide administrative capacity and project management expertise.

##### **B. Consideration of ITEP Applications**

1. Project applications shall be made available for review by the local ITEP Committee as soon as practicable after LED has completed its review.

##### **C. Meetings**

1. Upon receipt of notice, a 45-calendar day notice period begins.

a. in exceptional circumstances a notice of project application may be submitted to the local ITEP Committee

for consideration within the standard 45-day notice time frame.

b. Therefore, in order for a project application to be placed on an upcoming BCI Meeting Agenda, the company must provide evidence to LED of either:

i. written recommendation from the Committee, or

ii. 45 calendar days' notice to the committee.

2. The committee is not required to hold a meeting, however, any such meeting held to consider an ITEP application shall be considered public business and conducted by officials in accordance with open meetings laws.

##### **D. Recommendation**

1. The committee shall submit notice of the issuance of a resolution to LED with its recommendation for issuance of industrial ad valorem tax exemption applications within its jurisdiction, except that Committees composed of four voting members may also indicate a tie vote.

2. When considering mega project applications, any resolution by the committee shall indicate a recommended applicable ad valorem tax exemption amount rate, at either the base rate of 80 percent, or an increased rate range from 93 percent up to 100 percent.

3. If the committee does not take action or provide a resolution as required herein, then the application will be deemed accepted by such entity.

E. Recommendations by the committee are not dispositive and do not bind the governor or the board.

**AUTHORITY NOTE:** Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

**HISTORICAL NOTE:** Promulgated by the Board of Commerce and Industry and Louisiana Economic Development, LR 51:

#### **§551. Consultation with the LDR and LWC**

A. LED will provide a copy of the project application and all relative information to the Louisiana Department of Revenue (LDR) for review. LDR may require additional information from the applicant. LED must receive a letter-of-no-objection or a letter-of-approval from the LDR, prior to submitting the project application to the board for action.

B. If a company has no employees at the time of project application, LED may elect to provide a copy of the project application and all relative information to the Louisiana Workforce Commission (LWC) for review to verify assigned or anticipated NAICS codes and appropriate industry sector classification. LWC may require additional information from the applicant. LWC may submit a letter of objection to LED within 14 calendar days of receipt of project application. If LWC does not take action or provide information as required herein, then the ITEP project application shall be deemed approved.

**AUTHORITY NOTE:** Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

**HISTORICAL NOTE:** Promulgated by the Board of Commerce and Industry and Louisiana Economic Development, LR 51:

#### **§553. Presentation to the Board**

A. After its review and determination of eligibility, LED will prepare the project application information in a format suitable for presentation to the board.

B. The board must approve the project application prior to a contract being issued.

C. Applicant or its representatives will be notified of the board meeting date at which their project application will be considered. The applicant should have someone present who is able to answer any questions the board may have regarding the information contained in the project application, otherwise the project application may be deferred or denied.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and Louisiana Economic Development, LR 51:

#### **§555. Board Consideration of Project Application**

A. Eligibility of the applicant and the property for the exemption, including whether the activities at the site meet the definition of manufacturing, will be reviewed by the board based upon the facts and circumstances existing at the time the project application is considered by the board.

1. Applications which provide for a new manufacturing establishment or which provide for an expansion of, or an addition to an existing manufacturing establishment, shall be favored by the board.

2. The board will receive all public comment given at the board meeting, or any written comments filed with LED prior to the board meeting date.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and Louisiana Economic Development, LR 51:

#### **§557. The Contract**

A. Upon board approval of a project application and receipt of the Local ITEP Committee's recommendation, if any, LED shall draft an ITEP contract setting forth the terms and conditions, which may include but not be limited to the following:

1. an initial term of no more than five calendar years;
2. a term of renewal for an additional time period of up to five years;
3. the applicable ad valorem exemption percentage; and
4. contract holder business name; and if applicable, a list of any contract holder affiliates that may seek tax exemption for assets related to the approved project, which shall be included as Schedule I to the contract.

B. The ITEP contract effective date shall be the project start date, as specified in the project application, but no earlier than the project application submission date.

1. The beginning of construction for the ITEP contract project must occur prior to the completion of the initial five-year ITEP contract term.

2. If company is compliant with the terms of its ITEP Contract, including but not limited to its annual APPR filings, then company may request the Board to consider a change of its ITEP contract effective date.

C. During the initial five-year ITEP contract term, the company may place in service an asset or group assets that are eligible for the exemption and that are related to the project.

1. The exemption period of any asset or group of assets shall be established through the company's annual project property report (APPR) submitted to LED.

D. The ITEP contract shall be submitted to the company electronically via LED's electronic document signing system, or other method as may otherwise be approved by all parties.

E. The company must execute its portion of the contract within 90 days of receipt of notification from LED's electronic document signing system. If the ITEP contract is not executed and submitted to LED within 90 days, the company shall submit documentation of continued eligibility prior to reissuance for company signature and further processing. Documentation may include but not be limited information from the applicable taxing authority verifying that either property taxes have not been paid at more than 20 percent, or as otherwise authorized pursuant to §543.

F. Once the ITEP contract has been executed by the company and the board, the ITEP contract, including any Local ITEP Committee recommendation, included as an exhibit to the ITEP contract, shall be submitted to the governor for review and consideration.

G. The governor may approve or deny the ITEP contract, and an ITEP contract shall not be considered effective or binding upon the state until signed by the governor.

H. Any occurrence that operates to change, suspend, or breach the terms of the contract shall render the approval of the governor null and void.

I. The exemption period of certain assets placed in service during the term of the ITEP Contract and associated tax exemption benefits may extend beyond the ITEP contract term.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and Louisiana Economic Development, LR 51:

#### **§559. Annual Project Property Reports**

A. Company or its named affiliates listed on Schedule I shall file an annual project property report (APPR) with LED on or before March 31 of each calendar year (or before October 31 for assets located in Orleans Parish) following Board approval of the project application and shall continue annually during the term of the ITEP contract until the project is complete.

1. Provided company requests an extension to file its APPR in writing on or before March 31 of each calendar year, LED shall grant an extension to file the APPR to April 30.

2. Late APPR filings shall be subject to penalties. The penalty shall be the loss of one year of exemption from the exemption period of the related late APPR filing for each calendar year or portion thereof, that the filing is late.

a. Companies may make a special request of the board for reconsideration of the above late filing penalties. Board shall consider each request and make a determination based on the merits of the request and on the Board's judgement as to what is in the best interest of the State.

B. The APPR shall include but may not be limited to the following:

1. An ITEP contract project status update;
2. A list of assets, if any, directly related to the project that were placed into service during the prior calendar year and eligible for the exemption.

C. The APPR shall establish the Exemption Period for assets eligible for the exemption.

1. For assets physically located in parishes other than Orleans Parish, the exemption period for each asset or group of assets listed on the APPR, and approved by LED, shall begin December 31 of the calendar year in which the asset or group of assets were placed in service or construction was completed.

a. The exemption period shall be for 10 consecutive years and subject to the provisions of the ITEP contract and surviving provisions thereof;

2. For property located in Orleans Parish, the exemption period for each asset or group of assets listed on the APPR, and approved by LED, shall begin July 31 of the calendar year in which the asset or group of assets were placed in service or construction was completed.

a. The exemption period shall be reflected on the APPR.

D. The company may submit an amended APPR.

E. Processing fee(s) shall be submitted with the APPR or amended APPR, in accordance with LED's fee schedule, as defined in R.S. 36:104.

F. LED shall review the APPR filing to ensure the placed in service date for the asset or group of assets and the completion of construction date includes the proper calendar year, and to ensure the asset or group of assets are in accordance with the terms and conditions of the fully-executed ITEP contract.

G. LED may perform a detailed examination of at least 10 percent of all APPR's received, to ensure that only qualifying assets, within the scope of the approved project, are submitted for exemption.

1. Upon notice that their application has been selected for detailed examination, the applicant shall provide all applicable supporting documentation requested by LED.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and Louisiana Economic Development, LR 51:

### **§561. Renewal of Tax Exemption Contract**

A. Application for renewal of the exemption must be filed with LED through its online Fastlane portal within the final year of the initial contract term but prior to expiration of the initial contract. A renewal fee shall be filed with the renewal application, in accordance with LED's fee schedule, as defined in R.S. 36:104. The document shall not be considered officially received and accepted until the appropriate fee is submitted. Upon proper showing of compliance with the initial contract of exemption, including but not limited to filing of all required annual project property reports, a renewal contract of exemption may be approved by the board for an additional period of no more than five years and provide for an applicable ad valorem exemption percentage.

B. Eligibility of the applicant and the property for renewal of the exemption will be reviewed by the board using the same criteria that was used for the initial contract, and based upon the facts and circumstances existing at the time the renewal application is considered. ITEP contracts shall be renewed unless the particular circumstances indicate bad faith on the part of the company.

C. The term of the renewal contract shall be reduced by one year for each calendar month, or portion thereof, that the renewal application is filed late. The board may impose any

other penalty for late renewal submission that it deems appropriate.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and Louisiana Economic Development, LR 51:

### **§563. Violation of Rules or Documents; Inspection**

A. The board reserves the right, on its own initiative or upon written complaint of an alleged violation of terms of tax exemption rules or documents, to conduct an inspection. During the inspection, LED may cause to be made a full investigation on behalf of the board and shall have full authority for such investigation including authority to demand reports or pertinent records and information from the applicant and complainants. Results of the investigation will be presented to the board.

B. All contracts of exemption shall be subject to inspection. If an inspection indicates that the applicant has violated any terms of the contract or rules, or that the exempt facility is not engaged in manufacturing, the board may conduct a hearing to reconsider the contract of exemption, after giving the applicant not less than 60 days' notice.

C. If the board determines that there has been a violation of the terms of the contract or the rules, that the property exempted by the contract is not eligible because it is not used in a manufacturing process, or that the facility has not commenced or has ceased manufacturing operations, the board may terminate or otherwise modify the contract.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and Louisiana Economic Development, LR 51:

### **§565. Reporting Requirements for Changes in Operations or Contract Amendment**

A. LED shall be notified in writing on or before December 31 of any proposed amendments to company's ITEP contract.

1. ITEP Contract amendments that do not require Board approval include:

a. A physical change of the manufacturing location occurring in the same Parish.

i. A physical change of the manufacturing location to a different Parish than originally indicated on the project application shall require a new project application that shall include an exemption term no longer than the remaining term of the current ITEP contract.

b. A change in the manufacturing site boundaries, but within the bounds of the project site indicated on the project application.

c. Project start date amendments, provided the amendment request is received in writing by LED prior to the listed start date.

2. ITEP contract amendments that require Board approval include:

a. any changes in the ownership or operational name of a legal entity holding an ITEP contract.

b. any change to affiliates listed on Schedule I, only as required for the sale or transfer of property between contract holder and named affiliates, in accordance with §567.

3. Changes in operations that require board approval include:

a. a cessation in whole or in part of the manufacturing operations at the ITEP contract site.

b. the board may consider restrictions or cancellation of a contract for cessation of the manufacturing operation.

B. The board shall consider all such ITEP contract amendments strictly on the merits of the request.

C. Failure by company to report any of the changes listed above constitutes a breach of the ITEP contract and could result in a restriction or the termination of the ITEP contract or a reduction of an exemption term for an APPR.

D. A filing fee shall be submitted with a request for any contract amendment, in accordance with LED's fee schedule, as defined in R.S. 36:104.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and Louisiana Economic Development, LR 51:

### **§567. Sale or Transfer of Exempted Manufacturing Establishment**

A. In the event a named contract holder should sell or otherwise dispose of all property covered by a contract of exemption, to an unrelated third party, the purchaser of the said plant or property may, within three months of the date of such act of sale, apply to the board for a transfer of the contract. A transfer fee shall be filed with a request to transfer the contract, in accordance with LED's fee schedule, as defined in R.S. 36:104. The board shall consider all such applications for transfer of contracts of exemption strictly on the merits of the application for such transfer. No such transfer shall in any way impair or amend any of the provisions of the contract so transferred other than to change the name of the contracting applicant. Failure to request or apply for a transfer within the stipulated time period shall constitute a violation of the contract.

B. In the event a named contract holder should sell or otherwise dispose of some but not all property covered by a contract of exemption, to a named affiliate listed on Schedule I to the ITEP contract, no board approval or transfer fee shall be required.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and Louisiana Economic Development, LR 51:

### **§569. Reporting to the Assessor**

A. The applicant shall file annually with the appropriate taxing authority of the parish in which the manufacturing establishment is located, a complete taxpayer's report on forms approved by the Tax Commission, in order that the exempted property may be separately listed on the assessment rolls.

B. All property exempted shall be listed on the assessment rolls and submitted to the Tax Commission or its successor and up the applicable percentage of the taxes shall not be collected thereon during the period of exemption.

C. Taxes shall be exempted in accordance with the provisions of the contract, which are available to Parish Assessors through LED's online Fastlane portal.

D. All property for which an ITEP contract has been approved by the Board, but awaiting a final determination by

the governor. Shall be reported by the company to the appropriate taxing authority as "pending exemption".

1. Any property identified as "pending exemption" that fails to receive final approval from the governor by August 31 shall be subject to taxation for that year.

2. Applicant company may follow the proper guidelines as outlined by the Louisiana Tax Commission to have taxes paid under protest and prevail or have a change order approved and the paid taxes refunded to have such property reconsidered and eligible for exemption.

E. Any new asset shall be subject to property tax unless the item is included on the applicable annual project property report and attached to a fully executed ITEP contract as of August 31 following the January 1 in which the items are first subject to tax assessment.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21(F) of the Louisiana Constitution of 1974.

HISTORICAL NOTE: Promulgated by the Board of Commerce and Industry and Louisiana Economic Development, LR 51:

### **Family Impact Statement**

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

### **Poverty Impact Statement**

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

### **Small Business Analysis**

The proposed Rule is not anticipated to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting the proposed rule to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

### **Provider Impact Statement**

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

### **Public Comments**

Interested persons should submit written comments on the proposed Rules to Robin Porter through the close of business on January 29, 2025 at Louisiana Economic Development, 617 North 3<sup>rd</sup> Street, 11<sup>th</sup> Floor, Baton Rouge, LA 70802 or via email to Robin.Porter@la.gov.

### **Public Hearing**

A meeting for the purpose of receiving the presentation of oral comments will be held at 10 a.m. on January 30, 2025 at the La Salle Building, 617 North Third Street, La Belle Room, Baton Rouge, LA 7080

Susan B. Bourgeois  
Secretary

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Industrial Ad Valorem Tax Exemption Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will not result in any costs or savings for state or local governmental units. Louisiana Economic Development (LED) intends to administer the program with existing resources and personnel and anticipates the same for local governmental units. LED may incur additional administrative costs associated with implementing the proposed rule changes. Local governmental units may realize marginal expenditure increases to the extent the proposed rule changes allow for the creation of a Local ITEP Committee and possible additional public meetings to discuss applications for contracts under the Industrial Tax Exemption Program (ITEP).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will reduce revenue collections by an indeterminable magnitude for local governmental units, due primarily to reduced restrictions on ITEP eligibility and on the size of the exemption that may be granted. Proposed rules increase the maximum exemption percentage for Mega Projects from 93% to 100%, and additionally provide that the Governor or the Board of Commerce and Industry (BCI) may overrule local denials of ITEP project applications. LED will likely realize a marginal decrease in self-generated revenues, estimated at up to \$250,000 per year, to the extent that associated filing fees are reduced, consolidated, or eliminated.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Firms participating in ITEP, with advance notification filed on or after February 21, 2024 or ITEP projects approved after February 21, 2024, to be governed by the proposed rules, shall no longer be subject to job creation or payroll thresholds requirements. Participating firms will likely enjoy administrative efficiencies and cost savings associated with diminished record keeping requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Companies receiving benefits under this program will gain competitively over companies that do not receive the program's benefits.

Anne G. Villa  
Deputy Secretary  
2412#030

Ben Vincent  
Chief Economist  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Energy and Natural Resources  
Office of Conservation  
Injection and Mining Division**

**Class VI Injection Wells  
(LAC 43:XVII.Chapter 36)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the power delegated under the laws of the state of Louisiana, notice is hereby given that the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division proposes to amend Statewide Order No. 29-N-6 (LAC 43:XVII. Subpart 6. Chapter 36) to facilitate the permitting, siting, construction, operation, monitoring, and site closure of Class VI injection wells, which are used to injection carbon dioxide for the purposes of geologic sequestration.

The Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division proposes to

amend provisions governing the oversight of the Class VI carbon sequestration program within the Underground Injection Control (UIC) Program located within the Office of Conservation. Class VI wells are a federally-designated well class for wells that inject carbon dioxide gas underground for long-term containment or sequestration, ultimately limiting net emissions for this greenhouse gas. The UIC Program received primary enforcement authority (primacy) from the United States Environmental Protection Agency on February 5, 2024, modifying the UIC Program oversight to include Class VI wells in addition to current oversight authority for Class I, II, III, IV, and V wells.

**Title 43**

**NATURAL RESOURCES**

**Part XVII. Injection and Mining**

**Subpart 6. Statewide Order No. 29-N-6**

**Chapter 36. Class VI Injection Wells**

**§3601. Definitions**

A. ...

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*Administratively Complete Application*—the complete electronic submission of the Form UIC-60 CCS, or successor form, geologic narrative/site characterization, planned well operations, area or review, corrective action plan, testing and monitoring plan, injection well plugging plan, post-injection site care and site closure plan, emergency and remedial response plan, injection well construction plan, pre-operational testing, and financial responsibility demonstration.

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*Carbon Dioxide Stream*—the carbon dioxide that has been captured from an emission source (e.g., a power plant), plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process.

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*Technically Complete Application*—an application that has been fully reviewed, meets all requirements under this Chapter, and can proceed to the draft permit process.

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**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Energy and Natural Resources, Office of Conservation, LR 47:53 (January 2021), amended by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 51:

**§3603. General Provisions**

A. - E.1.a. ...

F. Identification of Underground Sources of Drinking Water and Exempted Aquifers

1. The commissioner may identify (by narrative description, illustrations, maps, or other means) and shall protect as an underground source of drinking water, all aquifers or parts of aquifers which meet the definition of an underground source of drinking water. Aquifer exemptions shall not be issued for Class VI injection wells. Even if an aquifer has not been specifically identified by the commissioner, it is an underground source of drinking water if it meets the definition.

G - H.4. ...

5. In order to protect the health, safety, and welfare of the public, the commissioner shall establish and may, from time to time, amend restrictions on incidental constituents in the carbon dioxide stream of any well permitted pursuant to this Chapter.

I - I.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, LR 47:56 (January 2021), amended by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 51:

### §3605. Permit Requirements, Application, Signatories

A - C.1. ...

a. the applicant shall submit the application in an electronic format approved by the commissioner. The commissioner may request paper copies of the application, either in its entirety or in part, as needed.

b. any paper copies of the application shall contain the following certification statement:

This document is a paper copy of the application titled (*Insert Document Title*) dated (*Insert Application Date*). This paper copy is an exact duplicate of the electronic version submitted to the Louisiana Office of Conservation.

C.1.c - G. ...

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, LR 47:59 (January 2021), amended by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 51:

### §3607. Application Content

A - C.1.a.ii. ...

iii. the applicant is required to make a diligent search to locate all wells not listed in the public record.

iv - v. ...

vi. the location and extent of geophysical data used to evaluate the subsurface geology within the boundaries of the map.

C.1.b - C.1.b.iv. ...

v. the commissioner may require the applicant to provide geophysical data of the project area.

c. any other maps required by the commissioner to evaluate the proposed project.

d. The commissioner may require revisions to the formatting, scale, and display of map information as needed.

C.2 - C.3. ...

### D. Environmental Analysis

1. The applicant for a permit for a Class VI injection well shall submit an environmental analysis as part of the permit application.

2. The environmental analysis required by this Section shall be used to satisfy the public trustee requirements of Article IX, Section 1 of the Constitution of Louisiana and shall address the following questions regarding the proposed permit activity:

a. Have the potential and real adverse environmental effects of the proposed permit activity been avoided to the maximum extent possible?

b. Does a cost-benefit analysis of the environmental impact costs versus the social and economic benefits of the

proposed activities demonstrate that the latter outweighs the former?

c. Are there alternative activities which would offer more protection to the environment than the proposed activity without unduly curtailing nonenvironmental benefits?

d. Are there alternative sites which would offer more protection to the environment than the proposed site without unduly curtailing nonenvironmental benefits?

e. Are there mitigating measures which would offer more protection to the environment than the proposed activity without unduly curtailing nonenvironmental benefits?

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, LR 47:60 (January 2021), amended by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 51:

### §3609. Legal Permit Conditions

A - C.1. ...

a. a performance bond (surety bond) in sole favor of the Office of Conservation in a form prescribed by the commissioner;

b. a letter-of-credit in sole favor of the Office of Conservation in a form prescribed by the commissioner;

c. site-specific trust account, or

d. any other instrument of financial assurance acceptable to the commissioner.

C.2 - C.4.e. ...

i. in the event that the owner or operator combines more than one instrument for a specific geologic sequestration phase (e.g., well plugging), such combination must be limited to instruments that are not based on financial strength or performance, for example trust funds, surety bonds guaranteeing payment into a trust fund, and letters of credit. In this case, it is the combination of mechanisms, rather than the single mechanism, which must provide financial responsibility for an amount at least equal to the current cost estimate.

C.4.f - T. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, LR 47:61 (January 2021), amended by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 51:

### §3611. Permitting Process

A - B.1. ...

#### 2. Administrative Completeness:

a. the commissioner shall not issue a permit before receiving an application form and any required supplemental information which are completed to his satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity;

b. each application for a permit submitted for a new UIC injection well will be reviewed for administrative completeness by the commissioner and the applicant will be notified of the commissioner's decision in writing within 30 days of its receipt.



c. If the application is not administratively complete, the commissioner shall list in the notification in §3611.B.2.b above, the information necessary to make the application administratively complete. When the application is for an existing UIC injection well, the commissioner shall specify in the notice a date for submitting the necessary information. The commissioner shall notify the applicant that the application is complete upon receiving this information. The commissioner may request additional information from an applicant only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

d. If an applicant fails or refuses to correct deficiencies found in the application, the permit may be denied and, for existing wells, appropriate enforcement actions may be taken under the applicable statutory provision.

e. Within 30 days of receiving notice of the application being deemed administratively complete, the applicant shall make a good faith effort to provide notice of the submission of the application via United States mail to all of the following:

- i. the last operator of record for any oil and gas well located within the area of review; and
- ii. any person known to the applicant after reasonable search, including owners and operators, acting on behalf of that person, that presently has the right to drill into and produce from a pool and to appropriate production either for himself or others within the predicted or modeled carbon dioxide plume.

f. The designation of administratively complete only confirms the submission of elements required to begin the technical review process. It does not imply or confirm the presence of adequate technical content nor limit requirements for additional submittals or actions required for permitting.

### 3. Technical Completeness

a. After an application is deemed administratively complete, it will be reviewed for technical completeness by the commissioner. The commissioner may request additional information from an applicant only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application administratively incomplete.

b. If an applicant fails or refuses to correct deficiencies found in the application, the permit may be denied and, for existing wells, appropriate enforcement actions may be taken under the applicable statutory provision.

4. If the commissioner decides that a site visit is necessary for any reason in conjunction with the processing of an application, he shall notify the applicant, state the reason for the visit, and a date shall be scheduled.

### C. Draft Permits

1. Once an application is deemed technically complete, the commissioner shall prepare a draft permit or deny the application.

#### C.2 - E.1.c. ...

### 2. Timing

a. Public notice of the preparation of a draft permit required under §3611.E.1 shall allow at least 30 days for public comment.

b. Public notice of a public hearing shall be given at least 30 days before the hearing. (Public notice of the hearing may be given at the same time as public notice of the draft permit and the two notices may be combined).

#### E.3 - F. ...

### G. Public Hearings

1. The commissioner shall hold a public hearing whenever he finds, on the basis of requests, a significant degree of public interest in (a) draft permit(s). The commissioner also may hold a public hearing at his discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision. Public notice of the hearing shall be given as specified in §3611.E.

#### G.2 - H.2. ...

### I. Permit Issuance and Effective Date

1. After closure of the public comment period, including any public hearing, under §3611.G on a draft permit, the commissioner shall issue a final permit decision as soon as practicable. The commissioner shall notify the applicant, each person who has submitted written comments or requested notice of the final permit decision, and the governing authority for any parish within the area of review. This notice shall include reference to the procedure for appealing a decision on a UIC permit under La. Title 30 R.S. §30:15. For the purposes of this section, a final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.

#### 2 - 3. ...

### J. Additional Notifications

1. Within 30 days after approval or granting of a permit to construct a Class VI well, the owner or operator shall record in the conveyance records of the clerk of court's office for any parish within the area of review:

a. a notice of the permit which includes the Office of Conservation permit number and the serial number of the Class VI well; and

b. a map or maps bearing the Office of Conservation permit number containing the location or proposed location for the following items, but only to the extent that this information is also required under §3607.C.1:

- i. injection wells;
- ii. monitoring wells;
- iii. producing wells;
- iv. abandoned and orphan wells;
- v. plugged wells and dry holes;
- vi. known and suspected faults;
- vii. water wells;
- viii. surface bodies of water;
- ix. natural springs;
- x. aquifers;
- xi. structures intended for human occupancy;
- xii. roads; and
- xiii. state and parish boundaries.

2. The owner or operator shall notify the governing authority of each parish in which the maps are recorded within 30 days after recordation. Notice may be made by

electronic mail to the parish president, police jury president, or mayor-president, depending on the form of parish government.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, LR 47:65 (January 2021), amended by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 51:

### **§3615. Siting Criteria, AOR, and Corrective Action**

A - C.4. ...

#### **D. Additional Siting Requirements**

1. The wellhead of a Class VI well shall not be located within five hundred feet of the following:

a. inhabited dwellings not owned by the storage operator or any owner in interest bound by a contract with the storage operator that allows for location of a Class VI injection well within five hundred feet of an inhabited dwellings;

b. schools; and

c. healthcare facilities.

2. Class VI injection operations may not adversely affect any Class I waste plume existing at the time of permitting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, LR 47:69 (January 2021), amended by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 51:

### **§3617. Well Construction and Completion**

A - A.3.a.i. ...

b. Casing Seat. The casing seat and cement of any intermediate and injection casings shall be hydrostatically pressure tested after drilling out the casing shoe. At least 10 feet of formation below the respective casing shoes shall be drilled before the test. The test pressure shall be maintained for one hour after pressure stabilization. Allowable pressure loss is limited to five percent of the test pressure over the stabilized test duration.

A.3.b.i - B.1. ...

a. gyroscopic surveys or any other deviation surveys acceptable to the commissioner;;

B.1.b - B.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, LR 47:70 (January 2021), amended by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 51:

### **§3621. Operations**

A - A.6.a. ...

i. surface injection and bottom-hole pressure;

A.6.a.ii - A.10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, LR 47:73 (January 2021), amended by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 51:

### **§3623. Emergency Response**

A - A.4.c. ...

5. In addition to any other requirements imposed by the commissioner, the emergency and remedial response plan shall provide for continuing training programs for operating and maintenance personnel regarding potential hazards, risk scenarios, and response activities.

6. Prior to the commencement of carbon dioxide injection, the owner or operator shall provide a copy of the approved emergency and remedial plan to the parish president, police jury president, or mayor-president, depending on the form of parish government, for each parish within the area of review for dissemination to the office of homeland security, local emergency preparedness committee, or other emergency preparedness or response agencies.

7. The owner or operator shall conduct at least one tabletop exercise for each storage facility prior to the commencement of injection to simulate emergency situation and responses thereto in coordination with the appropriate emergency preparedness and response agencies, as designated by the governing authority for each parish within the area of review

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, LR 47:74 (January 2021), amended by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 51:

### **§3625. Testing and Monitoring**

A - A.3.c. ...

4. quarterly monitoring of the ground water quality and geochemical changes above the confining zone(s) that may be a result of carbon dioxide movement through the confining zone(s) or additional identified zones including:

A.4.a - B.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, LR 47:74 (January 2021), amended by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 51:

### **§3629. Reporting**

#### **A. Reporting Requirements**

1. The owner or operator must provide, at a minimum, the following reports to the commissioner, and the USEPA as specified in §3629.A.3, for each permitted Class VI well:

a. quarterly reports containing:

i - v. ...

vi. monthly annulus fluid volumes gained or lost;

and

vii. the results of monitoring prescribed under §3625.

A.1.b - A.2. ...

3. Owners or operators of Class VI wells, or applicants for Class VI wells must submit all required submittals, reports, and notifications under §§3605, 3607, 3615, 3617, 3619, 3621, 3623, 3625, 3627, 3629, 3631, and 3633 to the USEPA in an electronic format approved by the USEPA.

A.4 - A.4.b. ...

c. raw operating data from the continuous recording devices prescribed by §3621.A.6 shall be retained in digital format at least 10 years after collection.

d. monitoring data collected under §§3625.A.2 through 3625.A.9 shall be retained at least 10 years after site closure.

e. well plugging reports, post-injection site care data, including, if appropriate, data and information used to develop the demonstration of the alternative post-injection site care timeframe, and the site closure report collected pursuant to requirements at §§3633.A.6 and 3633.A.8 shall be retained at least 10 years following site closure.

f. The commissioner may require the owner or operator to retain any records required under these regulations for longer than 10 years after site closure. The commissioner may require the owner or operator to deliver the records to the commissioner at any time prior to or at the conclusion of the retention period.

B. Recordkeeping. Owners or operators of Class VI wells shall retain records as specified in §§3615.C.4, 3629.A.4, 3631.A.5, 3633.A.6, and 3633.A.8.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, LR 47:76 (January 2021), amended by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 51:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. The proposed rule has a positive impact on family functioning, stability, or autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

#### **Provider Impact Statement**

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session. In

particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments to H. Barlow Holley, Office of Conservation, Louisiana Department of Energy and Natural Resources, 617 North 3<sup>rd</sup> St., 9<sup>th</sup> Floor, Baton Rouge, LA 70802 or to info@la.gov. Written comments will be accepted through the close of business, 5 p.m. on January 22, 2025.

#### **Public Hearing**

Interested persons may submit written comments to H. Barlow Holley, Office of Conservation, Louisiana Department of Energy and Natural Resources, 617 North 3<sup>rd</sup> St., 9<sup>th</sup> Floor, Baton Rouge, LA 70802 or to info@la.gov. Written comments will be accepted through the close of business, 5 p.m. on January 22, 2025. A public hearing is not currently scheduled, but if requested will be held on the evening of Tuesday, January 21, 2025.

Steven M. Giambrone  
Interim Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Class VI Injection Wells**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change is not anticipated to result in costs or savings to state or local governmental units. The proposed rule change makes technical and process changes to the existing rule that governs the operation of Class VI injection wells for carbon sequestration as a result of the passage of Act 702 and Act 645 of the 2024 Regular Session and Act 378 of the 2023 Regular Session, in response to stakeholder feedback, and changes to operational best practices for Class VI wells.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

This proposed rule change is not anticipated to have any effect on revenue collections for state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change includes minor process and technical updates to reflect changes in operational best practices for the operators of Class VI wells and to reflect recent changes in relevant statutes. Some of these changes may result in additional costs to these operators. Any increase will be based on the particular status of their site and injection well, so quantification of any incremental increase in costs is indeterminable. Operators may expend additional resources to comply with enhanced requirements for environmental monitoring and reporting. These resources will generally be paid to technical and engineering companies that provide services to Louisiana Class VI operators.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change is not anticipated to have any impact on competition or employment.

Steven Giambrone  
Interim Director  
2412#050

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Energy and Natural Resources Office of Conservation Injection and Mining Division

#### Class VI Injection Well Supplemental Rules—Fee Schedule (LAC 43:XVII.Chapter 38)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the power delegated under the laws of the state of Louisiana, notice is hereby given that the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division proposes to amend Statewide Order No. 29-N-7 (LAC 43:XVII.Subpart 8, Chapter 38), to facilitate the fee issuance and collections relative to the Class VI geologic sequestration well permitting program.

The Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division proposes to amend provisions governing the oversight of the Class VI carbon sequestration application fee standards within the Underground Injection Control (UIC) Program located within the Office of Conservation. Class VI wells are a federally-designated well class for wells that inject carbon dioxide gas underground for long-term containment or sequestration, ultimately limiting net emissions for this greenhouse gas. The UIC Program received primary enforcement authority (primacy) from the United States Environmental Protection Agency on February 5, 2024, modifying the UIC Program oversight to include Class VI wells in addition to current oversight authority for Class I, II, III, IV, and V wells. Modification of Statewide Order No. 29-N-7 is proposed in order to clarify the application filing fees for this new program.

#### Title 43

#### NATURAL RESOURCES

#### Part XVII. Injection and Mining

#### Subpart 8. Statewide Order No. 29-N-7

#### Chapter 38. Class VI Injection Well Supplemental Rules—Fee Schedule

#### §3801. Definitions.

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*Escrow Account*—an account held by the Office of Conservation within the Carbon Dioxide Geologic Storage Trust Fund in favor of each Class VI applicant into which funds paid by the applicant are deposited and from which funds are drawn in order to provide for the review of a Class VI permit application.

\*\*\*

*Residual Escrow Funds*—any remaining funds on deposit with the Office of Conservation in favor of an applicant or permittee after a final decision on a Class VI permit application is rendered by the commissioner and all qualified expenses have been deducted from the escrow account.

Residual escrow funds do not include any interest accrued on an escrow account.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 50:683 (May 2024), amended LR 51:

#### §3803. General Provisions.

A - B.2. ...

C. Expedited Permit Review

1. An expedited permit review pursuant to LAC 43:XIX.4701 et seq. by Office of Conservation staff is separate from the reviews pursuant to this Chapter. An applicant may request an expedited permit review, which, if granted, shall require the applicant to pay additional fees.

D - D.2.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 50:683 (May 2024), amended LR 51:

#### §3805. Filing and Application Fees

A - A.2. ...

3. For all Class VI permit applications, additional funds not to exceed the total, actual cost of review may be required to be paid by the applicant pursuant to La R.S. 30:1110.C(3). Accordingly, the application fee for a Class VI permit application may exceed \$200,000.

B - B.1. ...

C. Payment, Deposit, and Withdrawal of Fees

1. An applicant must pay the filing fee to the Office of Conservation upon submission of its Class VI permit application.

2. An applicant must pay any other funds comprising the application fee to the Office of Conservation within 30 days after the issuance to the applicant of a notice and invoice for such amounts. The Office of Conservation shall withdraw funds from each filing fee account upon expenditures associated with incurred costs described in Subsection B of this Section. Upon request by an applicant, the Office of Conservation shall provide a detailed, itemized list of any costs incurred in the review of the applicant's Class VI permit application.

3. The Office of Conservation shall deposit the fees collected under this Chapter into a separate escrow account for each applicant. If an applicant has multiple Class VI permit applications pending before the Office of Conservation, the escrow account for such applicant may be divided into separate accounts for each application. The Office of Conservation may draw upon the escrow account whenever the office determines a draft to be necessary in order to pay for any cost incurred in the review of a permit application.

4. Any interest accrued on an escrow account shall be the property of the Office of Conservation and shall be deposited in the Geologic Storage Trust Fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 50:683 (May 2024), amended LR 51:

**§3807. Residual Escrow Funds.**

**A. Reimbursement**

1. Within 30 days after the commissioner renders a final decision on a Class VI permit application and once all qualified expenses have been deducted from an escrow account, the Office of Conservation shall determine whether residual escrow funds for an applicant or permit application exist.

2. If the Office of Conservation determines that residual escrow funds exist, it shall reimburse the applicant that paid the funds within 30 days after such determination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Injection and Mining Division, LR 51:

**§3811. Failure to Comply**

A. Upon failure to comply after notice, operators who have violated any requirement of this Chapter may be liable for a civil penalty or liable for appropriate relief granted in a civil action pursuant to R.S. 30:1106.

B. The operator must comply with all requirements of this Chapter. Any noncompliance may result in enforcement action; permit termination, revocation and reissuance, or modification; suspension of a permit application review; or denial of a permit application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of Conservation, Injection and Mining Division, LR 50:683 (May 2024), amended LR 51:

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. The proposed Rule has a positive impact on family functioning, stability, or autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 973.B. In particular, there should be no known or foreseeable effect on:

- 1. the effect on household income, assets, and financial security;
- 2. the effect on early childhood development and preschool through postsecondary education development;
- 3. the effect on employment and workforce development;
- 4. the effect on taxes and tax credits;
- 5. the effect on child and dependent care, housing, health care, housing, health care, nutrition, transportation, and utilities assistance.

**Small Business Analysis**

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

**Provider Impact Statement**

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

- 1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
- 2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
- 3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments to H. Barlow Holley, Office of Conservation, Louisiana Department of Energy and Natural Resources, 617 North 3<sup>rd</sup> St., 9<sup>th</sup> Floor, Baton Rouge, LA 70802 or to info@la.gov. Written comments will be accepted through the close of business, 5 p.m. on January 24, 2025.

**Public Hearing**

Interested persons may submit written comments to H. Barlow Holley, Office of Conservation, Louisiana Department of Energy and Natural Resources, 617 North 3<sup>rd</sup> St., 9<sup>th</sup> Floor, Baton Rouge, LA 70802 or to info@la.gov. Written comments will be accepted through the close of business, 5 p.m. on January 24, 2025. A public hearing is not currently scheduled, but if requested will be held on the evening of Thursday, January 23, 2025.

Steven M. Giambrone  
Interim Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Class VI Injection Well Supplemental  
Rules—Fee Schedule**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed Rule change is not anticipated to result in costs or savings to state or local governmental units. This proposed Rule adds language to clarify the fee process for Class VI injection wells and for the reimbursement of residual escrow funds from the existing application filing fee.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed Rule change is not anticipated to have an impact on revenues for state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed Rule change is not anticipated to have any impact on costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed Rule change is not anticipated to have any impact on competition or employment.

Steven Giambrone  
Director  
2412#051

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Energy and Natural Resources Office of the Secretary

#### Regulation of Solar Power Generation Facilities (LAC 43:I.Chapter 51)

The Department of Energy and Natural Resources, Office of the Secretary, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and under the authority of R.S. 30:1154 and Act 555 of the 2022 Regular Legislative Session, proposes to adopt LAC 43:I.5101-5121 to require permits to construct and operate solar power generation facilities and regulations governing the decommissioning and required financial security of such facilities. This proposed Rule is written in plain language in an effort to increase transparency.

#### Title 43

#### NATURAL RESOURCES

#### Part I. Office of the Secretary

#### Subpart 5. Solar Power Generation Facilities

#### Chapter 51. Solar Power Generation Facilities

#### §5101. Definitions

*Abandoned*—a solar power generation facility that has not generated power for 12 consecutive months.

*Decommission*—the minimum requirements for the removal and disposal of all solar devices, integrated equipment and materials of a solar power generation facility, and transmission and distribution infrastructure traversing from the facility to the point of interconnection.

*Decommissioning Activities*—is the collective performance of removal activities and restoration activities.

*Department*—the Department of Energy and Natural Resources or its successors.

*Designated Operator*—any person with control or management of activities of a solar power generation facility and who, on behalf of all responsible parties, is primarily responsible for complying with all registration, permit, and financial security requirements set forth in this Chapter.

*Effective Date*—the date of final promulgation of these rules and regulations.

*Facility Footprint*—the area within the perimeter of a solar power generation facility up to, but not including, any fencing, setback, buffer, greenspace or similar area, zoning requirements, or any combination thereof established by local government or contractual agreement(s). All transmission and distribution infrastructure traversing from the facility to the point of interconnection are considered part of the facility footprint for decommissioning purposes regardless of measurement units.

*Person*—any natural person or legal entity, such as a corporation, partnership, or association, capable of owning property, entering into legally binding agreements, or taking on legal obligations under contract or law.

*Removal Activities*—the removal and disposal of all solar devices, integrated equipment and materials within the facility footprint, and any transmission and distribution infrastructure traversing from the facility to the point of interconnection.

*Responsible Party*—any person or legal entity that has whole or partial title to, equity in, control, or management of activities of a solar power generation facility.

*Restoration*—returning the immovable property where a solar power generation facility was sited to a reasonable pre-facility condition or the landowner's desired alternative condition within all applicable regulations, procedures, and standards.

*Restoration Activities*—reconditioning the land where a solar power generation facility was sited such that the land, to the extent practicable, resembles its condition prior to construction and operation. The secretary may consult with the department, the Coastal Protection and Restoration Authority, the Department of Agriculture and Forestry, the Department of Environmental Quality, the Department of Wildlife and Fisheries, and other state or federal agencies to determine the type of restoration activities needed to reasonably restore the land, which may include, but are not limited to, grading, filling, planting native vegetation, and reforestation.

*Salvage Value*—the actual or estimated scrap value of the raw materials once removed from the solar power generation facility and made available for sale at market value.

*Secretary*—the secretary of the department.

*Solar Device*—any photovoltaic, thermal, or other technology associated with the collection of solar energy to generate electricity, including but not limited to panels, arrays, and integrated wiring.

*Solar Power Generation Facility (or "Facility")*—all solar devices and the integrated equipment and other materials necessary for or incidental to the operation of solar devices located within the facility footprint to distribute, transfer, or store electricity, including but not limited to concrete or metal foundations and structures; electrical transformers, inverters, and controllers; above- and underground wires and conduit; energy storage mediums; telecommunications equipment; roads; meteorological stations; switchyards; maintenance yards; and security fencing.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:1154.

**HISTORICAL NOTE:** Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

#### §5103. Applicability

A. These rules apply to all solar power generation facilities, or parts thereof, with a facility footprint of 10 acres or more located within the geographical boundaries of Louisiana. The facility footprint may be comprised of a single contiguous tract or multiple non-contiguous tracts.

B. Nothing in this Chapter shall be construed as:

1. limiting the authority of the local government or the parties to a lease or other contractual agreement to establish and implement stricter requirements and obligations than those set forth in this Chapter;

2. limiting the extent to which responsible parties and designated operators of facilities must comply with all other relevant federal, state, and local laws, rules, ordinances, and permit conditions; and

3. requiring the department to enforce and monitor compliance with laws, regulations, and standards of other federal or state agencies.

C. These rules are effective on and after the effective date.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

**§5105. General Requirements for Solar Power Generation Facilities**

A. A solar power generation facility shall at all times have a designated operator, who shall be authorized by all responsible parties as the person responsible for compliance with all requirements of this Chapter and who acts on behalf of all responsible parties.

B. The designated operator of a facility shall register with the department as set forth in Section 5107.

C. No person shall construct or operate a facility without obtaining a permit issued by the department pursuant to Section 5109, unless the facility is exempt as set forth in Section 5119. A permit issued pursuant to this Chapter shall only pertain to the implementation of a decommissioning plan and the financial security required by Sections 5113 and 5115.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

**§5107. Registration**

A. The designated operator of a solar power generation facility shall register with the department before submitting a permit to construct or operate the facility. For facilities in operation before the effective date of these rules, the responsible parties shall assign a designated operator, who shall register with the department within 180 days of the effective date.

B. The designated operator shall submit to the department a completed registration form provided by the department, along with all necessary documentation required by the form.

C. All designated operators shall renew their registration and verify the information required therein by January 31 of each year until decommissioning activities are complete. The designated operator shall notify the department in writing within 60 days of any sale, transfer, or assignment of any responsible party's interest in a facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

**§5109. Permit Requirement**

A. As a prerequisite to the permit application, the designated operator of a proposed solar power generation facility shall:

1. Provide notice in writing to all landowners whose immovable property adjoins the proposed facility, the Department of Transportation and Development, the Department of Agriculture and Forestry, and the police jury or council of all parishes located within one mile of the boundary of the proposed facility. The written notice shall include a general description of the proposed facility, including its location, the projected facility footprint and capacity, the location of all routes of ingress and egress, and the location of all electric transmission infrastructure related to the facility; and

2. Publish notice of the proposed facility in the state and parish journal(s) where the facility will be located.

B. The designated operator of a facility shall submit an administratively complete permit application to the

department. The designated operator of a facility in operation before the effective date of these rules shall have one year from the effective date to submit an administratively complete permit application. An administratively complete permit application shall include:

1. a copy of the designated operator's completed registration form and all documentation required therein;

2. a completed permit application form adopted by the secretary;

3. a detailed map of the facility that includes, to the extent practicable, the location of all solar devices, the dimensions of the facility footprint, and any required setback, buffer, and zoning requirements;

4. a decommissioning plan prepared in accordance with all requirements of this Chapter;

5. proof of financial security payable to the department in an amount and form acceptable to the secretary;

6. if the immovable property where the facility is to be constructed and operated is subject to lease(s) or other contractual agreement(s) conveying the right to construct and operate the facility:

a. the name, mailing address, email address, and phone number of all landowners; and

b. a copy of all leases, agreement(s), or notice(s) conveying rights to construct or operate the facility and any documents evidencing recordation in the public records;

7. a sworn affidavit signed by the designated operator certifying that written notices were provided in accordance with Paragraph A.1 and copies of each notice;

8. proof of publication of the notice(s) in the state and parish journal(s) in accordance with Paragraph A.2;

9. payment to the department of the application fee and application processing fee; and

10. any other information required by the department.

C. Within 90 days of receiving a permit application, the department shall make a finding and issue written notice to the designated operator as set forth below.

1. If the department finds that the application contains all information and meets all requirements of this Chapter, the department shall issue a written notice to the designated operator certifying that the application is administratively complete.

2. If the department finds that the application is not administratively complete, the department shall issue a written notice identifying all missing or deficient information required for approval and set a deadline by which the designated operator must submit all items identified in the notice. The deadline specified by the department shall be no less than 30 days and no greater than 90 days from the date on which designated operator receives the notice. Failure to correct the information identified in the notice in a timely manner shall constitute abandonment of the application process.

D. When the department finds a permit application is administratively complete, the department shall issue notice of the application and the facility's location, its production capacity, and the identity of the responsible parties to the police jury or council of all parishes located within one mile of the facility. The department shall also publish the notice and instructions for submitting public comment and requesting a public hearing in the state and parish journal(s)

and on its website. Public comments and requests for a hearing may be submitted to the department within 30 days after the date a permit application notice is published.

E. The department may hold a public hearing concerning an administratively complete permit application. All hearings determined to be necessary by the secretary shall be nonadjudicatory public proceedings conducted to acquire information and afford the opportunity for public comment. Hearings shall be held 30 to 90 days after the public comment and hearing request period closes.

1. If the secretary determines a public hearing is necessary, the department shall notify the designated operator, the affected parish(es), and all persons who requested a hearing. The department shall advertise notice of the hearing in the state and parish journal(s) and on its website at least 30 days before any public hearing.

2. If the secretary determines that no hearing will be held, public notice of the secretary's decision shall be given.

F. The designated operator shall update the permit application with the department within 30 days of any material change.

G. A permit issued by the department pursuant to this Chapter shall expire within three years of the date of issuance, unless construction of the facility or power generation has commenced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

#### **§5111. Generation Reporting Requirements**

A. The designated operator shall submit quarterly production reports to the department with records itemizing the amount of electricity in megawatt-hours (MWh) generated and sold by the solar power generation facility, both since the prior reporting period, if applicable, and on aggregate since commencement of operations.

B. The designated operator shall submit each production report no later than 30 days after the end of the calendar quarter.

C. The quarterly production reporting schedule for the calendar year is: for the period from January 1 through March 31, due by April 30; for the period from April 1 through June 30, due by July 31; for the period July 1 through September 30, due by October 31; and for the period October 1 through December 31, due by January 31.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

#### **§5113. Decommissioning Requirements**

A. All solar power generation facilities shall be decommissioned in accordance with this Chapter, except those exempt pursuant to Section 5119. Decommissioning shall include all removal activities and restoration activities unless otherwise provided herein.

B. All facilities shall be decommissioned within the time provided in the approved decommissioning plan and in no case later than 18 months after its final day of power generation. The designated operator shall notify the department in writing 30 days after the facility's final day of power generation.

1. A facility shall be presumed to have reached its final day of power generation and considered abandoned if

the facility has not generated power for 12 consecutive months. A responsible party or the landowner may rebut the presumption by providing written notice to the department showing good cause therefor and, if applicable, providing a proposed timeline for recommencement of power generation.

2. If the department determines that good cause was shown, it shall issue a written finding regarding the status of the facility and, if applicable, establish a deadline to comply with the rules of this Chapter.

3. If the department determines that good cause was not shown, it may instruct the designated operator to proceed with decommissioning. If the designated operator fails to commence decommissioning activities within 30 days after being instructed, the department may commence decommissioning itself in accordance with the rules of this Chapter.

C. Decommissioning Plan. A facility's decommissioning plan shall comply with the following requirements:

1. Preparation. The plan must be prepared, signed, and sealed by a professional engineer who is licensed to do business in Louisiana.

2. Facility Description. The plan shall include the following information and any other information required by the department regarding the subject facility:

a. the location of the facility, the total number of acres within the facility footprint, the facility's megawatt (MW) capacity for generation and storage, and the expected life of the facility;

b. an itemized inventory of all solar devices, equipment, and component parts used or planned to be used in the facility's operations;

c. a detailed map of the facility footprint that illustrates the anticipated or actual location of all solar devices, equipment, and component parts used or planned to be used in the facility's operations; all routes of ingress and egress; and all applicable setbacks and zoning requirements; and

d. a description of the historical and current use(s) of the land and all site work performed or planned to be performed as part of the construction or operation of the facility.

3. Decommissioning Schedule. The plan shall include a statement of the anticipated sequence of removal activities and restoration activities and the anticipated period of time needed to complete them.

4. Decommissioning Activities. The plan shall include a detailed statement regarding the anticipated labor and equipment needed to complete the required removal activities and restoration activities.

5. Waste Management. The plan shall identify all solar devices, equipment, component parts, and other materials making up the facility that are hazardous wastes and provide a detailed plan for disposal in accordance with applicable laws and regulations.

6. Landowner's Preferences. The plan shall include all information required in Subsection E if the designated operator is granted a full or partial exemption from the decommissioning activities required herein.

7. Decommissioning Cost Estimate. The plan shall provide an itemized schedule estimating, to the extent practicable, all costs necessary for or incidental to



decommissioning as required by this Chapter. The estimate may be adjusted throughout the facility's operational life and should include the landowner's preferences. The department shall determine the formula for calculating the estimate. The decommissioning cost estimate shall include the following in an itemized format:

- a. the gross cost of all decommissioning activities, including all related labor, materials, and equipment costs;
- b. the gross salvage value of the solar devices, integrated equipment, and other materials associated with the facility; and
- c. the net decommissioning cost.

d. If the financial security instrument is a performance bond, an irrevocable letter of credit, or both, a contingency rate, which is an increase of the gross cost by a percentage determined by the department, shall be added to the net decommissioning cost. The contingency rate accounts for the margin of error inherent in estimations and allows for flexibility in responding to unexpected decommissioning costs.

8. Financial Security. A statement identifying the financial security option chosen by the designated operator to secure the cost of all decommissioning activities.

9. Emergency Plans. A statement of committed assurance that the designated operator will establish an emergency plan in conjunction with local authorities.

D. The decommissioning plan and cost estimate shall be revised and submitted to the department every five years on or before the anniversary date of the permit's issuance and within six months of any modification to the facility that is estimated to increase or decrease the cost of decommissioning by 10 percent or more. Revised decommissioning plans shall be prepared in accordance with Paragraph C.1 and include all relevant adjustments to the cost estimate and the salvage value estimate.

E. The secretary may authorize a full or partial exemption from the decommissioning activities required in Subsection A.

1. Where the proposal significantly varies from the default decommissioning activities and alters the estimated decommissioning cost by greater than 10 percent, the secretary may require public notice of the proposal and a hearing in accordance with Section 5109.D and E before issuing a decision.

2. To obtain this exemption, a designated operator shall submit a request to the secretary that includes the following information:

- a. a written document, signed by the landowner and two witnesses, evidencing the landowner's consent to the alternate decommissioning plan;
- b. written justification for the exemption, including but not limited to any potential economic, environmental, or personal benefits to the landowner and neighboring tracts of land;
- c. a detailed written description and illustrative map(s) evidencing the condition of the land after the alternative decommissioning activities; and
- d. any other information required by the secretary.

3. The department shall review the request to determine whether the proposal would result in any adverse impacts that would impede compliance with this Section. The secretary shall issue a written notice approving,

rejecting, or modifying the proposal within 45 days of receipt. The designated operator may modify the facility's decommissioning plan and financial security instrument to reflect the approved or modified decommissioning plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

#### **§5115. Financial Security Requirements**

A. The designated operator of a solar power generation facility shall establish and submit financial security to the department in an amount that will ensure sufficient funds are available for all decommissioning activities in compliance with this Chapter and R.S. 30:1154(A). The financial security required under this Section shall secure the cost of decommissioning and shall be callable in accordance with R.S. 30:1154(A).

B. Acceptable forms of financial security are limited to one or a combination of the following instruments:

1. performance bond;
2. irrevocable letter(s) of credit; and/or
3. cash payments to the department.

C. The designated operator shall meet the financial security requirement of this Section according to the following requirements:

1. Performance Bond. Submitting to the department a performance bond in an amount equal to 100 percent of the decommissioning cost estimate as set forth in Section 5113 C.7. The performance bond must name the department as the beneficiary. The department will not release the bond until it receives proof that the facility was fully decommissioned as required by this Chapter. To ensure that the performance bond is properly maintained, the designated operator shall provide the department with written notice at least 120 days before the expiration of the existing bond. The designated operator must submit a replacement performance bond consistent with the requirements of this Chapter no later than 60 days before the expiration of the existing bond. Failure to provide a replacement performance bond before this 60-day period shall be deemed a violation of these rules and subject the designated operator to revocation of the facility's permit, the calling of the performance bond, and any other remedy authorized by law.

2. Irrevocable Letter(s) of Credit. Submitting to the department an irrevocable letter(s) of credit that equal to 100 percent of the decommissioning cost estimate as set forth in Section 5113.C.7. The letter(s) of credit must name the department as the beneficiary. The department will not release the letter(s) until it receives proof that the facility was fully decommissioned as required by this Chapter. To ensure that the letter(s) of credit is properly maintained, the designated operator shall provide the department with written notice at least 120 days before the expiration of the existing letter(s). The designated operator must submit a replacement letter(s) of credit consistent with the requirements of this Chapter no later than 60 days before the expiration of the existing letter(s). Failure to provide a replacement letter(s) of credit before this 60-day period shall be deemed a violation of these rules and subject the designated operator to revocation of the facility's permit, the calling of the letter(s) of credit, and any other remedy authorized by law.

3. Cash Payments. Making cash payments to the department each calendar quarter, as referenced in Section 5111, based on the amount of MWhs generated by a facility. The contribution rate, or fixed dollar amount, of cash payments per MWh shall be determined by the Natural Resources Trust Authority. Upon receipt of proof that the facility was fully decommissioned as required by this Chapter, a certain percentage of the amount paid, as determined by the Natural Resources Trust Authority, shall be returned to the designated operator and the remainder shall be used by the department to decommission facilities that are abandoned or have not been decommissioned in accordance with this Chapter.

D. During a facility's operational life, the financial security required by this Chapter may be adjusted annually by a minimum of two percent, unless specified otherwise, by the department to account for inflation and the estimated decommissioning cost provided in a facility's revised decommissioning plan as required by Section 5113.D.

E. The salvage value of solar devices, integrated equipment, and other materials associated with a facility may be deducted from the decommissioning cost estimate during the bankruptcy of the designated operator if the designated operator provides the department with a lien of first priority in an amount equal to the value of the salvageable materials as itemized in the decommissioning plan, and the department determines the salvageable materials are available during decommissioning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

### **§5117. Enforcement**

A. The submission of an administratively complete permit application shall serve as an acknowledgment and agreement by the designated operator, responsible parties, and landowners that the department, upon proper identification and notice, may enter the immovable property where the solar power generation facility is located for purposes of site inspection and decommissioning activities.

B. Failure of the designated operator to comply with all requirements set forth in this Chapter may result in the department taking appropriate enforcement actions, including but not limited to the non-issuance or revocation of a facility's permit and, pursuant to R.S. 30:1154(F), the secretary may enjoin the designated operator or a responsible party for violating any regulation set forth in this Chapter.

1. The department shall send notice of noncompliance to the designated operator or all responsible parties by certified mail, return receipt requested, that sets forth the nature of the violations, the actions necessary to correct the violations, the date by which corrective actions should be taken and completed, and the department's intended actions upon failure to correct the violation.

2. The designated operator and all responsible parties agree that a violation may be enforced, restrained, corrected, or abated, without limitation, by any such judicial remedy, without the necessity of the department proving irreparable harm or furnishing bond or other security and with the department, should it prevail in whole or in part, being entitled to recover reasonable attorney's fees and costs.

C. If the department determines a facility has not been decommissioned in accordance with this Chapter, the department shall call upon the financial security instrument to decommission the facility.

1. Where the financial security instrument(s) is a performance bond, an irrevocable letter(s) of credit, or a combination thereof, and the instrument(s) is insufficient to fund the decommissioning activities fully, the department may seek reimbursement from the designated operator or any responsible party for funds expended by the department to complete decommissioning activities.

2. Where the financial security instrument are cash payments, and the payments allocated by the Natural Resource Trust Authority for decommissioning the facility are insufficient to fully fund the decommissioning activities, the department may seek reimbursement from the designated operator for any funds expended by the department to complete decommissioning activities.

3. Where the department holds a lien of first priority for the salvage value of the solar devices, integrated equipment, and other materials associated with a facility, the landowner shall permit the department to enter the immovable property to access and retrieve the items to be salvaged as permissible by right.

D. The department may seek to recover any additional costs incurred by the department and any other relief from the current and any prior designated operator, responsible party, or both pursuant to any applicable laws, regulations, or orders by a court of competent jurisdiction.

E. At the time of decommissioning, all designated operators, responsible parties, their predecessors, or any combination thereof, are jointly and severally liable for compliance with all obligations and provisions of the lease or other contractual agreement(s) and the decommissioning plan.

F. The landowner will be considered a responsible party and subject to Paragraphs C and D only in the event that the landowner, who entered into a lease or other contractual agreement(s), calls upon the financial security instrument that names the landowner as the beneficiary and does not decommission the facility in accordance with the requirements of Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

### **§5119. Exemptions**

A. Solar power generation facilities owned by an electric utility provider and regulated by the Public Service Commission or the Council of the city of New Orleans are exempt from the requirements of Sections 5109 - 5115 of this Chapter when either of the following conditions are met:

1. the facility is located on land owned by the electric utility provider, and the provider is capable of demonstrating a decommissioning plan to the applicable regulator; or

2. the facility is located on land leased by the electric utility provider, as long as:

a. the provider guarantees to the landowner, in a form and manner acceptable to the secretary, that it will pay for all decommissioning costs consistent with the requirements of Section 5113; and

b. the lease includes a provision(s) providing for site decommissioning at the end of the facility's life, at the termination of the lease, as determined by a court of competent jurisdiction, or upon any other circumstances requiring closure of the facility.

B. To qualify for this exemption, all electric utility providers shall register with the department as set forth in Section 5107 and provide documentation proving ownership of the facility and that it is regulated by the Public Service Commission or the Council of the city of New Orleans, as well as evidence that the elements of Paragraph A above are met.

1. Evidence meeting the elements of Paragraph A.1. includes:

a. a copy of any purchase agreement or other document demonstrating the provider has complete ownership of the land where the facility is or will be located; and

b. proof that the provider is capable of demonstrating a decommissioning plan to the applicable regulator.

2. Evidence meeting the elements of Paragraph A.2. includes:

a. a copy of the lease that:

i. grants the provider the authority to construct and operate a facility on the leased acreage; and

ii. contains a provision(s) providing for site decommissioning at the end of the facility's life, at the termination of the lease, as determined by a court of competent jurisdiction, or upon any other circumstances that require closure of the facility; and

b. a written guarantee to the landowner that the provider will pay for all decommissioning costs described in Section 5113.

C. In the event a facility is no longer exempt pursuant to this Section, due to a transfer in ownership or any other reason, the designated operator or a responsible party shall have 60 days from the date from the event causing said status change to comply with the requirements of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

#### **§5121. Fees**

A. Pursuant to Section 5109.B, the designated operator of a solar power generation facility shall pay to the department the following fees:

1. an application fee of \$15 per acre for the total number of acres within the facility footprint as identified in the engineer's drawing required by Section 5113.C; and

2. an application processing fee of \$500.

B. Beginning the year after a permit is issued, all designated operators shall pay the department an annual monitoring and maintenance fee each year until the facility is decommissioned in accordance with this Chapter. This fee is due by January 31 of each year and shall not exceed the amount of \$15 per acre for the total number of acres within the facility footprint as depicted in the engineer's drawing required by Section 5113.C and within each revised decommissioning plan required by Section 5113.C.

C. All fees paid to the department shall be made payable via certified funds, bank money order, cashier's check, bank wire, or Automated Clearing House (ACH) transfer.

D. Each fiscal year, the department shall calculate the total budgeted cost of administering the permitting process for solar power generation facilities. In any fiscal year, the monitoring and maintenance fee charged to designated operators shall not exceed their pro-rata share of the department's budgeted costs for implementing and administering these provisions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. The department anticipates that this proposed Rule will have no impact on family functioning, stability, and autonomy as described in R.S. 49:972(B). In particular, the proposed Rule has no known or foreseeable impact on:

1. The effect on the stability of the family.

2. The effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect on the functioning of the family.

4. The effect on family earnings and family budget.

5. The effect on the behavior and personal responsibility of children.

6. The ability of the family or a local government to perform the function as contained in the proposed Rule.

#### **Poverty Impact Statement**

The department anticipates that this proposed Rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. The effect on household income, assets, and financial security.

2. The effect on early childhood development and preschool through postsecondary education development.

3. The effect on employment and workforce development.

4. The effect on taxes and tax credits.

5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

The impact of the proposed Rule on small businesses as defined in R.S. 49:974.5, the Regulatory Flexibility Act, have been considered by the department. The proposed Rule is not expected to have a significant adverse impact on the health, safety, environmental or economic welfare of small businesses; therefore, a Small Business Economic Impact Statement as required by R.S. 49:974.4 has not been prepared.

#### **Provider Impact Statement**

The department anticipates that the proposed Rule should not have any known or foreseeable impact on providers as defined by House Concurrent Resolution No. 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons and members of the public may submit written comments on the proposed rule by no later than Tuesday, January 21, 2025, at 4:30 p.m. Written comments should be addressed to Morgan Rogers, Attorney, Office of the Secretary, Department of Energy and Natural Resources, 617 North Third Street, 12th Floor, Baton Rouge, LA 70802 or via email to dnrsolarreg@la.gov. Please reference “Solar Power Generation Facility Decommissioning Regulations” in your comments and include your name and whom you represent, if someone other than yourself.

**Public Hearing**

A public hearing will be held on Tuesday, January 28, 2025, at 9 a.m. in the Griffon Room, located on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802. In accordance with the Americans with Disabilities Act, if you need assistance or accommodation for the meeting, please contact DENR’s ADA Coordinator, Clarissa Adams, at (225) 219-3853 or via email at Clarissa.Adams3@la.gov within 10 working days of the hearing date.

Tyler Gray  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Regulation of Solar Power Generation  
Facilities**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed Rule change will increase costs to the Department of Energy and Natural Resources (DENR) associated with the two positions and their associated operating costs in the solar program. The proposed Rule introduces fees and financial instruments on solar facilities, and to decommission the facilities in the event they become abandoned. The proposed new Rule is estimated to cost \$304,511 in FY 25, \$310,602 in FY 26, and \$316,814 in FY 27.

The proposed rule sets forth registration and operating permit requirements for certain utility-scale solar facilities, primarily concerning decommissioning and financial security requirements. The proposed Rule grants DENR the authority to decommission solar facilities that are abandoned or not decommissioned in accordance with these regulations. The solar program is anticipated to be fully operational by the third quarter of FY 25. The program is funded through permit fees in conjunction with the Mineral and Energy Operation Fund.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed Rule will increase revenue for the state through the implementation of new fees, DENR anticipates it will receive approximately \$154,260 from permit application and processing fees in FY 26 and \$212,060 in FY 27. Additionally, the proposed Rule provides the option of cash payments to DENR as an acceptable form of financial security on solar facilities which will be deposited into the Mineral and Energy Operation Fund.

Revenues within the Mineral and Energy Operation Fund are expected to increase over time after the proposed Rule is promulgated. Revenues to the Mineral and Energy Operation Fund are generated from permit fees. The proposed Rule sets permit fees at the maximum amount permitted by La. R.S. 30:1154: a permit application fee of \$15 per facility footprint acre; a \$500 permit application processing fee; and an annual monitoring and maintenance fee of \$15 per facility footprint acre. These fees are deposited in the Mineral and Energy Operation Fund. Based on publicly available information, all solar facilities currently and expected to be in operation in FY 25 have a total capacity of 1,667.4 Megawatt (MW)s and are sited on approximately 9,884 acres.

If the proposed Rule is promulgated by mid-FY 25, all solar facilities will be required to obtain a permit by mid-FY 26.

There is no anticipated effect on revenues of local governmental units from the proposed regulations.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule affects any entity that is associated with ownership or operational control over solar facilities. The cost of obtaining the required decommissioning plan and financial security that is imposed on owners/operators of these facilities is difficult to quantify as the size and complexity of each facility varies. The decommissioning plan may provide economic benefits to the local community where a facility is sited, as new jobs may become available for engineers and construction crews.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed Rule is anticipated to have positive effects on competition and employment within local communities. The decommissioning plan may create competition for local engineers and generate construction/demolition jobs when facilities close, but quantifiable predictions are not available at this time due to limited information on current and proposed solar facilities.

Mark Normand, Jr.  
Undersecretary  
2412#059

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division**

2024 Annual Incorporation by Reference of Certain Water Quality Regulations  
(LAC 33:IX.4901 and 4903) (WQ115ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.4901 and 4903 (Log #WQ115ft).

This Rule is identical to federal regulations found in 40 CFR 136 and 40 CFR, Chapter I, Subchapter N, Parts 401, 405-471, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the proposed Rule. This Rule will be

promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule updates the reference dates for 40 Code of Federal Regulations (CFR) Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants, and 40 CFR Chapter I, Subchapter N, Parts 401, 405-471, Effluent Guidelines and Standards in LAC 33:IX.4901 and 4903. This Rule will incorporate the recently updated federal regulations into Louisiana's water quality regulations. This revision increases the enforceability of Louisiana Pollutant Discharge Elimination System (LPDES) permits that include the Environmental Protection Agency approved analytical methods and effluent limitation guidelines. The published edition of the 40 CFR is updated on July 1 of every calendar year; therefore, this Rule will incorporate the date of July 1, 2024, the basis and rationale for this Rule are to mirror the federal regulations. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

### **Title 33**

## **ENVIRONMENTAL QUALITY**

### **Part IX. Water Quality**

#### **Subpart 1. Water Pollution Control**

#### **Chapter 49. Incorporation by Reference**

##### **§4901. 40 CFR Part 136**

A. 40 CFR Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants, July 1, 2024, in its entirety, is hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999), LR 26:1609 (August 2000), LR 27:2231 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), repromulgated LR 30:232 (February 2004), amended LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:604 (April 2006), LR 33:641 (April 2007), LR 34:867 (May 2008), LR 35:1110 (June 2009), LR 36:2275 (October 2010), amended by the Office of the Secretary, Legal Division, LR 38:2747 (November 2012), LR 40:1693 (September 2014), LR 41:2135 (October 2015), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2148 (November 2017), LR 46:330 (March 2020), LR 47:357 (March 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

##### **§4903. 40 CFR, Chapter I, Subchapter N**

A. 40 CFR Chapter I, Subchapter N, Effluent Guidelines and Standards, Parts 401 and 405 471, July 1, 2024 are hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999), LR 26:1609 (August 2000), LR 27:2232 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), LR 29:1467 (August 2003), repromulgated LR 30:232 (February 2004), amended LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary,

Legal Affairs Division LR 32:604 (April 2006), LR 32:819 (May 2006), LR 33:641 (April 2007), LR 34:867 (May 2008), LR 35:654 (April 2009), LR 35:1110 (June 2009), LR 36:2275 (October 2010), amended by the Office of the Secretary, Legal Division, LR 38:2747 (November 2012), LR 40:1693 (September 2014), LR 41:2136 (October 2015), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2148 (November 2017), LR 46:331(March 2020), LR 47:357 (March 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

#### **Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

#### **Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:978.1 - 978.8.

#### **Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

#### **Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ115ft. Such comments must be received no later than January 28, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to [DEQ.Reg.Dev.Comments@la.gov](mailto:DEQ.Reg.Dev.Comments@la.gov). The comment period for this proposed Rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ115ft. This regulation is available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

This proposed regulation is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

#### **Public Hearing**

A public hearing will be held on January 28, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=99777855430> or by phone (646) 255-1997 Meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

Aurelia S. Giacometto  
Secretary

2412#046

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division**

Part 70 General Conditions  
(LAC 33:III.535) (AQ400)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.535 (AQ400).

The proposed Rule will revise LAC 33:III.535 to require use of department approved forms for submitting the Title V Semiannual Monitoring Report and the Title V Annual Compliance Certification and limit referencing of previously reported permit deviations. The Air Enforcement Section of the Office of Environmental Compliance currently has Title V Semiannual Monitoring and Title V Annual Compliance Certification forms available for use by Title V/Part 70 permittees. There is currently no rule or regulation requiring permittees to use the forms. The Air Enforcement Section receives Semiannual Monitoring Reports and Annual Compliance Certifications in multiple formats. The proposed Rule changes would require all permittees to use standard forms in an effort to expedite the compliance review process and require information to be reported in the one report versus referencing multiple reports. The basis and rationale for this Rule are to make the Part 70 reporting process uniform. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33  
ENVIRONMENTAL QUALITY  
Part III. Air**

**Chapter 5. Permit Procedures  
§535. Part 70 General Conditions**

A. ...

40 CFR Part 70 General Conditions
A. - J.6. ...
K. The permittee shall submit, at least semiannually, a report of any required monitoring, clearly identifying all instances of deviations from permitted monitoring requirements using the current version of the Louisiana DEQ Title V Semiannual Monitoring form found on the department's website or other means as approved by the department. The semiannual report shall be certified by a responsible official and submitted to the Office of Environmental Compliance by March 31 for the preceding period encompassing July through December, and by September 30 for the preceding period encompassing January through June. The semiannual report shall be submitted for each reporting period after the permit has been issued, including during any construction phase and regardless of whether the facility or unit was in operation. The semiannual report may include any semiannual deviation report required to be submitted by March 31 or September 30 in accordance with Part 70 General Condition R as long as the report clearly indicates this, and all required information is included and clearly delineated in the consolidated report.
L. ...
M. Compliance certifications required by LAC 33:III.507.H.5 shall be submitted to the administrator as well as the permitting authority using the current version of the Louisiana DEQ Title V Annual Compliance Certification form found on the department's website or

40 CFR Part 70 General Conditions
other means as approved by the department. For previously-reported compliance deviations, in lieu of attaching the individual deviation reports, the annual report may clearly reference the communications or correspondences constituting the prior report, including the date the prior report was submitted. The compliance certifications shall be submitted to the Office of Environmental Compliance by March 31 for the preceding calendar year. The compliance certification shall be submitted for each reporting period after the permit has been issued, including during any construction phase and regardless of whether the facility or unit was in operation.
N. - R.2. ...
3. A written report shall be submitted semiannually to address all permit deviations not included in Paragraph 1 or 2 of Part 70 General Condition R. Unless required by an applicable reporting requirement, a written report is not required during periods in which there is no deviation. The semiannual deviation reports may be consolidated with the semiannual reports required by Part 70 General Condition K as long as the report clearly indicates this, and all required information is included and clearly delineated in the consolidated report. The semiannual report shall be submitted by March 31, for the preceding period encompassing July through December, and by September 30, for the preceding period encompassing January through June.
R.4. - W. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs Division, LR 35:658 (April 2009), amended LR 51:

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ400. Such comments must be received no later than February 4, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed regulation can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ400. The proposed regulation is available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

**Public Hearing**

A public hearing will be held at the on January 28, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=99777855> 430 or by phone (646) 255-1997 Meeting ID 683 613 3613. Should individuals with a disability need an accommodation

in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed regulation is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Aurelia S. Giacometto  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Part 70 General Conditions**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule change. The proposed rule change requires the use of department-approved forms for submitting the Title V Semiannual Monitoring Report and Title V Annual Compliance Certification, and limits the referencing of previously reported permit deviations.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change is not anticipated to have any impact on the revenues of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

There are no estimated costs and/or economic benefits to directly affected persons, small businesses or non-governmental groups anticipated as a result of the proposed rule change.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no estimated effect on competition and employment as a result of the proposed rule change.

Aurelia S. Giacometto  
Secretary  
2412#045

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration  
Racing Commission**

**Jockey Fee Schedule (LAC 46:XLI.725)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, notice is hereby given that the Racing Commission proposes to amend LAC 46:XLI.725. The proposed Rule change is an increase in the fee for jockeys who are unplaced (second place finish or worse) in races with purses of \$5,000-\$9,999 by an additional \$10 and an increase in the fee for jockeys who are unplaced (third-place

finish or worse) in races with purses of \$10,000-\$14,999 by an additional \$10. To keep the fee schedule consistent, jockeys who are unplaced with purses greater than \$15,000 now receive an additional \$10.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XLI. Horseracing Occupations  
Chapter 7. Jockeys and Apprentice Jockeys  
§725. Jockey Fee Schedule**

A. Prior to the start of each race conducted by an association licensed by the commission, sufficient money shall be on deposit with the horsemen's bookkeeper in an amount equal to pay the losing mount fee of a jockey for that race. In the absence of a special agreement, the fee of a jockey shall be as follows.

Purse	Win	Second	Third	Unplaced
\$499 and under	\$27	\$19	\$17	\$16
500-599	30	20	17	16
600-699	36	22	17	16
700-999	10%	25	22	20
1,000-1,499	10%	30	25	22
1,500-1,999	10%	35	30	28
2,000-3,499	10%	45	35	33
3,500-4,999	10%	70	60	55
5,000-9,999	10%	90	80	75
10,000-14,999	10%	5%	85	80
15,000-24,999	10%	5%	5%	85
25,000-49,999	10%	5%	5%	90
50,000-99,999	10%	5%	5%	105
100,000 and up	10%	5%	5%	130

B. Failure, refusal and/or neglect of a trainer to timely deposit or have deposited the aforesaid jockey fee for a horse entered to race, on or before the time specified herein, shall be a violation of this Section. Each such violation shall be punishable by a fine of not less than \$200 and the failure to pay such fine within 48 hours of imposition thereof shall be grounds for suspension. Additionally, an amount equal to the jockey fee actually earned by the jockey in accordance with the aforesaid schedule shall be paid to the jockey earning same within 48 hours of the imposition of the aforesaid fine, and failure to pay said jockey fee within the time specified herein shall be an additional grounds for suspension.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:151.

**HISTORICAL NOTE:** Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:431 (December 1976), amended LR 3:28 (January 1977), LR 4:276 (August 1978), LR 5:23 (February 1979), LR 12:12 (January 1986), amended by the Department of Economic Development, Racing Commission, LR 16:112 (February 1990), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 35:2756 (December 2009), LR 44:915 (May 2018), LR 51:

**Family Impact Statement**

This proposed Rule has no known impact on family formation, stability, and/or autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

### Small Business Analysis

This proposed Rule has no known measurable impact on small businesses as described in R.S. 49:965.6.

### Provider Impact Statement

This proposed Rule has no known impact on providers of services for individuals with developmental disabilities.

### Public Comments

The domicile office of the Louisiana State Racing Commission is open from 8 a.m. to 4:30 p.m. Monday - Friday, and interested parties may submit oral or written comments, data, views, or arguments relative to this proposed rule for a period up to 20 days (exclusive of weekends and state holidays) from the date of this publication to Brett Bonin, Assistant Attorney General, 320 North Carrollton Avenue, Suite 2-B, New Orleans, Louisiana 70119-5100.

Stephen Landry  
Executive Director

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Jockey Fee Schedule

### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is not anticipated that state or local government units will incur any costs or savings as a result of this proposed rule.

Due to an agreement between the Horsemen's Benevolent and Protective Association and the Jockey's Guild, the Louisiana State Racing Commission proposes to amend Section 725 (Jockey Fee Schedule) of Part XLI, Chapter 7 of Title 46 (Professional and Occupational Standards: Horseracing Occupations) of the Louisiana Administrative Code. Specifically, the proposed rule increases the losing mount fee of a jockey by \$10 for certain placement within the following purse ranges:

#### \$5,000 - \$9,999

- 2nd Place Increase from \$80 to \$90
- 3rd Place Increase from \$70 to \$80
- Unplaced Increase from \$65 to \$75

#### \$10,000 - \$14,999

- 3rd Place Increase from \$75 to \$85
- Unplaced Increase from \$70 to \$80

#### \$15,000 - \$24,999

- Unplaced Increase from \$75 to \$85

#### \$25,000 - \$49,000

Unplaced Increase from \$80 to \$90

### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units.

### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

An economic benefit will exist to the extent that a jockey places second or worse in races with purses between \$5,000-\$9,999; places third or worse in races with purses between \$10,000-\$14,999; or is unplaced in races with a purse greater than \$15,000, due to the jockey's fee increasing by \$10 and an economic cost will exist due to the additional \$10 being deposited by trainers with the horsemen's bookkeeper to pay the losing mount fee of a jockey.

### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Stephen Landry  
Executive Director  
2412#001

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Office of the Governor Division of Administration Tax Commission

Ad Valorem Taxation  
(LAC 61:V.703, 705, 901, 903, 907, 1007, 1103, 1301,  
1303, 1307, 1503, 2501, 2503 and 3103)

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and in compliance with statutory law administered by this agency as set forth in R.S. 47:1837, notice is hereby given that the Tax Commission intends to adopt, amend and/or repeal sections of the Louisiana Tax Commission real/personal property rules and regulations for use in the 2025 (2026 Orleans Parish) tax year.

The full text of this proposed Rule may be viewed in the Emergency Rule section of this issue of the *Louisiana Register*.

### Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the Louisiana Tax Commission hereby submits the following Family Impact Statement.

1. The Effect on the Stability of the Family. Implementation of these proposed Rule will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parent Regarding the Education and Supervision of Their Children. Implementation of the proposed Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of the proposed Rule will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of the proposed Rule will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of the proposed Rule will have no effect on the behavior and responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. Implementation of these proposed rules will have no effect on the ability of the family or local government to perform this function.

### Poverty Impact Statement

The proposed Rule will have no impact on poverty as described in R.S. 49:973.

### Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.



### Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

### Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submission must be directed to Michael Matherne, Tax Commission Administrator, LA Tax Commission, 1051 North 3rd St, Room 224, Baton Rouge, LA 70802 or P. O. Box 66788, Baton Rouge, LA 70896 and must be received no later than 4 p.m., Thursday, January 9, 2025.

### Public Hearing

A public hearing, on this proposed Rule, will be held on Wednesday, January 29, 2025, at 9 am, at the Louisiana State Capitol, 900 North Third St., Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments, by the deadline mentioned above, on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, please contact (225) 219-0339.

Michael Matherne  
Administrator

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Ad Valorem Taxation

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rules reflect annual changes in valuation procedures for taxation purposes based on the most recent available data. There are no estimated costs or savings associated with the proposed rules for state governmental units. An impact to local governmental workload resulting in additional administrative costs will occur, but is expected to be minimal.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will result in a decrease of approximately -\$30,614,200 in revenue collections for local governments based upon revisions to valuation tables decreasing certain 2025 real and personal property assessments by approximately -2.70% in total. However, these revisions will not necessarily affect revenue collections of local government units as any net increase or decrease in assessed valuations are authorized to be offset pursuant to millage adjustment provisions of Article VII, Section 23 of the state Constitution.

On average, these revisions will generally decrease certain 2025 real and personal property assessments for property of similar age and condition in comparison with the latest available equivalent assessments. However, the assessments of certain property types will increase compared to prior year. Composite multiplier tables for assessment of most personal property will decrease by an estimated -2.75%. Specific valuation tables for assessment of pipelines will decrease by an estimated -2.0% for both Onshore and Offshore pipelines. Drilling rigs will increase by an estimated +1.0% (Land rigs to decrease by an estimated -1.35%, Jack-Ups to increase by an estimated +2.35% and Semisubmersible rigs to increase by an estimated +2.35%). The net effect determined by averaging these revisions is estimated to decrease assessments by -2.70% and estimated local tax collections by -\$30,614,200 in FY

25/26 on the basis of the existing statewide average millage. However, these revisions will not necessarily affect revenue collections of local government units as any net increase or decrease in assessed valuations are authorized to be offset by millage adjustment provisions of Article VII, Section 23 of the state Constitution.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The effects of these new rules on assessments of individual items of equivalent real and personal property will generally be lower in the aggregate in 2025 compared to the last year of actual data. Specific assessments of real and personal property will depend on the age and condition of the property subject to assessment. Taxpayers will be impacted based on the changes to the valuation guidelines for assessments as listed in Section II. The magnitude will depend on the taxable property for which they are liable. Regardless of the guidelines adopted by the Tax Commission, all taxpayers continue to have the right to appeal their assessments. Additionally, Small Businesses' real and personal property is assessed in the same manner as for all other property owners.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The impact on competition and employment cannot be quantified. In as much as the proposed changes in assessments are relatively small and there will no longer be any charges for the updates, any aggregate impact on competition and employment statewide will likely be minimal.

Michael Matherne  
Administrator  
2412#022

Ben M. Vincent  
Chief Economist  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health Board of Medical Examiners

Licensure and Certification  
(LAC 46:XLV.305, 416, 433, 441, 449, and 4005)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, R.S. 37:1275, R.S. 37:1277, R.S. 37:1281 and R.S. 37:1285, and R.S. 37:1310.1, Section 5(d) and 7(b), the board proposes pursuant to (a) add LAC 46:XLV.305 so as to provide a severability clause applicable to the Chapter; (b) add LAC 46:XLV.416, for those licensed pursuant to R.S. 37:1310.1, the Interstate Medical Licensure Compact ("IMLC"), so as to conform the information and data the board receives from IMLC practitioners to match the same type of information and data it already receives from licensure applicants who have applied for licensure, renewal and/or reinstatement under R.S. 37:1271-1291.1 and the board's rules under LAC 46:XLV.123 et seq., all in accordance with R.S. 37:1310.1, Section 5(d); and (c) amend LAC 46:XLV.433, 441, 449, and 4005 to require all IMLC licenses to comply with continuing medical education requirements pursuant to R.S. 37:1310.1, Section 7(b), similar to those already expected of individuals licensed under R.S. 37:1271-1291.1 and the board's rules under LAC 46:XLV.123 et seq. These Rules will be adopted on the day of promulgation.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**

**Part XLV. Medical Professions**

**Subpart 2. Licensure and Certification**

**Chapter 3. Physicians**

**Subchapter A. General Provisions**

**§305. Severability**

A. If any rule, provision, or item of this Chapter or the application thereof is held invalid as in excess of or inconsistent with statutory or constitutional authority, such invalidity shall not affect other rules, provisions, items, or applications, and to this end the rules and provisions of this Chapter are hereby declared to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261 et seq., 1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 51:

**Subchapter I. License Issuance, Termination, Renewal, Reinstatement, Exemptions and Expiration**

**§416. Requirements Immediately Following Licensure under R.S. 37:1310.1**

A. Within 90 days of the issuance of, reinstatement of and/or renewal of a license pursuant to R.S. 37:1310.1 ("IMLC license"), the license holder must provide the board with the following required for the practice of medicine pursuant to R.S. 1310.1, Section 5(d):

1. satisfactory documentation establishing he or she is a citizen of the United States or possesses valid and current legal authority to reside and work in the United States duly issued by the commissioner of the Immigration and Naturalization Service of the United States under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the commissioner's regulations thereunder (8 CFR); and,

2. sworn, written responses, on forms the board has approved and which the board supplies, addressing the following topics regarding the license holder and/or his/her professional medical corporation:

a. injuries, disorders and/or conditions diagnosed within the last ten years, which could reasonably be expected to affect the ability to practice;

b. any and all past arrests, even those that have been expunged or judicially removed, with the exception of misdemeanor traffic offenses that do not involve alcohol or drugs;

c. failures of professional licensure or certification exams;

d. the denial, voluntary surrender, failure to renew, restriction, discipline, termination, probation, investigation of and/or any other action taken against any state, federal and/or privately issued professional license, registration, certification, affiliation and/or membership;

e. the denial, voluntary surrender, failure to renew, restriction, discipline, termination, probation, investigation of and/or any other action taken against the license holder's professional privileges and/or affiliation with any health care facility of any type;

f. the denial, voluntary surrender, failure to renew, requirement of additional training/remediation, extension, restriction, discipline, termination, probation, investigation

of and/or any other action taken against the license holder's participation in any private, federal and/or state health insurance program;

g. the denial, voluntary surrender, failure to renew, requirement of additional training/remediation, extension, restriction, discipline, termination, probation, investigation of and/or any other action taken against the license holder during their professional training (whether as a student, intern, resident, fellow or other trainee); and,

h. the filing of any lawsuits, and/or the settlements of any medical malpractice, intentional tort and/or fraud claims.

B. Should the information and/or documentation, produced pursuant to §416A.2., provide sufficient cause to indicate that a violation of the laws or rules administered by the board may have occurred, such information will be reviewed or investigated in accordance with §9709 or §9711 of this Chapter, in accordance with §9705E.

C. Any violation or failure to comply with the provisions of this Section shall be deemed unprofessional conduct and conduct in contravention of the board's rules, in violation of R.S. 37:1285(A)(13) and (30), respectively, as well as violation of any other applicable provision of R.S. 37:1285(A), providing cause for the board to suspend, revoke, refuse to issue or impose probationary or any other restrictions on any license held or applied for by a physician culpable of such violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1271, R.S. 37:1275, R.S. 37:1277, R.S. 37:1281, R.S. 37:1285 and R.S. 37:1291.1.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 51:

**Subchapter K. Continuing Medical Education**

**§433. Scope of Subchapter**

A. The rules of this Subchapter provide standards for the continuing medical education ("CME") requisite to the renewal or reinstatement of licensure, as provided by §§417 and 419 of these rules and prescribe the procedures applicable to satisfaction and documentation of continuing medical education in connection with applications for renewal or reinstatement of licensure, or in the case of a license issued pursuant to R.S. 37:1310.1 ("IMLC license"), in connection with post renewal requirements for the practice of medicine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1310.1§5d & §7b.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:695 (April 2000), amended by the Department of Health, Board of Medical Examiners LR 47:730 (June 2021), amended by the Department of Health, Board of Medical Examiners LR 51:

**§441. Failure to Satisfy Continuing Medical Education Requirements**

A. Non-Compliance; Reinstatement of Licensure. All licensees are required to complete CME as designated in his/her respective licensure law and/or in rules promulgated thereunder, including as a physician or surgeon pursuant to R.S. 37:1261 et seq.; as a podiatrist pursuant to R.S. 37:611 et seq.; as a physician assistant pursuant to R.S. 37:1360.21 et seq.; as a midwife practitioner pursuant to R.S. 37:3240 et seq.; as a respiratory therapist or respiratory therapy assistant pursuant to R.S. 37:3351 et seq.; as an occupational therapist or occupational therapy assistant pursuant to R.S. 37:3001 et

seq.; as a clinical laboratory scientist pursuant to R.S. 37:1311 et seq.; as a clinical exercise physiologist pursuant to R.S. 37:3421 et seq.; as an athletic trainer pursuant to R.S. 37:3301 et seq.; as an acupuncturist or acupuncturist's assistant pursuant to R.S. 37:1356 et seq.; as a private radiologic technologist pursuant to R.S. 37:1292.

1. With the exception of a license issued pursuant to R.S. 37:1310.1, in all other instances, a licensee:

a. who fails to satisfy the CME requirements of his/her licensure shall not be eligible for licensure renewal consideration;

b. a license which has expired for nonrenewal, was deemed ineligible or has been revoked, solely due to failure to satisfy CME requirements may be reinstated upon written application to the board, accompanied by payment of the reinstatement fee in addition to all other applicable fees and costs, together with satisfactory evidence by affidavit that for each year since the date on which the applicant's license was last issued or renewed, the licensee has completed any and all annual and/or one time (if applicable) CME requirements for his/her licensure.

c. With regard to the license of a physician seeking reinstatement pursuant to section A.1.b., where the physician has failed to satisfy the CME requirements for his/her licensure on more than one occasion, then such violation and/or failure shall be deemed unprofessional conduct and conduct in contravention of the board's rules, in violation of R.S. 37:1285(A)(13) and (30), respectively, as well as violation of any other applicable provision of R.S. 37:1285(A), providing cause for the board to suspend, revoke, refuse to issue or impose probationary or any other restrictions on any license held or applied for by a physician culpable of such violation.

2. With regard to those physicians licensed pursuant to R.S. 37:1310.1:

a. a licensee who, upon renewal, fails to evidence satisfaction of the CME requirements prescribed by the rule sections 435, 439 and/or 4005, shall be given written notice of such failure by the board immediately after renewal. Such notice shall be mailed to the most recent address of the licensee as reflected in the official records of the board and the licensee will have 90 days within which to furnish satisfactory evidence by affidavit, for each year since the date on which the applicant's license was last issued or renewed, that he has completed the CME requirements.

b. who, after the lapse of the 90 days outlined in subsection A.2.a., fails to comply with the provisions of subsection A.2., as verified using the board's electronic education tracker, then the board shall refer the licensee to the Department of Investigations so that it may, via informal, non-disciplinary communications and/or meetings, notify the licensee of the relevant statutory and/or regulatory requirements and confirm the licensee's intention to immediately comply with subsection A.2.a.

c. who has been contacted pursuant to subsection A.2.b., but remains non-compliant with the applicable laws and rules for CME, shall be deemed to be in violation of the laws and rules against unprofessional conduct under R.S. 37:1285(A)(13) and (30) providing cause for the board to suspend, revoke, refuse to issue or impose probationary or any other restrictions on any license held or applied for by a physician culpable of such violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8) and 37:1280.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:697 (April 2000), amended LR 31:1585 (July 2005), amended by the Department of Health, Board of Medical Examiners LR 47:732 (June 2021), amended by the Department of Health, Board of Medical Examiners, LR 51:

#### **§449. CME Requirement for Initial Renewal of License**

A. As part of the respective CME requirements for each board licensee, every physician and/or any allied healthcare provider licensee seeking the initial renewal of licensure, whether such license was originally issued by the board on the basis of examination, reciprocity or reinstatement shall evidence and document, upon forms and/or through methods supplied by the board, successful completion of an online "Laws and Rules Course" approved by the board and available through the board's licensing department and the board's website.

1. With the exception of a license issued pursuant to R.S. 37:1310.1, the requirement of §449.A is a condition prerequisite to the person's license being renewed for the first time in the state of Louisiana;

2. With regard to licenses issued pursuant to R.S. 37:1310.1, the requirement of §449.A must be fulfilled, at the latest, within 90 days of the person's license being renewed for the first time in the state of Louisiana, in accordance with R.S. 37:1310.1, section 7(b).

B. Licensees shall, for each hour of attendance and participation included in the successful completion of the Laws and Rules Course, be granted an hour-for-hour credit towards his/her respective annual CME requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:697 (April 2000), amended LR 27:850 (June 2001), LR 36:1243 (June 2010), amended by the Department of Health, Board of Medical Examiners LR 47:733 (June 2021), amended by the Department of Health, Board of Medical Examiners, LR 51:

### **Chapter 40. Continuing Medical Education on Controlled Dangerous Substances**

#### **Subchapter A. General Provisions**

#### **§4005. Continuing Medical Educational Requirement for Controlled Dangerous Substances**

A. - D.4. ...

E. Non-Compliance; Reinstatement of Licensure.

1. With the exception of a license issued pursuant to R.S. 37:1310.1, the requirements of §4005.A-D shall be a condition prerequisite to the prescriber's license being renewed for the first time in the state of Louisiana;

a. A license which has not been renewed for failure to satisfy the CME requirement may be reinstated upon application to the board, accompanied by payment of the renewal fee required by Subpart 1 of these rules, in addition to all other applicable fees and costs, together with confirmation of completion of the CME required by this Section.

b. The license of a prescriber which has expired for nonrenewal, was deemed ineligible or has been revoked under section E.1., for failure to satisfy the CME requirements of §4005.A of these rules, may be reinstated pursuant to §419 upon written application to the board,

accompanied by payment of the reinstatement fee required by §419, in addition to all other applicable fees and costs, together with satisfactory evidence of completion of the requirements of §4005.A.

c. With regard to the license of a physician which has expired for nonrenewal, is deemed ineligible or has been revoked under section E.1., on more than one occasion for failure to satisfy the CME requirements of §4005.A, such violation and/or failure shall be deemed unprofessional conduct and conduct in contravention of the board's rules, in violation of R.S. 37:1285(A)(13) and (30), respectively, as well as violation of any other applicable provision of R.S. 37:1285(A), providing cause for the board to suspend, revoke, refuse to issue or impose probationary or any other restrictions on any license held or applied for by a physician culpable of such violation.

2. With regard to licenses issued pursuant to La. R.S. 37:1310.1, the requirement of §4005.A must be fulfilled, at the latest, within 90 days of the person's license being renewed for the first time in the state of Louisiana.

a. Such licensee who fails to evidence satisfaction of the continuing medical education requirements prescribed by the rules in Subpart 2, shall be given written notice of such failure by the board immediately after renewal. Such notice shall be mailed to the most recent address of the licensee as reflected in the official records of the board and the licensee will have 90 days within which to furnish satisfactory evidence by affidavit that he has satisfied the applicable continuing medical education requirement.

b. If, after the lapse of 90 days from notification as outlined in subsection a., the licensee still fails to comply with the provisions of §4005.A, as verified using the board's electronic education tracker, then the board shall refer the licensee to the Department of Investigations so that it may, via informal, non-disciplinary communications and/or meetings, notify the licensee of the relevant statutory and/or regulatory requirements and confirm the licensee's intention to immediately comply with subsection a.

c. With regard to a licensee, who has already received a warning via subsection b, thereafter fails by the next renewal to satisfy all of the CME requirements of §435 and/or §449 for the licensee's years of licensure, then such violation and/or failure shall be deemed unprofessional conduct and conduct in contravention of the board's rules, in violation of R.S. 37:1285(A)(13) and (30), respectively, as well as violation of any other applicable provision of R.S. 37:1285(A), providing cause for the board to suspend, revoke, refuse to issue or impose probationary or any other restrictions on any license held or applied for by a physician culpable of such violation.

3. Each hour of attendance required by the board pursuant to §4005.A, will count as an hour-for-hour credit towards the annual CME requirement specified by §435.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(8), 1270(B)(6), 37:621, 37:628, 37:1360.23 and 37:1360.51-1360.72.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 44:771 (April 2018); amended by the Department of Health, Board of Medical Examiners, LR 51:

### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973

### **Small Business Analysis**

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:978.1 et seq.

### **Provider Statement**

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

### **Public Comments**

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, LSBME, 630 Camp Street, New Orleans, LA 70130. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m. January 9, 2025.

### **Public Hearing**

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on January 28, 2025, at 9 a.m., at the office of the LSBME, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call in advance to confirm.

Vincent A. Culotta, Jr., M.D.  
Executive Director

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Licensure and Certification**

### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes, pursuant to

R.S. 37:1310.1, Section 5(d), to add LAC 46:XLV.416, for those licensed pursuant to R.S. 37:1310.1, the Interstate Medical Licensure Compact (“IMLC”), so as to conform the information, data and oaths the Board receives from IMLC practitioners to match the information, data and oaths it already receives from licensure applicants who have applied for licensure, renewal and/or reinstatement under R.S. 37:1271-1291.1 and the Board’s rules under LAC 46:XLV.123 et seq. Likewise, the Board proposes amending LAC 46:XLV.433, 441, 449, and 4005 to require all IMLC licenses to comply with continuing medical education (CME) requirements pursuant to R.S. 37:1310.1, Section 7(b), similar to those already expected of individuals licensed under R.S. 37:1271-1291.1 and the Board’s rules under LAC 46:XLV.123 et seq.

The proposed changes will result in a one-time publication expense estimated at \$789.00, in FY 25 for the Louisiana State Board of Medical Examiners (LSBME). Otherwise, there is no anticipated impact on the LSBME or any state or local governmental unit, inclusive of adjustments in workload and paperwork requirements.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed addition of LAC 46:XLV.416, for those licensed pursuant to R.S. 37:1310.1, the Interstate Medical Licensure Compact (“IMLC”), so as to conform the information, data and oaths the Board receives from IMLC practitioners to match the information, data and oaths it already receives from licensure applicants who have applied for licensure, renewal and/or reinstatement under R.S. 37:1271-1291.1 and the Board’s rules under LAC 46:XLV.123 et seq. Likewise, the changes to LAC 46:XLV.433, 441, 449, and 4005 require all IMLC licenses to comply with continuing medical education (CME) requirements pursuant to R.S. 37:1310.1, Section 7(b), similar to those already expected of individuals licensed under R.S. 37:1271-1291.1 and the Board’s rules under LAC 46:XLV.123 et seq. Accordingly, there is no anticipated effect on the revenue collections of the LSBME or other state or local governmental units save for a likely minor increase in revenue from possible newly qualified international medical graduate license applicants.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

While it is true the IMLC licensees will be required to complete approximately four additional pages of paperwork and attest to an oath before a notary, it is not anticipated that the proposed amendments will have a material effect on costs, paperwork or workload of those affected by the amendments, the physicians licensed pursuant to the IMLC law, by the LSBME, nor on receipts and/or income of licensees, small businesses, or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

It is not anticipated that the proposed changes will have any impact on competition or employment.

Vincent A. Culotta, Jr., M.D.  
Executive Director  
2412#016

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Board of Medical Examiners**

**Marijuana for Therapeutic Use by Patients Suffering from a  
Debilitating Medical Condition  
(LAC 46:XLV.Chapter 77)**

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes pursuant to R.S. 40:1046, to repeal the board’s rules, LAC 46:XLV.Chapter 77, governing physicians who recommend therapeutic marijuana, legal warning with regard to recommending marijuana, definitions and prohibitions with regard to the conditions for which it may be recommended, registration of physicians, form for recommendation, requirements for treatment and keeping of records, and discipline pertaining to such rules, to conform to Act 286 of the 2020 Regular Session of the Louisiana Legislature. The repeal will be effective upon final promulgation.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XLV. Medical Professions**

**Subpart 3. Practice**

**Chapter 77. Marijuana for Therapeutic Use by  
Patients Suffering from a Debilitating  
Condition**

**Subchapter A. General Provisions**

**§7701. Preamble, Warning, and Suggested Consultation  
Repealed.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health Hospitals, Board of Medical Examiners, LR 41:2631 (December 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:318 (February 2017), LR 46:342 (March 2020), repealed LR 51:

**§7703. Scope of Chapter  
Repealed.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health Hospitals, Board of Medical Examiners, LR 41:2632 (December 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:318 (February 2017), repealed LR 51:

**§7705. Definitions  
Repealed.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2632 (December 2015), amended by the Department of Health, Board of

Medical Examiners, LR 43:319 (February 2017), LR 45:1471 (October 2019), LR 46:342 (March 2020), repealed LR 51:

## **Subchapter B. Prohibitions and Exceptions**

### **§7707. Prohibitions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2632 (December 2015), amended by the Department of Health, Board of Medical Examiners, LR 45:1472 (October 2019), repealed LR 51:

### **§7709. Exceptions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2632 (December 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:319 (February 2017), LR 45:1472 (October 2019), LR 46:342 (March 2020), repealed LR 51:

## **Subchapter C. Registration**

### **§7711. Registration, Physician Eligibility**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2633 (December 2015), amended by the Department of Health, Board of Medical Examiners LR 43:319 (February 2017), LR 46:342 (March 2020), repealed LR 51:

### **§7713. Application**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, 1281, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2633 (December 2015), repealed LR 51:

### **§7715. Registration Issuance, Expiration, Renewal**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, 1281, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2633 (December 2015), repealed LR 51:

## **Subchapter D. Marijuana for Therapeutic Purposes, Limitations, Access to Records**

### **§7717. Use of Marijuana for Therapeutic Purposes, Limitations**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health Hospitals, Board of Medical Examiners, LR 41:2633 (December 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:319 (February 2017), LR 45:1472 (October 2019), repealed LR 51:

### **§7719. Board Access to Records**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health Hospitals, Board of Medical Examiners, LR 41:2634 (December 2015), repealed LR 51:

### **§7721. Form of Written Request or Recommendation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health Hospitals, Board of Medical Examiners, LR 41:2634 (December 2015), amended by the Department of Health, Board of Medical Examiners LR 43:320 (February 2017), LR 45:1472 (October 2019), repealed LR 51:

## **Subchapter E. Sanctions, Severability**

### **§7723. Sanctions Against Medical License or Registration**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2634 (December 2015), repealed LR 51:

### **§7727. Severability**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 1270, and 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2635 (December 2015), repealed LR 51:

### **§7729. Appendix—Form for Recommendation for Therapeutic Marijuana**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, and R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health Hospitals, Board of Medical Examiners, LR 41:2635 (December 2015), amended by the Department of Health, Board of Medical Examiners, LR 43:320 (February 2017), LR 45:1472 (October 2019), repealed LR 51:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

#### **Small Business Analysis**

Physicians licensed under the repealed provisions will have slightly reduced costs, paperwork or workload vis a vis the LSBME as they will no longer have to pay LSBME for a registration to recommend marijuana to patients. It is not anticipated that the proposed amendments will have a material effect on costs, paperwork or workload of other health care providers licensed by the LSBME, nor on receipts and/or income of licensees, small businesses, or non-governmental groups. It is also not anticipated that the proposed amendments and repeal will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:978.1 et seq.

#### **Provider Impact Statement**

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for

individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

#### Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, LSBME, 630 Camp Street, New Orleans, LA 70130. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., January 9, 2025.

#### Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on January 28, 2025, at 9 a.m., at the office of the LSBME, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call in advance to confirm.

Vincent A. Culotta, Jr., M.D.  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Marijuana for Therapeutic Use by Patients Suffering From a Debilitating Medical Condition

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend its rules on practice to repeal the chapter governing physicians who recommend therapeutic marijuana, legal warnings with regard to recommending marijuana, definitions and prohibitions with regard to the conditions for which it may be recommended, registration of physicians, form for recommendation, requirements for treatment and keeping of records, and discipline pertaining to such rules, to conform to Act 286 of the 2020 Regular Session of the Louisiana Legislature. The repeal will be effective upon final promulgation.

The proposed changes will result in a one-time publication expense estimated at \$789.00, in FY 25 for the Louisiana State Board of Medical Examiners (LSBME). Otherwise, there is no anticipated implementation cost to the LSBME. With regard to workload and paperwork requirements, the LSBME will have a very small reduction in paperwork and workload as it will not handle marijuana registrations. LSBME does not anticipate any other impacts, for LSBME, or any state or local governmental unit, inclusive of adjustments in workload and paperwork requirements.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Overall, the repeal of Chapter 77 attempts to comply with Act 286 of the 2020 Regular Session of the Legislature in which the board's authority to promulgate rules regarding the recommendation of marijuana was repealed. As Chapter 77

provided for physicians registering to become marijuana recommenders once they met criteria, there will be a loss of revenue to the board of approximately \$7,575.00, the amount the LSBME received in marijuana registrations for 2019.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The only anticipated material effect for physicians licensed by the LSBME will be to reduce the physicians' costs, paperwork or workload vis a vis the LSBME as they will no longer have to pay LSBME for a registration to recommend marijuana to patients. It is not anticipated that the proposed amendments will have a material effect on costs, paperwork or workload of other health care providers licensed by the LSBME, nor on receipts and/or income of licensees, small businesses, or non-governmental groups.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The only anticipated impact on competition is to slightly increase it since repealing the chapter will reduce the number of regulations and enable more practitioners. It is not anticipated that the proposed changes will have any other impact on competition or employment.

Vincent A. Culotta, Jr., M.D.  
Executive Director  
2412#015

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health Board of Medical Examiners

Occupational Therapists and  
Occupational Therapy Assistants  
(LAC 46:XLV.Chapters 1, 19, and 49)

Notice is hereby given that pursuant to the authority vested in it by the Louisiana Medical Practice Act, R.S. 37:1261-1292, and in accordance with the applicable provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Board of Medical Examiners (board) intends to amend its rules governing Occupational Therapists and Occupational Therapy Assistants.

The proposed Rule changes will amend the standards of practice for occupational therapy practitioners, update licensure qualifications, introduce new definitions, revise continuing education requirements, restructure the Occupational Therapist Advisory Committee, establish rules governing the practice of dry needling and the supervision of unlicensed personnel and volunteers, amend the rules concerning the supervision of Occupational Therapy Assistants, and make typographical changes. The proposed amendments are set forth below.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLV. Medical Professions Subpart 1. General

#### Chapter 1. Fees and Costs

#### Subchapter G. Occupational Therapists and

#### Occupational Therapy Assistants Fees

#### §171. Scope of Subchapter

A. The rules of this Subchapter prescribe the fees and costs applicable to the licensing of occupational therapists and occupational therapy assistants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health, Board of Medical Examiners LR 51:

### **§173. Licenses and Permits**

A. For processing an initial application for an occupational therapist's license, a fee of \$150 shall be payable to the board.

B. For processing an initial application for an occupational therapy assistant's license a fee of \$100 shall be payable to the board.

C. For issuing a temporary permit, a fee of \$50 shall be payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014, 37:1270, 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:237 (February 2004), amended by the Department of Health, Board of Medical Examiners LR 51:

### **§175. Annual Renewal**

A. For processing an application for annual renewal of an occupational therapist's license, a fee of \$100 shall be payable to the board.

B. For processing an application for annual renewal of an occupational therapy assistant's license a fee of \$75 shall be payable to the board.

C. If the application for renewal is received beyond the deadline designated by the board, a late renewal fee of \$35 shall be payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014, 37:1270, 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:237 (February 2004), amended by the Department of Health, Board of Medical Examiners LR 51:

### **§177. Reinstatement of License**

A. For processing an application for reinstatement of a license which has lapsed by expiration and nonrenewal, additional fees as determined by the board shall be payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health, Board of Medical Examiners LR 51:

## **Subpart 2. Licensure and Permits**

## **Chapter 19. Occupational Therapists and Occupational Therapy Assistants**

### **Subchapter A. General Provisions**

#### **§1901. Scope of Chapter**

A. The rules of this Chapter govern the licensing of occupational therapists and occupational therapy assistants to engage in the practice of occupational therapy in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health, Board of Medical Examiners LR 51:

### **§1903. Definitions**

A. As used in this Chapter the following terms shall have the meanings specified.

*AOTA Guidelines*—American Occupational Therapy Association (AOTA) official documents and professional policies that undergo scheduled review and updating. These documents are used by the AOTA and its membership to guide education, practice, advocacy, and policy on behalf of the profession.

*Applicant*—a person who has applied to the board or a license to engage in the practice of occupational therapy in the state of Louisiana.

*Application*—a request directed to and received by the Board, for a license to practice occupational therapy in the state of Louisiana, in a manner prescribed by the board.

*Approved Course*—program, course, seminar, workshop, self-study, independent study or other activity meeting the *standards* and approved by the AOTA, by an AOTA approved provider, the National Board of Occupational Therapy (NBCOT), or the Louisiana Occupational Therapy Association (LOTA).

*Board*—the Louisiana State Board of Medical Examiners.

*Client*—a person, group, or population for whom the occupational therapy practitioner is providing service.

*Client Care Conference*—a meeting between the supervising occupational therapist, who must have previously evaluated and/or treated the client, and an occupational therapy assistant to discuss client progress or lack thereof, client issues, revision of goals, initiation, modification or termination of an individual program plan, assessment of utilization of additional resources, discharge and any other information which may affect a client's plan of care. The minimum standard of frequency for this meeting is monthly for each individual client. This meeting can be conducted using a variety types and methods as outlined in §4926 of this document.

*Client-Related Tasks*—routine tasks during which volunteers or unlicensed personnel (i.e., aide or tech) may interact with the client under direct supervision of the Occupational Therapy Practitioner (OTP).

*Compact Privilege*—a privilege to practice granted by a remote state.

*Consultation*—process of assisting a client, agency, or other provider by identifying and analyzing issues, providing information and advice and developing strategies for current and future actions.

*Direct Supervision*—supervision in which the supervisor is personally present and immediately available within the treatment area to give aid, direction, and instruction when occupational therapy procedures or activities are performed.

*Dry Needling*—a skilled intervention that uses a thin filiform needle to penetrate the skin and stimulate underlying neural, muscular, and connective tissues for the management of neuromusculoskeletal conditions, pain, and movement impairments.



*Education*—an intervention process that involves the imparting of knowledge and information about occupation and activity. Education also denotes an area of occupational performance.

*Evaluation*—the comprehensive and ongoing process of planning, obtaining, documenting, and interpreting data necessary for intervention. This process is focused on the client's wants and needs ~~to do~~ and on identifying those factors that act as supports or barriers to performance.

*General Supervision*—minimal standard of supervision consisting of a client care conference at least monthly for each individual client.

*Good Moral Character*—as applied to an applicant means that the applicant has not, prior to or during the pendency of an application to the board, been guilty of any act, omission, condition, or circumstance which would provide legal cause under R.S. 37:3011 for the suspension or revocation of occupational therapy licensure; the applicant has not, prior to or in connection with their application, made any representation to the board, knowingly or unknowingly, which is in fact false or misleading as to a material fact or omits to state any fact or matter that is material to the application; and the applicant has not made any representation or failed to make a representation or engaged in any act or omission which is false, deceptive, fraudulent, or misleading in achieving or obtaining any of the qualifications for a license required by this Chapter.

*License*—the lawful authority to engage in the practice of occupational therapy in the state of Louisiana, as evidenced by a certificate duly issued by and under the official seal of the board.

*Louisiana Occupational Therapy Practice Act or the Act*—R.S. 39:3001-3014 as hereafter amended or supplemented.

*Non-client Related Task*—tasks not directly involving a client, i.e., clerical activities and preparation of the work area or equipment.

*Non-skilled Task*—tasks that do not require judgment, interpretation, or adaptation. The following are elements of a non-skilled task:

- a. The outcome is predictable.
- b. The client's condition and the environment are stable and will not require judgment or interpretation.
- c. The client has demonstrated previous performance ability with the task.
- d. The task process has been clearly established.

*Occupational Performance*—the act of engaging in any occupation including activities of daily living (ADL), instrumental ADLs (IADL), health management, rest and sleep, education, work, play, leisure, and social participation.

*Occupational Therapist*—a person who is licensed to practice occupational therapy, as defined in this Chapter, and whose license is in good standing.

*Occupational Therapy*—the therapeutic use of everyday life occupations with persons, groups, or populations (clients) to support occupational performance and participation. Occupational therapy practice includes clinical reasoning and professional judgment to evaluate, analyze, and diagnose occupational challenges (e.g., issues with client factors, performance patterns, and performance skills).

Occupational therapy interventions may include occupations and activities, interventions to support occupation (including but not limited to physical agent modalities), education and training, advocacy, group, and virtual interventions. Occupational therapy services include habilitation, rehabilitation, and the promotion of physical and mental health and wellness for clients with all levels of ability-related needs. These services are provided for clients who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Through the provision of skilled services and engagement in everyday activities, occupational therapy promotes physical and mental health and well-being by supporting occupational performance in people with, or at risk of experiencing, a range of developmental, physical, and mental health disorders.

*Occupational Therapy Assistant*—a practitioner who is licensed to deliver occupational therapy services in the practice of occupational therapy under the supervision of, and in partnership with an occupational therapist licensed under this chapter. Under the appropriate level of supervision of an occupational therapist, an occupational therapy assistant may perform all interventions stated in the definition of occupational therapy, including physical agent modalities, with the exception of dry needling.

*Occupational Therapy Code of Ethics*—an official document of the AOTA designed to reflect the dynamic nature of the profession, the evolving health care environment, and emerging technologies that can present potential ethical concerns in research, education, and practice.

*Occupational Therapy Practice Framework: Domain and Process (OTPF)*—an official document of the AOTA that presents a summary of interrelated constructs that describe occupational therapy practice.

*Occupational Therapy Practitioner*—occupational therapists and occupational therapy assistants.

*OTAC*—Occupational Therapy Advisory Committee of the Louisiana State Board of Medical Examiners (LSBME)

*Physical Agent Modalities*—those modalities that produce a response in soft tissue through the use of mechanical devices, light, water, temperature, sound, or electricity. Physical agent modalities are characterized as adjunctive methods used in conjunction with or in immediate preparation for patient involvement in purposeful activity.

*Re-evaluation*—reappraisal of the client's performance and goals to determine the type and amount of progress or lack thereof. The re-evaluation occurs as often as needed to review and interpret the effectiveness and efficiency of the occupational therapy plan.

*Position Statement*—an official AOTA stance on the provision of services, practice of occupational therapy, or role of occupational therapy.

*Referring Healthcare Professional*—licensed healthcare professionals who may refer clients to occupational therapy for direct service intervention for their specific medical conditions. Qualified referring healthcare professionals consist of physicians, dentists, podiatrists, optometrists, physician's assistants, or advanced practice nurse practitioners.

*Screening*—process of reviewing available data, observing, or administering screening instruments to identify a person’s potential strengths and limitations and the need for further assessment.

*Service Competency*—the ability to provide occupational therapy services in a safe and effective manner. With respect to an occupational therapy assistant, this means one who is appropriately trained and qualified to perform occupational therapy in accordance with the current Standards of Practice for the relevant population and setting.

*Standards for Continuing Competence in Occupational Therapy*—an official AOTA document that serves as a foundation for analyzing the continuing competence of the OTP.

*Standards of Practice for Occupational Therapy*—an official AOTA document that defines the minimum standards for the practice of occupational therapy.

*Supervising Occupational Therapist*—the occupational therapist who is providing general supervision to an occupational therapy assistant and who is readily available to answer questions about the client's intervention at the time of the provision of services.

*Temporary Permit*—an applicant who is currently licensed and in good standing to practice in another jurisdiction and meets the requirements for licensure by endorsement or an applicant who has completed the academic and supervised field work experience requirements specified under §1907 of this Chapter and has applied for and is waiting examination or examination results, may obtain a temporary permit while the application is being processed by the board.

*Unlicensed Personnel*—an employee who provides supportive services to the OTP, commonly referred to as OT Aide, OT Tech, or Rehab Tech. Unlicensed personnel do not provide skilled OT services but perform specifically delegated client and non-client related tasks.

*Unprofessional Conduct*—acts or behavior that fail to meet the minimally acceptable standard expected of occupational therapy practitioners including, but not limited to, conduct that may be harmful to the health, safety, and welfare of the client, conduct that may reflect negatively on one’s fitness to practice, or conduct that may violate any provision of the most current AOTA Code of Ethics.

*Volunteer*—a non-compensated individual who is volunteering their time to support occupational therapy services. Volunteers do not provide skilled OT services but perform specifically delegated non-skilled client and non-client related tasks.

*Wellness*—an active process through which individuals become aware of and make choices toward a more successful existence. Wellness is more than a lack of disease symptoms. It is a state of mental and physical balance and fitness.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:422 (March 2004), LR 41:2136 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

## **Subchapter B. Qualifications for License**

### **§1905. Scope of Subchapter**

A. The rules of this Subchapter govern the licensing of occupational therapists and occupational therapy assistants who, in order to practice occupational therapy or hold themselves out as an occupational therapy practitioner or as being able to practice occupational therapy in the state of Louisiana, must meet all of the criteria set forth in the Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health, Board of Medical Examiners LR 51:

### **§1907. Qualifications for License**

A. To be eligible for a license, an applicant shall:

1. be of good moral character as defined by §1903;
2. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the United States Citizenship and Immigration Services (USCIS) of the United States, Department of Homeland Security, under and pursuant to the Immigration and Nationality Act (66 stat. 163) and the commissioner's regulations thereunder (8 CFR);
3. have taken and passed the National Board for Certification in Occupational Therapy (NBCOT) Examination;
4. file an application for licensure in a format prescribed by the Board;
5. present proof of current certification by the NBCOT in a manner as prescribed by the board;
6. submit proof of proficiency in the English language by passing the Test of English as a Foreign Language (TOEFL) with a score acceptable to the board if a non-native English speaker.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for licensure shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the board.

C. In addition to the substantive qualifications specified in §1907.A, to be eligible for a license, an applicant shall satisfy the procedures and requirements for application provided by §§1911 to 1915 of this Chapter and the procedures and requirements for examination provided by §§1917 to 1935 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:422 (March 2004), LR 41:2136 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

### **§1909. Waiver of Examination Requirements for Licensure**

A. The Board may waive the examination and grant a license to any applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia,

or a territory of the United States which requires standards for licensure considered by the Board to be equivalent to the requirements for licensure of this Chapter, provided that such state, district, or territory accords similar privileges of licensure without examination to holders of a license under this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health, Board of Medical Examiners LR 51:

### **Subchapter C. Application**

#### **§1911. Purpose and Scope**

A. The rules of this Subchapter govern the procedures and requirements applicable to application to the board for licensing as an occupational therapy practitioner in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health, Board of Medical Examiners LR 51:

#### **§1913. Application Procedure**

A. Application for licensing shall be made in a format prescribed by the board.

B. Application and instructions may be obtained from the board's web page or by personal or written request to the board.

C. An application for licensing under this Chapter shall include:

1. Proof, documented in a form satisfactory to the Board that the applicant possesses the qualifications set forth in this Chapter;

2. Such other information and documentation as the Board may require to evidence qualification for licensing.

D. All documents required to be presented to the Board or its designee must be the original thereof. For good cause shown, the Board may waive or modify this requirement.

E. The Board may refuse to consider any application which is not complete in every detail, including submission of every document required by the application. 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. Each application submitted to the Board shall be accompanied by the applicable fee, as set forth by the Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:237 (February 2004), LR 41:2137 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

### **Subchapter D. Examination**

#### **§1921. Dates, Places of Examination**

A. The dates on which and places where the NBCOT certification examination for occupational therapy practitioners are given are scheduled by the NBCOT.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:422 (March 2004), amended by the Department of Health, Board of Medical Examiners LR 51:

### **Subchapter E. Temporary Permit**

#### **§1937. Temporary Permit in General**

A. With respect to applicants who do not meet or possess all of the qualifications and requirements for licensing, the board may, in its discretion, issue such temporary permits as are, in its judgment, necessary or appropriate to its responsibilities under law.

B. A temporary permit entitles the holder to engage in the practice of occupational therapy in the state of Louisiana only for the period of time specified by such permit and creates no right or entitlement to permitting or renewal of the permit after its expiration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health, Board of Medical Examiners LR 51:

#### **§1939. Permit Pending Examination; Reexamination; Renewal**

A. The board shall issue a temporary permit to practice occupational therapy to an applicant who has completed the academic and supervised field work experience requirements specified under §1907 of this Chapter and has applied for and is waiting examination or examination results. The temporary permit shall be valid for three months and is non-renewable.

B. An occupational therapy practitioner holding a temporary permit issued under this Section may practice occupational therapy only under the direct supervision of an occupational therapist licensed by the Board, who shall provide such direct supervision for not less than 50 percent of the temporarily permitted OTP's assigned caseload which is seen in conjunction with the supervising OT on a weekly basis.

1. An occupational therapy assistant holding a temporary permit under this Section shall practice under the supervision of no more than two licensed occupational therapists.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 14:351 (June 1988), LR 41:2137 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

#### **§1940. Provisional Temporary Permit Pending Application for Visa**

A. The board may issue a provisional temporary permit to an applicant for any license or permit provided for by these rules who is otherwise completely qualified for such license or permit, save for possessing an H-1 or equivalent visa as may be required by these rules, provided that the applicant has completed all applicable requirements

and procedures for issuance of a license or permit and is eligible for an H-1 or equivalent visa under rules and regulations promulgated by the USCIS.

B. A provisional temporary permit issued under this Section shall be of the same type and scope, and subject to the same terms and restrictions, as the license or permit applied for, provided, however, that a provisional temporary permit issued under this Section shall expire, and become null and void, on the earlier of:

1. 90 days from the date of issuance of such permit;

2. ten days following the date on which the applicant receives notice of USCIS action granting or denying the applicant's petition for an H-1 or equivalent visa; or

3. the date on which the board gives notice to the applicant of its final action granting or denying issuance of the license or permit applied for.

C. The board may, in its discretion, extend or renew, for one or more additional 90-day periods, a provisional temporary permit issued hereunder which has expired pursuant to §1940.B.1, in favor of an applicant who holds a provisional temporary permit issued under this Section and who has filed a petition for H-1 or equivalent visa with the USCIS, but whose pending petition has not yet been acted on by the USCIS within 90 days from issuance of such provisional temporary permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:1144 (September 1993), amended LR 41:2138 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

#### **Subchapter F. License Issuance, Termination, Renewal and Reinstatement**

##### **§1943. Issuance of License**

A. If the qualifications, requirements, and procedures prescribed or incorporated by §§1907 to 1915 are met to the satisfaction of the board, the board shall issue to the applicant a license to engage in the practice of occupational therapy in the state of Louisiana upon payment of the license fees set forth by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2138 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

##### **§1945. Expiration of License**

A. Every license issued by the board under this Chapter shall expire and thereby become null, void, and to no effect each year on the last day of the month in which the licensee was born.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 24:1499 (August 1998), LR 41:2138 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

##### **§1947. Renewal of License**

A. Every license issued by the board under this Subchapter shall be renewed annually on or before its date of expiration by submitting to the board an application for renewal in a format prescribed by the board, together with the renewal fee set forth by the Board and documentation of satisfaction of the continuing professional education requirements prescribed by Subchapter H of these rules.

B. Renewal application and instructions may be obtained from the board's web page.

C. The renewal of a license which has expired for 60 days or less may be renewed by submitting to the board an application for renewal in a manner prescribed by the board together with the late renewal fee prescribed by the board.

D. Current NBCOT registration or certification is not a prerequisite to renewal of a license to practice as an occupational therapy practitioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1003 (September 1994), LR 24:1499 (August 1998), LR 30:237 (February 2004), LR 30:423 (March 2004), LR 41:2138 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

##### **§1949. Reinstatement of License**

A. A license which has expired may be reinstated by the Board subject to the conditions and procedures hereinafter provided.

B. An application for reinstatement shall be made in a format prescribed by the board, together with appropriate proof of continuing education, and the applicable late renewal and reinstatement fees as prescribed by the board.

C. Reinstatement of a license that has expired for two years or more may include additional fees and requirements as the Board deems appropriate, including but not limited to reexamination in accordance with Subchapter D, satisfaction of the requirements of Subchapter H with respect to continuing professional education, and/or complying with all requirements and procedures for obtaining an original license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1003 (September 1994), LR 30:423 (March 2004), LR 41:2139 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

##### **§1951. Titles of Licensees**

A. Any person who is issued a license as an occupational therapist under the terms of this Chapter may use the words "occupational therapist," "licensed occupational therapist," or may use the letters "OT" or "LOT," in connection with their name or place of business to denote their licensure. In addition, any person currently licensed by the board and certified or registered by and in good standing with the NBCOT, may use the words "licensed occupational therapist registered" or "occupational therapist registered" or "LOTR" or "OTR."

B. Any person who is issued a license as an occupational therapy assistant under the terms of this Chapter may use the words "occupational therapy assistant," "licensed occupational therapy assistant," or may use the letters "OTA" or "OTA/L" in connection with their name or place of business to denote their licensure. In addition, any person currently licensed by the board and certified as an assistant by and in good standing with the NBCOT, may use the designation "licensed certified occupational therapy assistant" or "COTA/L" or "certified occupational therapy assistant" or "COTA."

C. Use of Title of Doctor. A licensee who has earned a doctoral degree in occupational therapy (OTD) or a doctoral degree in a related area of practice or study may do the following:

1. In a written communication, use the initials OTD, DrPH, PhD, or EDD, as applicable, following the licensee's name.

2. In a written communication, use the title "Doctor" or the abbreviation "Dr." preceding the licensee's name, if the licensee's name is immediately followed by an unabbreviated specification of the applicable doctoral degree held by the licensee.

3. In a spoken communication while engaged in the practice of occupational therapy, use the title "Doctor" preceding the licensee's name, if the licensee specifies that he or she is an occupational therapy practitioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:423 (March 2004), LR 41:2139 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

### **Subchapter G. Occupational Therapy Advisory Committee**

#### **§1957. Constitution of Committee**

A. To assist the board in the review of applicants' qualifications for licensure and renewal of licensure under this Chapter, the board shall constitute and appoint an Occupational Therapy Advisory Committee (advisory committee) which shall be organized and shall function in accordance with the provisions of this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1003 (September 1994), amended by the Department of Health, Board of Medical Examiners LR 51:

#### **§1959. Composition; Appointment**

A. The advisory committee shall comprise nine members, eight of whom shall be occupational therapists and one of whom should be an occupational therapy assistant, unless no qualified OTA seeks appointment. Members shall be licensed by the board and practicing and residing within the state of Louisiana, consisting, more particularly, of one licensed occupational therapy practitioner proficient in and representing each of the following areas of occupational therapy practice insofar as it is practical:

1. administration and management;
2. developmental disabilities;
3. education;
4. geriatrics;
5. mental health;
6. physical disabilities;
7. pediatrics;
8. assistive technology; and
9. community practice/wellness

B. The board will receive nominations and/or suggestions for replacement members for expiring terms. There should be three candidates per position open for review by the board.

C. Insofar as possible or practical, in its appointment of members to the advisory committee, the board shall maintain geographic diversity so as to provide membership on the advisory committee by occupational therapists residing and practicing in north, central, southwestern, and southeastern Louisiana.

D. Of the board's initial appointment of members to the advisory committee following the effective date of these rules, four appointees shall be designated to serve terms expiring on the last day of the year of appointment and five to serve terms expiring on the last day of the year succeeding the year of appointment. Thereafter, each member of the advisory committee shall serve a term of two years, subject to removal at any time at the pleasure of the board. Members appointed to the advisory committee by the board to fill a vacancy occurring on the advisory committee other than by expiration of the designated term shall serve for the unexpired term. A member of the advisory committee may be appointed by the board for not more than three consecutive terms. Other than the initial appointments provided for herein, board appointments to the advisory committee shall be effective when made with respect to appointments for unexpired terms and otherwise shall be effective as of the first day of the year following the date of appointment. OTAC members will select a chair and any other desired officers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1003 (September 1994), amended by the Department of Health, Board of Medical Examiners LR 51:

#### **§1961. Delegated Duties and Responsibilities**

A. The advisory committee is authorized by the board in its mission to protect the consumers of occupational therapy to:

1. advise the board on required qualifications and credentials of applicants for occupational therapy licensure and make recommendations thereon to the board;
2. assist, when requested by the board, in examining the qualifications and credentials of applicants for occupational therapy licensure and make recommendations thereon to the board;
3. provide advice and recommendations to the board respecting the modification, amendment, and supplementation of rules and regulations, standards, policies, and procedures respecting occupational therapy licensure and practice;

4. serve as a liaison between and among the board, licensed occupational therapy practitioners' and occupational therapy professional associations;

5. receive reimbursement for attendance at board meetings and for other expenses when specifically authorized by the board;

6. advise and assist the board regarding qualifying continuing professional education requirements.

7. advise and assist the Department of Investigations as requested by the board in issues of ethical or disciplinary action; and

8. review the LSBME Rules for OTPs every 3 years and revise as needed.

B. In performing the functions authorized under this Section the advisory committee and the individual members thereof shall, when acting within the scope of such authority, be deemed agents of the board. All information obtained by the advisory committee members pursuant to §1961.A.2 and 7 shall be considered confidential. Advisory committee members are prohibited from communicating, disclosing, or in any way releasing to anyone, other than the board, any information or documents obtained when acting as agents of the board without first obtaining written authorization of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1004 (September 1994), amended by the Department of Health, Board of Medical Examiners LR 51:

**Subchapter H. Continuing Professional Education**

**§1963. Scope of Subchapter**

A. The rules of this Subchapter provide standards for the continuing professional education requisite to the annual renewal of licensure as an occupational therapist or occupational therapy assistant, as required by §§1947 and 1965 of these rules, and prescribe the procedures applicable to satisfaction and documentation of continuing professional education in connection with application for renewal of licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1004 (September 1994), amended by the Department of Health, Board of Medical Examiners LR 51:

**§1965. Continuing Professional Education**

**Requirement**

A. Subject to the exceptions specified in §1979 of this Subchapter, to be eligible for renewal of licensure an occupational therapy practitioner shall, within each year during which they hold licensure, evidence and document in a manner prescribed by the board, the successful completion of not less than 14 contact hours, or 1.4 continuing education units (CEUs) which must include: 1 hours of Ethics (approved by AOTA, LOTA, or NBCOT) and a 1 hour course provided by LSBME on the rules and regulations for OTs and COTAs.

B. One CEU constitutes 10 hours of participation in an organized continuing professional education program approved by the board and meeting the standards prescribed

in this Subchapter; one continuing professional education hour is equal to one-tenth of a CEU.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1004 (September 1994), amended LR 41:2139 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

**§1967. Qualifying Continuing Professional Education Programs**

A. To be acceptable as qualified continuing professional education under these rules a program shall be approved by AOTA, LOTA, or NBCOT. Documentation shall consist of a course completion certificate from the course sponsor. The certificate shall include the name and date of the course, and the number of CEUs or contact hours earned by the participant.

B. A licensee may earn up to a maximum of 4 continuing education contact hours per year for providing Level II fieldwork (FW) education to an occupational therapy or occupational therapy assistant student from an ACOTE accredited program. Documentation shall consist of a certificate or letter from the Academic Fieldwork Coordinator of the affiliating school attesting to the licensee's role and number of weeks as a Level II FW educator. One continuing education contact hour will be earned for each 3-week period of Level II FW education:

Number of Weeks Providing Level II FW Education	Number of Contact Hours Earned
3 - 5 weeks	1
6 - 8 weeks	2
9 - 11 weeks	3
12 weeks	4

C. A licensee may earn CEUs for initial presentations, workshops and institutes presented by the licensee and approved by AOTA, LOTA, or NBCOT. The number of CEUs or contact hours earned is equal to two times the number of CEUs or contact hours granted to a course participant. Documentation shall consist of a course completion certificate, an official program, or a letter from the course sponsor. The certificate, program, or letter shall have the applicant's name listed as the presenter, and state the number of participants CEUs or contact hours earned.

D. A licensee may earn continuing education contact hours for successful completion of occupational therapy coursework in a post-professional occupational therapy program at an accredited university listed on the AOTA's website. Coursework must be from one of the following degree programs:

1. post-professional Doctorate of Occupational Therapy;
2. PhD in Occupational Therapy; or
3. bridge programs for OTAs leading to either a Master Occupational Therapy or entry-level Doctorate of Occupational Therapy.

E. No CEUs will be awarded for a grade of D or F in the course. Number of CEUs or contact hours awarded will be two times the number of credit hours of the course work, i.e., a 1 credit hour course will earn 2 contact hours, a 2-credit

hour course will earn 4 contact hours, etc. Documentation shall consist of official or unofficial transcript from the university. No CEUs or contact hours will be awarded for coursework in any degree program other than those listed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1004 (September 1994), amended LR 31:3161 (December 2005), amended by the Department of Health, Board of Medical Examiners LR 51:

### **§1969. Approval of Program Sponsors**

A. Any program, course, seminar, workshop, self-study, independent study or other activity meeting the standards prescribed by §1967.A.-D sponsored or offered by the AOTA, by an AOTA approved provider, the NBCOT, or the LOTA shall be presumptively deemed approved by the board for purposes of qualifying as an approved continuing professional education program under these rules.

B. Upon the recommendation of the advisory committee, the board may designate additional nationally accredited organizations and entities whose programs, courses, seminars, workshops, or other activities shall be deemed approved by the board for purposes of qualifying as an approved continuing professional education program under §1967.A.-D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1005 (September 1994), amended LR 31:3162 (December 2005), amended by the Department of Health, Board of Medical Examiners LR 51:

### **§1973. Documentation Procedure**

A. Annual documentation and certification of satisfaction of the continuing professional education requirements prescribed by these rules shall accompany an applicant's annual renewal of licensure in a format using electronic continuing education tracking system as prescribed by the board and must be completed prior to renewal of license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1005 (September 1994), amended LR 41:2139 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

### **§1975. Failure to Satisfy Continuing Professional Education Requirements**

A. All requirements for continuing education must be satisfied and verified by the board's contractor prior to granting the privilege of license renewal. License may be renewed 8 weeks prior to the last day of the applicant's birth month.

1. Failure to comply with continuing education requirements prior to renewal results in an expired license that must be renewed prior to any Occupational Therapy practice.

2. Completion of CEUs no more than 60 days after expiration of license will allow practitioner to apply for late renewal.

3. Upon completion of verified CEUs, license will be renewed with applicable late fees.

B. The license of an occupational therapy practitioner whose license has not been renewed within 60 days after their license has expired may be reinstated by the board upon written application to the board, accompanied by payment of a reinstatement fee, in addition to all other applicable fees and costs. Reinstatement may require a criminal background check, at discretion of the board. Applicant must also provide documentation and certification that:

1. the applicant has, within the preceding 12 months, completed 14 contact hours (1.4 CEUs) of qualifying continuing professional education; and

2. the applicant is currently certified by the NBCOT as demonstrated by a current NBCOT Certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1005 (September 1994), amended LR 24:1499 (August 1998), LR 30:424 (March 2004), LR 41:2139 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

### **§1977. Waiver of Continuing Professional Education Requirements**

A. The board may, in its discretion and upon the recommendation of the advisory committee, waive all or part of the continuing professional education required by these rules in favor of an occupational therapy practitioner who makes written request for such waiver to the board and evidences to the satisfaction of the board a permanent physical disability, illness, financial hardship, or other similar extenuating circumstances precluding the individual's satisfaction of the continuing professional education requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1006 (September 1994), amended by the Department of Health, Board of Medical Examiners LR 51:

### **§1979. Exceptions to Continuing Professional Education Requirements**

A. The continuing professional education requirements prescribed by this Subchapter as requisite to renewal of licensure shall not be applicable to:

1. an occupational therapy practitioner who has held an initial Louisiana license on the basis of examination for a period of less than one year and who has completed the Laws & Rules course prior to first annual renewal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1006 (September 1994), amended by the Department of Health, Board of Medical Examiners LR 51:

## **Subpart 3. Practice**

### **Chapter 49. Occupational Therapists and Occupational Therapy Assistants**

#### **Subchapter B. Standards of Practice**

#### **§4905. Scope of Subchapter**

A. This Subchapter provides the minimum standards for occupational therapy practice applicable to all persons licensed to practice occupational therapy in the state of Louisiana.



AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health, Board of Medical Examiners LR 51:

#### **§4907. Screening**

A. Occupational therapy practitioners have the responsibility to identify clients who may present problems in occupational performance that would require further assessment.

B. Occupational therapy practitioners shall communicate screening results within the boundaries of client confidentiality and privacy regulations.

C. An occupational therapist is responsible for all aspects of the screening process: initiating, directing, using evidence-based tools, analyzing and synthesizing data, and recommending additional consultations or resources.

D. An occupational therapy assistant may contribute to the screening by administering delegated assessments of occupational performance and reporting results to the occupational therapist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2141 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

#### **§4909. Referral**

A. Persons are appropriate for occupational therapy services when they demonstrate impairment, potential for impairment, or need for improvement in conducting or resuming daily life occupations that support function and health throughout the lifespan.

B. Clients shall be referred to occupational therapy for direct service intervention for their specific medical conditions by a licensed physician, dentist, podiatrist, optometrist, physician's assistant, or advanced practice nurse practitioner.

C. The occupational therapist assumes full responsibility for the occupational therapy evaluation and consulting with the referring healthcare professional as needed.

D. Occupational therapists shall recommend additional consultations or refer clients to appropriate resources when the needs of the client can best be served by the expertise of other professionals or services.

E. Occupational therapy services that are not related to injury, disease, or illness that are performed in a wellness or community setting for the purposes of enhancing performance in everyday activities are exempt from this referral requirement.

F. Occupational therapy practitioners employed by a school system or contracted by a school system, who provide screening and rehabilitation services for the educationally related needs of the students, are exempt from this referral requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and

Hospitals, Board of Medical Examiners, LR 41:2141 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

#### **§4911. Evaluation**

A. Occupational therapists shall evaluate the client's performance.

B. Initial occupational therapy evaluations shall consider the repertoire of occupations in which the client engages, the contexts influencing engagement, the performance patterns and skills the client uses, the demands of the occupation, and the client's body functions and structures.

C. All evaluation methods shall be appropriate to the client's age, education, cultural and ethnic background, medical status, and functional ability.

D. Occupational therapists shall communicate evaluation results within the boundaries of client confidentiality and privacy regulations.

E. If the results of the evaluation indicate areas that require intervention by other professionals, the occupational therapist should communicate this to the referring healthcare professional.

F. The occupational therapist is responsible for all aspects of the evaluation process, including, but not limited to:

1. completion of an occupational profile in collaboration with the client;
2. directing the evaluation process;
3. using evidence-based, standardized, and/or structured assessment tools and protocols;
4. analyzing and interpreting data; and
5. documenting and communicating the results.

G. An occupational therapy assistant may contribute to the evaluation process by administering delegated assessments, reporting assessment results to the occupational therapist, and contributing to the documentation of evaluation results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2141 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

#### **§4913. Intervention Process**

A. An occupational therapist has the overall responsibility for the development, documentation, implementation, modification, and review of the intervention plan, including ensuring the completed documentation is part of the client's record and accessible to the OTA prior to the OTA's first treatment session. When delegating aspects of the occupational therapy intervention process to the occupational therapy assistant, the occupational therapist is responsible for providing supervision as stated in §4925.

B. Intervention Plan Development. Intervention plan development shall utilize the evaluation, client goals and outcomes, best available evidence, and professional and clinical reasoning.

1. The intervention plan should include:
  - a. Relevant and measurable client goals and related time frames



- b. Frequency and duration of service
- c. Types of interventions

2. An occupational therapist ensures that the intervention plan, and any modifications to the plan are documented within the time frames, formats, and standards established by the practice settings, agencies, external accreditation programs, state and federal laws, and other regulatory and payer requirements sufficient to justify the services rendered.

3. An OTP collaborates with the client to develop and implement the intervention plan based on the client's needs and priorities and informs the client of potential benefits and harms of the interventions.

C. Intervention Plan Review and Modification. An occupational therapist reviews and modifies the intervention plan throughout the intervention process, assessing effectiveness of delivery, and documenting changes in the client's needs, goals, and performance.

1. When modifying the intervention plan, the OTP selects, implements, and makes modifications to interventions consistent with demonstrated competence levels and client goals. All interventions are used to facilitate engagement in occupation.

2. An occupational therapy assistant contributes to the modification of the intervention plan by ongoing communication and providing documentation about the client's responses to intervention.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health, Board of Medical Examiners LR 51:

**§4917. Discontinuation of Services**

A. Occupational therapists shall discontinue services when the client has achieved the identified goals, has achieved maximum benefit from occupational therapy, or has requested discontinuation of services.

B. Occupational therapists, in collaboration with the OTA, shall prepare a discharge plan that is consistent with the goals of occupational therapy, the client, the family, and the interdisciplinary team. Consideration should be given to appropriate community resources for referral and environmental factors or barriers that may need modification to allow for continuity of care.

C. Occupational therapists shall collaborate with the client, allowing sufficient time for the coordination and the effective implementation of the discharge plan.

D. Occupational therapists shall document outcomes of service delivery and recommendations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended, by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2141 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

**§4925. Supervision of Occupational Therapy Assistants**

A. The rules of this Section, together with those specified in §4915 and §4919, govern supervision of an occupational therapy assistant by a supervising occupational therapist in any setting.

B. The supervising OT shall have a legal and ethical responsibility to provide supervision, and the OTA shall have a legal and ethical responsibility to obtain supervision.

C. Supervision by the OT of the services provided by the OTA shall always be required, even when the OTA is experienced and highly skilled in a particular area.

D. Occupational therapists and occupational therapy assistants are equally responsible for developing a collaborative plan for supervision. It is the responsibility of the occupational therapist and the occupational therapy assistant to seek the appropriate quality and frequency of supervision to ensure safe and effective occupational therapy service delivery.

E. At all times during which an occupational therapy assistant assists in program plan implementation, the supervising occupational therapist and the occupational therapy assistant must have the capability to be in contact with each other by telephone or other telecommunication which allows for simultaneous interactive discussion between the supervising occupational therapist and occupational therapy assistant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:340 (March 1993), amended LR 28:1977 (September 2002), LR 41:2142 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

**§4926. Types of Supervision**

A. General supervision is required for all occupational therapy assistants by an occupational therapist. General supervision shall consist of a client care conference at least monthly for each individual client. This is considered to be a minimum standard of client care conference frequency and it is the responsibility of both the OT and OTA to determine when more frequent meetings are indicated. The client care conference can be conducted using a variety of types and methods of supervision and may include:

- 1. observation;
- 2. modeling;
- 3. co-treatment;
- 4. discussions;
- 5. teaching;
- 6. instruction;
- 7. phone conversations;
- 8. video conferencing; and
- 9. other secure telecommunication technology.

B. The specific frequency, methods, and content of supervision may vary by practice setting and is dependent upon the:

- 1. complexity of clients' needs;
- 2. number and diversity of clients;
- 3. skills of the occupational therapist and the occupational therapy assistant;
- 4. type of practice setting;
- 5. service delivery approach;
- 6. requirements of the practice setting; and
- 7. federal and state regulatory requirements.

C. More frequent supervision may be necessary when:

- 1. the needs of the client and the occupational therapy process are complex and changing;
- 2. the practice setting provides occupational therapy services to a large number of clients with diverse needs; or

3. the occupational therapist and occupational therapy assistant determine that additional supervision is necessary to ensure safe and effective delivery of occupational therapy services.

D. A variety of levels and methods of supervision may be used.

E. All methods of supervision must be compliant with HIPAA and confidentiality requirements of government agencies, facilities, employers, or other appropriate bodies.

F. An occupational therapy assistant shall not administer occupational therapy to any client whose physical, cognitive, functional or mental status differs substantially from that identified by the supervising occupational therapist's individual program plan in the absence of re-evaluation by, or an immediate prior client care conference with, the supervising occupational therapist.

G. An occupational therapist is responsible for determining the number of appropriate occupational therapy assistants to be supervised depending on the experience of the occupational therapist, the experience of the occupational therapy assistant(s), the complexity of the client, and the setting of care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners LR 51:

#### **§4927. Occupational Therapy Assistant Service**

##### **Competency and Supervision Documentation**

###### **A. Occupational Therapy Assistant Service Competency**

1. Any occupational therapist supervising an occupational therapy assistant must have documented service competency on the occupational therapy assistant. Service competency assessment is a continuous process which should be completed for an OTA new to a setting (initial competency), annually (annual competency), and when a new modality, intervention, assessment tool, or piece of therapeutic equipment is introduced to the setting.

a. Initial service competency. Following acceptance of responsibility to supervise an occupational therapy assistant, but prior to utilization of such assistant in the implementation of any client program plan or other administration of occupational therapy to a client, the supervising occupational therapist shall ensure that the occupational therapy assistant's competency to administer all occupational therapy services which are to be performed under their supervision and direction has been assessed and documented. If not, the OT must assess and document the competency of the OTA. The service competency is designed to document the occupational therapy assistant's ongoing skill set.

b. Current and annual service competency. Service competency assessment of the OTA should be ongoing, assessing new skills that are needed as they arise, and reassessed at least annually.

c. Documentation of service competency. All competency documentation shall include the date the competency assessment was performed, a description of the tasks assessed, and the name, signature and Louisiana license number of the assessing occupational therapist conducting the service competency; a service competency sample is provided on the LSBME website.

2. In practice settings where an occupational therapy assistant is supervised by more than one occupational therapist, all documented service competencies performed by one occupational therapist will satisfy the requirements of this Section for all occupational therapists supervising the occupational therapy assistant in the performance of the same services, provided that the assessing occupational therapist's name, signature and Louisiana license number appears on the competency documentation;

3. Service competency documentation is maintained by the occupational therapy assistant and made accessible to all supervising occupational therapists upon request at each site or agency where the assistant is employed. A supervising occupational therapist is responsible for and must be capable of demonstrating compliance with the requirements of this Chapter and AOTA supervision guidelines regarding supervision of occupational therapy assistants.

###### **B. Documentation of OT Supervision of an OTA**

1. In each intervention note, the occupational therapy assistant must include the name of an occupational therapist who is readily available to answer questions about the client's intervention at the time of the provision of services. Co-signing of OTA documentation is not required. The occupational therapist in the intervention note may be different from the occupational therapist who wrote the plan of care. The occupational therapy assistant may not provide services unless this requirement is met.

2. Documentation of the client care conference will be recorded by the OT in the client's medical record.

3. Mutual Obligations and Responsibilities. A supervising occupational therapist and occupational therapy assistant shall bear equal reciprocal obligations to ensure strict compliance with the obligations, responsibilities and provisions set forth in this.

4. The administration of occupational therapy other than in accordance with the provisions of this Section and §4919 shall be deemed a violation of these rules, subjecting the occupational therapist and/or an occupational therapy assistant to suspension or revocation of licensure pursuant to §4921.B.18.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:340 (March 1993), amended LR 28:1977 (September 2002), LR 41:2142 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

#### **§4928. Supervision of Unlicensed Personnel and Volunteers**

A. The rules of this Section govern supervision of all unlicensed personnel or volunteers that are supervised by an occupational therapy practitioner in any setting.

B. The supervising occupational therapist shall at all times be responsible for all services provided by unlicensed personnel or volunteers.

C. The supervising occupational therapy practitioner has a continuing responsibility to follow the progress of each client, provide direct care to the client, and assure that the unlicensed personnel do not function autonomously.

D. An OTA, under the direction of the occupational therapist, is permitted to supervise unlicensed personnel or volunteers.

E. Unlicensed personnel or volunteers may only be delegated to perform non-skilled tasks.

F. Direct supervision is required for all unlicensed personnel and volunteers when completing client-related tasks at all times. The occupational therapy practitioner must be in the visual range of the client and the unlicensed personnel or volunteer and available for immediate physical intervention. Videoconferencing is not allowed for direct supervision.

G. Non-client-related tasks include clerical activities and preparation of the work area or equipment.

H. Client-related tasks are routine tasks during which the unlicensed personnel or volunteer may interact with the client. The following factors must be present when an OTP delegates a selected client-related task to the unlicensed personnel and volunteers:

1. The outcome anticipated for the delegated task is predictable.

2. The client's condition and the environment are stable and will not require that judgment, interpretations, or adaptations be made by the aide.

3. The client has demonstrated previous performance ability in executing the task.

4. The task routine and process have been clearly established.

I. When delegating client-related tasks, the supervisor must ensure that the unlicensed personnel or volunteer:

1. Is trained and able to demonstrate competence in carrying out the selected task and using related equipment, if appropriate;

2. Has been instructed on how specifically to carry out the delegated task with the specific client;

3. Knows the precautions, signs, and symptoms for the particular client that would indicate the need to seek assistance from the OTP; and

4. Is not used to perform billable functions that are prohibited by the payment source of the client being served.

J. The competence of the unlicensed personnel or volunteer needs to be documented for all client-related tasks (e.g., orientation checklist, performance review, skills checklist, in-service participation).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners LR 51:

#### **§4929. Supervision of OT and OTA Students**

A. Occupational therapy and occupational therapy assistant students completing their clinical education will be supervised as per current best practices.

B. Documentation by OT or OTA students must be co-signed by the supervising OTP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:340 (March 1993), amended LR 28:1977 (September 2002), LR 41:2142 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

#### **§4930. Dry Needling**

A. Dry Needling is a skilled intervention that uses a thin filiform needle to penetrate the skin and stimulate underlying neural, muscular, and connective tissues for the

management of neuromusculoskeletal conditions, pain, and movement impairments. As with all other physical agent modalities in occupational therapy, dry needling is to be utilized in the therapeutic process to ultimately achieve improved function and therefore must not be applied as a stand-alone treatment.

1. In order to perform dry needling, an occupational therapist must obtain all of the educational instruction described in Paragraphs (2)(a) and (2)(b) herein. The majority of the educational instruction must be obtained in person, allowing for self-study and partial online instruction.

2. Mandatory Training. Before performing dry needling to the upper limb, a practitioner must complete educational requirements in each of the following areas:

a. Instruction in each of the four areas listed herein, from a LOTA, AOTA or NBCOT approved continuing education provider:

i. musculoskeletal and neuromuscular systems;

ii. anatomical basis of pain mechanisms, chronic pain, and referred pain;

iii. trigger points; and

iv. universal precautions.

b. A minimum of 24 hours of dry needling instruction must include specific instruction on the upper limb defined as hand, wrist, elbow, and shoulder girdle.

i. The 24 hours must include instruction in each of the following six areas:

(a) dry needling technique;

(b) dry needling indications and contraindications;

(c) documentation of dry needling;

(d) management of adverse effects;

(e) practical psychomotor competency; and

(f) Occupational Safety and Health Administration's Bloodborne Pathogens Protocol.

3. Each instructional course shall also specify what anatomical regions are included in the instruction and describe whether the course offers introductory or advanced instruction in dry needling; contain a practical examination and a written examination with a passing score; include an anatomical review for safety and effectiveness, and evidence-based instructions on the theory of dry needling.

4. Advanced dry needling (i.e., craniofacial, spine, abdominal, etc.) will require more advanced training than the minimum requirements outlined above. It is the responsibility of each occupational therapist to acquire specialty certification through additional training beyond the minimum requirements.

5. Any occupational therapist who obtained the requisite hours of instruction to meet another state's requirements for dry needling must provide the documentation to the LSBME that demonstrates compliance with Louisiana's minimum instructional requirements as outlined in Paragraphs 2(a), (b), and (c).

6. Dry needling may only be performed by a licensed occupational therapist and may not be delegated to an occupational therapy assistant or support personnel.

7. Dry needling may only be performed with an order from a physician or otherwise authorized prescriber or provider for dry needling.

8. An occupational therapist practicing dry needling must supply written documentation, upon request by the board, that substantiates appropriate training as required by this Rule.

9. An occupational therapist performing dry needling in their practice must have informed consent for each patient that is maintained in the patient's chart/medical record. The patient must sign an informed consent form created by the therapist. The consent form must, at a minimum, clearly state the following information:

- a. risks and benefits of dry needling;
- b. the occupational therapist's level of education and training in dry needling; and
- c. potential side effects of dry needling.

10. When dry needling is performed, the occupational therapist must document in the patient's daily encounter/procedure note. The note shall indicate how the patient tolerated the intervention as well as the outcome of the intervention, including any adverse reactions/events that occurred, if any.

11. When dry needling is performed, the clinic or facility must have a written plan in place for management of major complications in a prompt and effective manner.

12. Practicing dry needling without compliance with this requirement constitutes unprofessional conduct and subjects a licensee to appropriate discipline by the board and its agents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 51:

### **Subchapter C. Unauthorized Practice, Prohibitions and Causes for Administrative Action**

#### **§4931. Unauthorized Practice [Formerly §4927]**

A. No individual shall engage in the practice of occupational therapy in this state in the absence of a current license or permit duly issued by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2143 (October 2015), amended by the Department of Health, Board of Medical Examiners LR 51:

#### **§4932. False Representation of Licensure Prohibited [Formerly §1955 and §4929]**

A. No person who is not licensed under this Chapter as an OTP, or whose license has been suspended or revoked, shall use, in connection with their name or place of business, the words "occupational therapist," "licensed occupational therapist," "occupational therapy assistant," "licensed occupational therapy assistant," or the letters, "OT," "LOT," "OTA," "LOTA," or any other words, letters, abbreviations, or insignia indicating or implying that they are an occupational therapist or an occupational therapy assistant, or in any way, orally, in writing, in print, or by sign, directly or by implication, represent themselves as an occupational therapist or an occupational therapy assistant.

B. No person who is not licensed under this Chapter as an occupational therapist or an occupational therapy assistant, or whose license has been suspended or revoked, who is not currently certified or registered by and in good standing with the NBCOT shall use, in connection with

their name or place of business, the words "occupational therapist registered," "licensed occupational therapist registered," "certified occupational therapy assistant," or "licensed certified occupational therapy assistant" or the letters, "OTR," "LOTR," or "COTA," or "LCOTA" or any other words, letters, abbreviations, or insignia indicating or implying that they are an occupational therapist registered or a certified occupational therapy assistant, or in any way, orally, in writing, in print, or by sign, directly or by implication, represent themselves as such.

C. Whoever violates the provisions of this Section shall be fined an amount designated by the board or be imprisoned for not more than six months, or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners LR 51:

#### **§4933. Suspension and Revocation of License; Refusal to Issue or Renew; Unprofessional Conduct [Formerly §4921 and §4931]**

A. The board may refuse to issue or renew, may suspend or revoke, or may impose probationary conditions on any OTP license, if the licensee or applicant for license has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public.

B. As used herein and R.S. 37:3011, unprofessional conduct by an occupational therapist or occupational therapy assistant shall mean:

1. conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana, of the United States, or of the state in which such conviction or plea was entered;

2. conviction of a crime or entry of a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with the practice of occupational therapy;

3. perjury, fraud, deceit, misrepresentation, or concealment of material facts in obtaining a license to practice occupational therapy;

4. providing false testimony before the board or providing false sworn information to the board;

5. habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence;

6. solicitation of client's or self-promotion through advertising or communication, public or private, which is fraudulent, false, deceptive, or misleading;

7. making or submitting false, deceptive, or unfounded claims, reports, or opinions to any client's insurance company, or indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value;

8. cognitive or clinical incompetency;

9. continuing or recurring practice which fails to satisfy the prevailing and usually accepted standards of occupational therapy practice in this state;

10. knowingly performing any act which in any way assists an unlicensed person to practice occupational therapy, or having professional connection with or lending one's name to an illegal practitioner;

11. paying or giving anything of economic value to another person, firm, or corporation to induce the referral of client's to the occupational therapist or occupational therapy assistant;

12. interdiction by due process of law;

13. inability to practice occupational therapy with reasonable competence, skill, or safety to client's because of mental or physical illness, condition or deficiency, including but not limited to deterioration through the aging process and excessive use or abuse of drugs, including alcohol;

14. refusal to submit to examination an inquiry by an examining committee of physicians appointed by the board to inquire into the licensee's physical and/or mental fitness and ability to practice occupational therapy with reasonable skill or safety to clients;

15. practicing or otherwise engaging in any conduct or functions beyond the scope of occupational therapy as defined by the Act or these rules;

16. the refusal of the licensing authority of another state to issue or renew a license, permit, or Compact Privilege to practice occupational therapy in that state, or the revocation, suspension, or other restriction imposed on a license, permit, or Compact Privilege issued by such licensing authority which prevents, restricts, or conditions practice in that state, or the surrender of a license, permit, or Compact Privilege issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit, or Compact Privilege; or

17. violation of any rules and regulations of the board, or any provisions of the Act, as amended, R.S. 37:3001-3014.

C. Denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a licensee may be ordered by the board in a decision made after a hearing in accordance with the Administrative Procedure Act and the applicable rules and regulations of the board. One year after the date of the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement but shall hold a hearing to consider such reinstatement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3011.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners LR 51:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

#### **Poverty Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973

#### **Small Business Analysis**

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:978.1 et seq.

#### **Provider Statement**

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

#### **Public Comments**

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, LSBME, 630 Camp Street, New Orleans, LA 70130. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m. January 9, 2025.

#### **Public Hearing**

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on January 28, 2025, at 9 a.m., at the office of the LSBME, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call in advance to confirm.

Vincent A. Culotta, Jr., M.D.  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Occupational Therapists and Occupational Therapy Assistants**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

Aside from the cost of rulemaking, which is approximately \$1,500 in FY 25 for publishing the proposed rule and final rule in the Louisiana Register, the proposed rule changes are not expected to result in implementation costs or savings for state or local governmental units. The cost of rulemaking will be covered using self-generated funds.

The proposed rule changes will amend the standards of practice for occupational therapy practitioners, update licensure qualifications, introduce new definitions, revise continuing education requirements, restructure the Occupational Therapist Advisory Committee, establish rules governing the practice of dry needling and the supervision of unlicensed personnel and volunteers, amend the rules concerning the supervision of Occupational Therapy Assistants, and make typographical changes.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated effect on the revenue collections for state or local governmental units

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed changes will increase costs for licensees, as they will be required to pay additional fees, dedicate more time

to completing new examinations, and fulfill longer educational requirements. This includes the National Board for Certification in Occupational Therapy exam. Additionally, non-native English speakers will be required to pass the Test of English as a Foreign Language (TOEFL).

It is expected that by introducing higher requirements and increased supervision, the overall quality of healthcare services will improve. The proposed rule changes may benefit patients and healthcare professionals by requiring updated standards of care, clarifying qualified continuing education, ensuring licensees are qualified to practice, and regulating emerging skilled interventions.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The qualification for licensure now requires an applicant to have passed the National Board for Certification in Occupational Therapy (NBCOT) examination and, if not a native English speaker, to pass the Test of English as a Foreign Language (TOEFL) with a score acceptable to the board. While the LSBME believes these qualifications are necessary to protect the public, it may result in fewer applicants being granted licensure.

Vincent A. Culotta, Jr. M.D.  
Executive Director  
2412#061

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health Board of Medical Examiners

##### Office-Based Surgery (LAC 46:XLV.Chapter 73)

Notice is hereby given that pursuant to the authority vested in it by the Louisiana Medical Practice Act, R.S. 37:1261-1292, and in accordance with the applicable provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Board of Medical Examiners (board) intends to amend its rules governing Office-Based Surgery.

The proposed Rule changes revise definitions, increase physician reporting requirements, clarify conditions necessary to perform office-based surgery, enact regulations for Level I, II, and III office-based surgeries, and correct typographical errors. The proposed amendments are set forth below.

### Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLV. Medical Professions

##### Subpart 3. Practice

#### Chapter 73. Office-Based Surgery

##### Subchapter A. General Provisions

#### §7301. Scope of Chapter

A. The rules of this Chapter govern the performance of office-based surgery by individuals licensed to practice medicine, including podiatry, in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:424 (March 2004), amended by the Department of Health, Board of Medical Examiners LR 51:

#### §7303. Definitions

A. As used in this Chapter, unless the context clearly states otherwise, the following terms and phrases shall have the meanings specified.

*Anesthesia*—a medical intervention that causes a temporary loss of sensation or awareness, usually for medical or veterinary purposes. It prevents patients from feeling pain during procedures like surgery, dental work, and tissue sample removal. Anesthesia works by stopping nerves from sending signals to the brain.

*Anesthesia Provider*—an anesthesiologist or certified registered nurse anesthetist who possesses current certification or other evidence of completion of training in advanced cardiac life support or pediatric advanced life support for pediatric patients.

*Anesthesiologist*—a physician licensed by the board to practice medicine in this state who has completed postgraduate residency training in anesthesiology and is engaged in the practice of such specialty.

*Board*—the Louisiana State Board of Medical Examiners.

*Certified Registered Nurse Anesthetist (CRNA)*—an advanced practice registered nurse certified according to the requirements of a nationally recognized certifying body approved by the Louisiana State Board of Nursing ("Board of Nursing") who possesses a current license or permit duly authorized by the Board of Nursing to select and administer anesthetics or provide ancillary services to patients pursuant to R.S. 37:911 et seq., and who, pursuant to R.S. 37:911 et seq., administers anesthetics and ancillary services under the direction and supervision of a physician who is licensed to practice under the laws of this state

*Deep Sedation/Analgesia*—a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a patent airway and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained. Monitoring of patients undergoing deep sedation shall only be performed by an anesthesia provider.

*Equipment*—implicit within the use of the term equipment in this Chapter is the requirement that the specific item named must meet generally accepted current performance standards.

*General Anesthesia*—a drug-induced loss of consciousness, by use of any anesthetic induction agent or otherwise, during which patients are not arousable even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Patients often require assistance in maintaining a patent airway and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired. General anesthesia shall only be performed by an anesthesia provider.

*Major Conduction Anesthesia*—a drug or combination of drugs to interrupt nerve impulses without loss of consciousness.

*Medical Practice Act or the Act*—R.S. 37:1261 et seq., as may be amended from time to time.



*Medical Records*—as required by this Chapter, a complete record maintained by the physician or podiatric physician performing office-based surgery to include patient history and physical, diagnostic evaluations, consultations, laboratory and diagnostic reports, informed consents, preoperative, intraoperative, and postoperative anesthesia assessments, course of anesthesia (including monitoring modalities), drug administration, and discharge and follow-up care.

*Moderate Sedation/Analgesia (conscious sedation)* —a drug induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway and spontaneous ventilation is adequate. Cardiovascular function is usually maintained. Monitoring of the patients undergoing moderate sedation shall be performed by qualified monitoring personnel or an anesthesia provider.

*Office-Based Surgery*—surgery that is performed outside a hospital, an ambulatory surgical center, abortion clinic, or other medical facility licensed by the Louisiana Department of Health or a successor agency.

*Physician*—a person currently certified in advanced cardiac life support or pediatric advanced life support for pediatric patients who is lawfully entitled to engage in the practice of medicine or podiatry in this state as evidenced by a current license or permit issued by the board.

*Podiatrist*—a person lawfully allowed to engage in the practice of podiatry as evidence by current license or permit issued by the board.

*Qualified Monitoring Personnel*—health care providers appropriately trained, qualified and licensed in this state who are currently certified in advanced cardiac life support or pediatric advanced life support for pediatric patients, and who are designated to monitor and attend to patients during the preoperative, intraoperative and postoperative periods.

*Reasonable Proximity*—for patients 13 years of age and older, a location not more than 30 miles away or which may be reached within 30 minutes. For patients 12 years of age and under, a location not more than 15 miles away or which can be reached within 15 minutes.

*Regional Anesthesia/Block*— the administration of anesthetic agents that interrupt nerve impulses without loss of consciousness or ability to independently maintain an airway, ventilatory or cardiovascular function that includes but is not limited to the upper or lower extremities. For purposes of this Chapter regional anesthesia of or near the central nervous system by means of epidural or spinal shall be considered general anesthesia.

*Surgery*—any operative procedure, including the use of lasers performed upon the body of a living human being for the purposes of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defects, prolonging life or relieving suffering, and/or any elective procedure for aesthetic, reconstructive or cosmetic purposes, to include, but not be limited to: incision or curettage of tissue or organ; suture or other repair of tissue or organ, including a closed as well as an open reduction of a fracture; extraction of tissue including premature extraction of the products of conception from the uterus; insertion of natural or artificial implants; or an endoscopic procedure.

*Surgical Event*—a potentially harmful or life-threatening episode related to either the anesthetic or the surgery. Any surgical event in the immediate perioperative period that must be reported are those which are life-threatening, or require special treatment, or require hospitalization, including, but not limited to: serious cardiopulmonary or anesthetic events; major anesthetic or surgical complications; temporary or permanent disability; coma; or death.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:424 (March 2004), amended LR 40:2246 (November 2014), amended by the Department of Health, Board of Medical Examiners LR 51:

### §7305. Exemptions

A. This Chapter shall not apply to the following surgical procedures or clinical settings:

1. exempt surgical procedures include those:

a. that do not involve a drug induced alteration of consciousness and do not require the use of anesthesia or an anesthetic agent, those using only local, topical or regional anesthesia or those using a single oral dose of a sedative or analgesic which is appropriate for the unsupervised treatment of anxiety or pain; and/or

b. performed by a physician oral and maxillofacial surgeon under the authority and within the scope of a license to practice dentistry issued by the Louisiana State Board of Dentistry;

2. exempt clinical settings include:

a. a hospital, including an outpatient facility of the hospital that is separated physically from the hospital, an ambulatory surgical center, abortion clinic or other medical facility that is licensed and regulated by the Louisiana Department of Health;

b. a facility maintained or operated by the state of Louisiana or a governmental entity of this state;

c. a clinic maintained or operated by the United States or by any of its departments, offices or agencies; and

d. an outpatient setting currently accredited by one of the following associations or its successor association

i. the Joint Commission on Accreditation of Healthcare Organizations relating to ambulatory surgical centers;

ii. the American Association for the Accreditation of Ambulatory Surgery Facilities; or

iii. the Accreditation Association for Ambulatory Health Care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:425 (March 2004), amended LR 40:2246 (November 2014), amended by the Department of Health, Board of Medical Examiners LR 51:

### §7307. Prohibitions

A. No physician shall perform office-based surgery except in compliance with the rules of this Chapter.

B. The level of sedation utilized for office-based surgery shall be appropriate to the procedure. Under no circumstances shall a physician withhold appropriate sedation or under-sedate a patient for the purpose of avoiding compliance with the requirements of this Chapter.

C. General anesthesia shall not be used in office-based surgery. Any surgery or surgical procedure that employs general anesthesia shall only be performed in an exempted clinical setting as described in Section 7305 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:425 (March 2004), amended LR 40:2246 (November 2014), amended by the Department of Health, Board of Medical Examiners LR 51:)

### **§7308. Required Reporting and Registration**

A. Each physician or podiatric physician shall report to the board annually as a condition of the issuance or renewal of medical licensure, whether or not the physician performs or intends to perform office-based surgery.

B. Each physician or podiatric physician who performs or intends to perform office-based surgery must provide the following information in a format designated by the board:

1. the medical specialty and types of procedures for which the physician has completed surgical training as required in this Chapter. Alternative credentialing for procedures outside the physician's core competency must be separately applied for;

2. the location(s) where the physician performs or intends to perform office-based surgery; and

3. such other information as the board may request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:2247 (November 2014), amended by the Department of Health, Board of Medical Examiners LR 51:

### **§7309. Prerequisite Conditions**

A. For all office-based surgical procedures, the level of sterilization shall meet current OSHA requirements.

B. Complete medical records and documentation must be maintained for each surgical procedure including anesthesia records when applicable. For Level I, Level II, and Level III cases, the medical record must include written informed consent from the patient reflecting the patient's knowledge of identified risks, consent to the procedure, type of anesthesia, and anesthesia provider.

C. The physician must maintain a log of all Level II and Level III surgical procedures performed, which must include a confidential patient identifier, the type of procedure performed, the type of anesthesia used, the duration of the procedure, the type of postoperative care, and any surgical events. The log and all surgical records shall be provided to investigators of the Louisiana State Board of Medical Examiners upon request.

D. In any liposuction procedure, the physician is responsible for determining the appropriate amount of supernatant fat to be removed from the patient. Using the tumescent method of liposuction, the physician must fully document the anticipated amount of material to be removed in a manner consistent with recognized standards of care. Post-operatively, any deviation from the anticipated amount, and the reason for deviation, must be fully documented in the operative report. Morbidly obese patients should have liposuction performed in a hospital setting unless the physician can document significant advantage to an alternative setting.

E. A policy and procedure manual must be maintained in the office and updated annually. The policy and procedure manual must contain provisions for:

1. duties and responsibilities of all personnel;

2. cleaning and infection control;

3. a written response plan for emergencies within the facility;

4. personnel training in emergency procedures; and

5. transfer agreements.

F. The performing physician shall report to the board any surgical event that occurs within the office-based surgical setting. This report shall be made within 15 days after the occurrence of a surgical event on a form designated by the board. The filing of a report of surgical event as required by this rule does not, in and of itself, constitute an acknowledgment or admission of malpractice, error, or omission. Upon receipt of the report, the board may, in its discretion, obtain patient and other records pursuant to authority granted by the Medical Practice Act and pertinent administrative rules.

G. In offices where Level II and Level III office-based surgery is performed, a sign must be prominently posted in the office which states that the office is a doctor's office regulated pursuant to the rules of the Louisiana State Board of Medical Examiners. This notice must also appear prominently within the required patient informed consent.

H. Office surgery facilities should adhere to recognized standards and best practices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1) and 1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:425 (March 2004), amended LR 40:2247 (November 2014), amended by the Department of Health, Board of Medical Examiners LR 51:

### **§7310. Office-Based Surgery Levels**

A. Level I

1. Level I office-based surgery includes, but is not limited to:

a. minor procedures such as excision of skin lesions, moles, warts, cysts, lipomas, Loop Electrosurgical Excision Procedures (LEEP), laser cone of cervix, laser/cautery ablation of warts or other lesions, and repair of lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug-induced alteration of consciousness;

b. incision and drainage of superficial abscesses, skin biopsies, arthrocentesis, paracentesis, dilation of urethra, cystoscopy procedures, and closed reduction of simple fractures or small joint dislocations (i.e., finger and toe joints) performed under topical or local anesthesia not involving drug-induced alteration of consciousness;

c. other procedures requiring only topical, local, or no anesthesia with no drug-induced alteration of respiratory effort or consciousness. Only minimal or no preoperative sedation should be required or used. Level 1 office-based surgery shall only be performed on patients rated ASA class 1 or 2.

2. Required Training. The physician's continuing medical education must include management of toxicity or hypersensitivity to local anesthetic drugs and Advanced Life Support Certification.



3. Required Equipment and Supplies. The facility where office-based surgery is to be performed must contain oral airway and positive pressure ventilation device, epinephrine (or other vasopressor), corticosteroids, antihistamines, oxygen, atropine, adequate resuscitative equipment to manage the adverse effects of the anesthesia used, if any type of anesthesia is used. The equipment and skills to establish intravenous access must be available if any other medications are administered. The equipment and supplies must be suitable for and consistent with the potential patient population, i.e., pediatrics, etc.

4. Required Additional Personnel. Unless the specific procedure or conditions dictate otherwise, the presence or assistance of additional personnel is not required for Level I office-based surgery.

#### B. Level II

1. Level II office-based surgery includes:

a. any procedure in which perioperative medication and sedation are used orally, intravenously, intramuscularly, or rectally. Such procedures include, but are not limited to: hernia repair, hemorrhoidectomy, reduction of simple fractures, large joint dislocations, breast biopsies, dilatation and curettage, thoracentesis, endoscopies, colonoscopies, hysteroscopies, and cystoscopies and closed reduction of simple fractures or small joint dislocations (i.e., finger and toe joints) performed using drug-induced alteration of consciousness. If perioperative or intraoperative medication is administered, intraoperative and postoperative monitoring is required.

b. any procedure in which the patient is sufficiently sedated to allow the patient to tolerate unpleasant procedures while maintaining adequate cardiorespiratory function and the ability to respond purposefully to verbal command and/or tactile stimulation. Patients whose only response is reflex withdrawal from a painful stimulus are sedated to a greater degree than encompassed by this definition.

c. any procedure that has the potential for excessive blood loss.

2. Level of anesthetic for Level II procedures includes local or peripheral nerve block, including Bier Block, plus intravenous or intramuscular sedation, but with preservation of vital signs.

3. Required Transfer Agreement. The physician must have a written transfer agreement from a licensed hospital within reasonable proximity at which the physician has privileges to treat complications.

4. Required Training. The physician must document satisfactory completion of surgical training such as board certification or board eligibility for a board approved by the American Board of Medical Specialties or the American Osteopathic Association Bureau of Osteopathic Specialists. The certification should include training in the procedures performed in the office setting.

5. Required Equipment and Supplies. The location where anesthesia is administered and/or the office-based procedure is being performed must maintain at all times a full and complete crash cart that contains all equipment, medications, and supplies as recommended in current best practices.

6. Required Assistance of Other Personnel

a. In addition to the physician at least one assistant certified in Advanced Life Support must be present during

any Level II procedure. Unless an anesthesiologist or certified registered nurse anesthetist is present to manage the anesthetic, there must be at least one person certified in Advanced Cardiac Life Support or pediatric advanced life support, if applicable, present during any Level II procedure.

b. A registered nurse may only administer analgesic doses of medications on the direct order of a physician.

c. An assisting anesthesia provider, including a nurse providing sedation, may not function in any other capacity during the procedure. If additional assistance is required by the specific procedure or patient circumstances, such assistance must be provided by another physician, registered nurse, licensed practical nurse, or operating room technician.

#### C. Level III

1. Level III office-based surgery includes:

a. Surgery that involves, or might foreseeably require, the use of general anesthesia or major conduction anesthesia and perioperative sedation. This includes:

i. Intravenous sedation beyond that defined for Level II office surgery;

ii. General Anesthesia: loss of consciousness and loss of vital reflexes with probable requirement of external support of pulmonary or cardiac functions;

iii. Major Conduction anesthesia, including epidural, spinal, caudal or any block of a nerve or plexus more proximal than the hip or shoulder joint including visceral nerve blocks.

iv. Self-controlled auto-administered nitrous oxide machines, such as Pronox.

2. Only patients classified under the American Society of Anesthesiologists' (ASA) risk classification criteria as Class I, II, or III are appropriate candidates for Level III office surgery. For ASA Class III patients, the surgeon must document in the patient's record the justification for an office procedure rather than other surgical venues. The record must also document precautions taken that make the office a preferred venue for the particular procedure to be performed.

3. Required Transfer Agreement. The physician must have a written transfer agreement from a licensed hospital within reasonable proximity at which the physician has privileges to treat complications.

4. Required Training and Personnel

a. To be eligible to perform office-based surgery, the physician must document satisfactory completion of surgical training such as board certification or board eligibility by a board approved by the American Board of Medical Specialties or American Osteopathic Association Bureau of Osteopathic Specialists. The certification should include training in the procedures to be performed in the office setting. Alternative credentialing for procedures outside the physician's core curriculum and specialty training must be applied for through the board.

b. In addition to the surgeon, at least one assistant certified in Advanced Life Support must be present during any Level III procedure. At least one person certified in Advanced Cardiac Life Support must be present during any Level III procedure unless there is an anesthesiologist or certified registered nurse anesthetist to manage the anesthetic.

c. Emergency procedures related to anesthesia complications should be formulated, periodically reviewed, practiced, updated, and posted in a conspicuous location.

5. Required Equipment and Supplies

a. Equipment, medication and monitored post-anesthesia recovery must be available in the office. If anesthetic agents include inhaled agents, other than nitrous oxide, medications must include a stock of no less than 12 vials of Dantrolene.

b. The facility, in terms of general preparation, equipment, and supplies, must be comparable to a free-standing ambulatory surgical center, including, but not limited to, recovery capability, and must have provisions for proper record keeping.

c. Blood pressure monitoring equipment; EKG; end tidal CO2 monitor; pulse oximeter, precordial or esophageal stethoscope, emergency intubation equipment and a temperature monitoring device must be available for all phases of perioperative care. This equipment must be sized to the patient whether adult or pediatric.

d. Table capable of Trendelenburg and other positions necessary to facilitate the surgical procedure.

e. IV solutions and IV equipment.

f. A full and complete crash cart that contains all equipment, medications, and supplies as recommended in current best practices.

D. Laser Devices

1. The use of laser, pulsed light or similar devices, either for invasive or cosmetic procedures, is considered to be the practice of medicine in the state of Louisiana and therefore such use shall be limited to physicians, podiatric physicians, and qualified additional personnel directly supervised by physicians, such that a physician is on the premises and would be directly involved in the treatment if required.

2. These rules shall not apply to any person licensed to practice dentistry if the laser, pulsed light, or similar device is used exclusively for the practice of dentistry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1) and 1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 51:

**§7311. Administration of Anesthesia**

A. Evaluation of the Patient. All patients shall have a presurgical evaluation (history and physical) to screen for and identify any medical condition that could adversely affect the patient's response to the medications utilized for moderate or deep sedation.

B. Diagnostic Testing, Consultations. Appropriate pre-anesthesia diagnostic testing and consultations shall be obtained as indicated by the pre-anesthesia evaluation.

C. Anesthesia Plan of Care. A patient-specific plan for anesthesia care shall be formulated based on the assessment of the patient, the surgery to be performed and the capacities of the facility.

D. Administration of Anesthesia. Deep sedation/analgesia shall be administered by an anesthesia provider who shall not participate in the surgery.

E. Monitoring. Monitoring of the patient shall include continuous monitoring of ventilation, oxygenation and cardiovascular status. Monitors shall include, but not be limited to, pulse oximetry, electrocardiogram continuously, non-invasive blood pressure measured at appropriate

intervals, an oxygen analyzer and an end-tidal carbon dioxide analyzer. A means to measure temperature shall be readily available and utilized for continuous monitoring when indicated. An audible signal alarm device capable of detecting disconnection of any component of the breathing system shall be utilized. The patient shall be monitored continuously throughout the duration of the procedure. Post-operatively, the patient shall be evaluated by continuous monitoring and clinical observation until stable. Monitoring and observations shall be documented in the patient's medical record. Qualified monitoring personnel assigned to monitor a patient shall not participate in the surgery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1) and 1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:427 (March 2004), amended LR 40:2247 (November 2014), amended by the Department of Health, Board of Medical Examiners LR 51:

**§7313. Reports to the Board**

A. A physician performing office-based surgery shall notify the board in writing within 15 days of the occurrence or receipt of information that an office-based surgery resulted in:

1. an unanticipated and unplanned transport of the patient from the facility to a hospital emergency department;

2. an unplanned readmission to the office-based surgery setting within 72 hours of discharge from the facility;

3. an unscheduled hospital admission of the patient within 72 hours of discharge from the facility; or

4. the death of the patient within 30 days of surgery in an office-based facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1) and 1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:427 (March 2004), amended by the Department of Health, Board of Medical Examiners LR 51:

**§7314. Creation of Log; Board Access to Log and Facilities**

A. A physician shall create and maintain a continuous log by calendar date of all office-based surgical procedures. The log shall include patient identifiers and the type and duration of each procedure and remain at the physician's office-based surgery facility. The log shall be provided to the board's staff or its agents upon request.

B. A physician who performs office-based surgery shall respond to the inquiries and requests of and make his or her office-based surgery facility available for inspection by, the board's staff or its agents at any reasonable time without the necessity of prior notice. The failure or refusal to respond or comply with such inquiries or requests, or make an office-based surgery facility available for inspection, shall be deemed a violation of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:2247 (November 2014), amended by the Department of Health, Board of Medical Examiners LR 51:

**§7315. Effect of Violation**

A. Any violation or failure to comply with the provisions of this Chapter shall be deemed unprofessional conduct and conduct in contravention of the board's rules, in violation of

R.S. 37:1285(A)(13) and (30), respectively, as well as violation of any other applicable provision of R.S. 37:1285(A), providing cause for the board to suspend, revoke, refuse to issue or impose probationary or other restrictions on any license held or applied for by a physician culpable of such violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:427 (March 2004), amended by the Department of Health, Board of Medical Examiners LR 51:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed Rule on the family has been considered. It is not anticipated that the proposed Rule will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed Rule on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed Rule will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

#### **Small Business Analysis**

It is not anticipated that the proposed Rule will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:965.2 et. seq.

#### **Provider Impact Statement**

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed Rule on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed Rule will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

#### **Public Comments**

Interested persons may submit written data, views, arguments, information or comments on the proposed rules to Jacintha Duthu, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana, 70130, (504) 568-6820, Ex. 242. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., January 9, 2025.

#### **Public Hearing**

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on January 28, 2025, 9 a.m., at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana 70130. Any person wishing to attend should call to confirm that a hearing is being held.

Vincent A. Culotta, Jr. M.D.  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Office-Based Surgery**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

Aside from the cost of rulemaking, estimated at approximately \$1,500 in FY 25 for publishing the proposed and final rules in the *Louisiana Register*, the proposed Rule changes are not expected to result in implementation costs or savings for state or local governmental units. The cost of rulemaking will be covered by self-generated funds. The proposed Rule changes revise definitions, increase physician reporting requirements, clarify conditions necessary to perform office-based surgery, enact regulations for Level I, II, and III office-based surgeries, and correct typographical errors.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no anticipated direct effects on the revenue collections for state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

There are no anticipated monetary effects on directly affected persons, small businesses, or non-governmental groups. However, there will be significant benefits to public health and safety as physicians adhere to the new regulations when performing office-based surgery.

Physicians should already be conducting their office-based surgeries to meet this standard, so there should not be much financial change. However, offices may have to expend resources to comply if they do not already.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is not any anticipated effect on competition and employment.

Vincent A. Culotta, Jr. M.D.  
Executive Director  
2412#060

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Health Health Standards Section**

Facility Need Review  
(LAC 48:I.12545)

The Department of Health, Health Standards Section (the department) proposes to amend LAC 48:I.12545, as authorized by R.S. 36:254 and R.S. 40:2116. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The department proposes to amend the provisions governing facility need review in order to add provisions for holding a nursing facility license in abeyance when the nursing facility places all of its approved beds in abeyance.

**Title 48**  
**PUBLIC HEALTH—GENERAL**  
**Part I. General Administration**  
**Subpart 5. Health Planning**

**Chapter 125. Facility Need Review**  
**Subchapter A. General Provisions**

**§12501. Definitions**

A. Definitions. When used in this Chapter the following terms and phrases shall have the following meanings unless the context requires otherwise.

*Abeyance of Nursing Facility Beds*—a situation in which a nursing facility (NF), if it meets certain requirements, may have all (but not only a portion) of its approved beds disenrolled from the Medicaid Program without causing the approval for the beds to be revoked after 120 days. If a NF places all of its approved beds in abeyance, then the NF license shall also be in abeyance.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:221 (February 2024), amended LR 50:984 (July 2024), amended LR 51:

**Subchapter E. Nursing Facility Bed Abeyance**

**§12545. General Provisions**

A. A NF may have all of its approved beds disenrolled from the Medicaid program and placed in abeyance if the department determines that the average annual occupancy in the service area where the facility is located is less than 85 percent. The department shall base this determination on the occupancy figures contained in the most recent LTC-2 report issued by the department prior to its receipt of a written request that the facility's beds be placed in abeyance in accordance with §12545.B.

1. If a NF places all of its approved beds in abeyance, then the NF license shall also be in abeyance. Once approved beds are taken out of abeyance and re-enrolled in the Medicaid program in satisfaction of all the requirements set forth in §12545, then the license may be re-issued to the NF. Nursing facility license renewal is not required while the NF approved beds and license are in abeyance.

B. – N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:237 (February 2024), amended LR 51:

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

**Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on the direct or indirect cost to small businesses.

**Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service. It is anticipated that implementation of this proposed Rule may result in a cost savings to nursing facilities since nursing facilities will not be required to pay license renewal fees during the time that its license is held in abeyance.

**Public Comments**

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, Post Office Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on February 5, 2025.

**Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on January 13, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on January 29, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after January 13, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Michael Harrington, MBA, MA  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Facility Need Review**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed Rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 24-25. It is anticipated that \$540 will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

This proposed Rule amends provisions governing facility need review (FNR) in order to add provisions for holding a nursing facility license in abeyance when the nursing facility places all of its approved beds in abeyance.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed Rule may result in a decrease in state revenue collections in FY 24-25, FY 25-26, and FY 26-27, as nursing facilities will not be required to pay license renewal fees during the time that its license is held in abeyance. However, the amount of decrease is indeterminable since there is no way to estimate how many nursing facilities that will be impacted by this proposed Rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that implementation of this proposed Rule may result in a cost savings to nursing facilities since nursing facilities will not be required to pay license renewal fees during the time that its license is held in abeyance.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed Rule has no known effect on competition and employment.

Tasheka Dukes, RN  
Deputy Assistant Secretary  
2412#058

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Health Standards Section**

**Nurse Aide Training and Competency Evaluation Program  
Medication Attendant Certified  
(LAC 48:I.Chapter 100)**

The Department of Health, Health Standards Section (the department), proposes to amend LAC 48:I.Chapter 100 as authorized by R.S. 36:254 and R.S. 37:1026.1 et seq. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The department proposes to amend the provisions governing the nurse aide training and competency evaluation program (NATCEP) in order to comply with the requirements of Acts 253 and 568 of the 2024 Regular Session of the Louisiana Legislature, which provide for a medication attendant certified (MAC) licensed or certified in states outside Louisiana, to work in Louisiana by means of reciprocity.

In compliance with Acts 253 and 568, the department proposes to amend the provisions governing the NATCEP in order to update the certification requirements for MACs that provide services in licensed long-term care facilities. The department also proposes to amend the provisions governing the NATCEP in order to clarify the process of suspension, revocation, denial of renewal certificate, or reprimand of a certificate holder.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Subpart 3. Licensing and Certification**

**Chapter 100. Nurse Aide Training and Competency  
Evaluation Program**

**Subchapter G. Medication Attendant Certified**

**§10083. Certification Requirements**

A. - C. ...

D. Reciprocity. A person who holds a valid license or certificate as a medication attendant certified (MAC) issued by another state may be certified in Louisiana.

1. - 3. ...

4. The department shall contact the issuer of the MAC license or certificate to verify the applicant's status with the agency and confirm that:

a. the applicant holds a current and valid MAC license or certification in another state with a similar scope of practice;

b. the applicant has held the MAC license or certification in the other state for at least one year;

c. the other state required the applicant to pass an examination, or to meet education, training, or experience standards;

d. the other state holds the applicant in good standing;

e. the applicant does not have a disqualifying criminal record as determined by the department; and

f. the applicant does not have a disciplinary action or investigation pending in another state.

i. If the applicant has a disciplinary action or investigation pending, the department shall not issue or deny MAC certification to the person until the disciplinary action or investigation is resolved or the person otherwise meets the criteria for a MAC certification in this state to the satisfaction of the department.

5. Repealed.

E. - E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1415 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1249 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:31 (January 2020), LR 49:692 (April 2023), amended by the Department of Health, Health Standards Section, LR 51:

**§10089. Allegations of Medication Attendant Certified  
Wrong-Doing**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1417 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1250 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:33 (January 2020), LR 49:695 (April 2023), repealed by the Department of Health, Health Standards Section, LR 51:

**§10090. Suspension, Revocation, Denial of Renewal, or  
Reprimand**

A. The department may suspend, revoke, deny renewal of a certificate, or reprimand a certificate holder for a violation of this Chapter.

B. Grounds for disciplinary actions include, but are not limited to:

B.1. - G.1 ...

H. When a MAC believes that the basis for the suspension, revocation, denial of renewal of his or her MAC certificate, or reprimand was based on wrongful accusation(s), the following procedure shall be followed:

1. The MAC may request an informal dispute resolution (IDR) within 15 calendar days of the receipt of the department's notice of violation. The request for an IDR must be made to the department in writing.

2. The IDR shall be designed:

a. to provide an opportunity for the MAC to informally discuss the accusations that make the basis for the suspension, revocation, denial of renewal of his or her MAC certificate, or reprimand;

b. for the department to offer alternatives based on corrections or clarifications, if any; and

c. for the MAC to evaluate the necessity for seeking an administrative hearing.

3. An IDR meeting shall be arranged within 20 days of the request.

4. During the IDR, the MAC shall be afforded the opportunity to:

a. speak with the department's IDR personnel;

b. review pertinent documents on which the alleged violation is based;

c. ask questions;

d. seek clarifications; and

e. provide additional information.

I. Within 30 calendar days after receipt of the department's notice of violation or the notice of the results of an IDR, the MAC may request an administrative hearing. The request for administrative hearing shall be in accordance with the procedures set forth in §10071 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1417 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1250 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:33 (January 2020), LR 49:695 (April 2023), amended by the Department of Health, Health Standards Section, LR 51:

#### **§10091. Provider Participation and Responsibilities**

A. - D.6....

E. An approved licensed long-term care facility shall have written policies and procedures that at a minimum, address the MAC's role, responsibilities, authorized duties, prohibited duties, and medication errors.

F. A facility's application that is not complete within 90 calendar days of receipt by the department shall be considered null and void.

G. The provider shall complete and send the appropriate form or approved electronic submission to the registry to verify the MAC's employment or cessation of employment.

H. When a change of ownership (CHOW) occurs, the new owner or the administrator, or the administrator's designee, shall be responsible for ensuring that all reporting of the MAC's employment or cessation of employment to the registry is current.

I. Disqualification of MAC Program. The department may sanction a facility and/or revoke a facility's participation in the MAC program for a period of two years, if it is determined by the department that:

1. Based upon the facility's compliance history, the safety and well-being of residents were jeopardized by the facility's non-compliance with federal, state, or local laws and regulations.

2. The facility has provided false statements and/or documentation concerning the facility's MAC program.

3. The facility has not provided an acceptable plan for correcting deficiencies.

J. If the facility's participation has been revoked, the facility may ask for a reconsideration and review of the circumstances that contributed to the revocation of participation in the MAC program.

K. If the facility has not utilized a MAC within its facility and/or served as a MAC clinical site within a two year period, the facility's MAC program shall be considered voluntarily terminated.

L. A licensed long-term care facility who has lost its MAC program may re-apply to participate in the MAC program upon the end of the two year period of the prohibition timeframe. If the facility's participation in the MAC program has been revoked for providing false statements or documentation, the facility may not reapply for reinstatement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:696 (April 2023), amended by the Department of Health, Health Standards Section, LR 51:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have a no impact on small businesses.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

#### **Public Comments**

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, Post Office Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on February 5, 2025.

**Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on January 13, 2025. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on January 29, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after January 13, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Michael Harrington, MBA, MA  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Nurse Aide Training and Competency  
Evaluation Program Medication Attendant Certified**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed Rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 24-25. It is anticipated that \$1,080 will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

This proposed Rule amends provisions governing the Nurse Aide Training and Competency Evaluation Program (NATCEP) in order to comply with the requirements of Acts 253 and 568 of the 2024 Regular Session of the Louisiana Legislature, which provide for a medication attendant certified (MAC), licensed or certified in states outside Louisiana, to work in Louisiana by means of reciprocity.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that implementation of this proposed Rule will have no impact on state revenue collections in FY 24-25, FY 25-26, and FY 26-27.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR  
NONGOVERNMENTAL GROUPS (Summary)**

It is anticipated that implementation of this proposed Rule will not result in costs to providers for FY 24-25, FY 25-26, and FY 26-27.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

This proposed Rule may result in an increased number of MACs available for employment by nursing facilities that utilize MACs.

Tasheka Dukes, RN  
Deputy Assistant Secretary  
2412#057

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Health Standards Section**

Nursing Facilities—Licensing Standards  
(LAC 48:I.9701, 9759, 9768, and 9923)

The Department of Health, Health Standards Section (the department) proposes to amend LAC 48:I.9701, §9759, and §9923, and to adopt §9768, as authorized by R.S. 36:254 and R.S. 40:2009.1-2116.2. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The department proposes to amend the provisions governing the licensing of nursing facilities (NF) in order to update the definitions of abuse and neglect, and to add a definition of abeyance of NF beds or abeyance. Also, the department proposes to adopt provisions for holding a NF license in abeyance when the NF places all of its approved beds in abeyance.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Subpart 3. Licensing and Certification**

**Chapter 97. Nursing Facilities**

**Subchapter A. General Provisions**

**§9701. Definitions**

*Abeyance of Nursing Facility Beds or Abeyance*—a situation in which a nursing facility (NF), if it meets the requirements of LAC 48:I.12545 et seq., or current law or regulation, may have all, but not only a portion, of its approved beds disenrolled from the Medicaid program without causing the facility need review (FNR) approval for the beds to be revoked after 120 days. If a NF places all of its approved beds in abeyance, then the NF license shall also be in abeyance.

*Abuse*—the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish. Abuse also includes the deprivation by an individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well-being. Instances of abuse of all residents, irrespective of any mental or physical condition, cause physical harm, pain or mental anguish. It includes verbal abuse, sexual abuse, physical abuse, and mental abuse including abuse facilitated or enabled through the use of technology. Willful, as used in this definition of abuse, means the individual must have acted deliberately, not that the individual must have intended to inflict injury or harm.

1. Repealed.

\* \* \*

*Neglect*—the failure of the facility, its employees, or service providers to provide goods and services to a resident that are necessary to avoid physical harm, pain, mental anguish, or emotional distress.

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:254 and 40:2009.1-2009.44.

**HISTORICAL NOTE:** Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1891 (November 2016), amended LR 46:1393 (October 2020), LR

49:1075 (June 2023), amended by the Department of Health, Health Standards Section, LR 51:

**Subchapter B. Organization and General Services**

**§9759. Criminal History Provisions and Screening**

A. Nursing facilities shall have statewide criminal history checks performed on non-licensed personnel to include certified nurse aides (CNAs), housekeeping staff, activity workers, social service personnel and any other non-licensed personnel who provide care or other health related services to the residents in accordance with R.S. 40:1203.1 et seq.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1903 (November 2016), amended by the Department of Health, Health Standards Section, LR 51:

**§9768. Nursing Facility Bed Abeyance**

A. If a NF places all of its FNR approved beds in abeyance in accordance with LAC 48:I.12545 et seq., or current law or regulation, then the NF license shall also be in abeyance. Once FNR approved beds are taken out of abeyance and re-enrolled in the Medicaid program, in satisfaction of all the requirements set forth in LAC 48:I.12545 et seq., or current law or regulation, then the license may be re-issued to the NF. Nursing facility license renewal is not required while the NF FNR approved beds and license are in abeyance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2009.3-2116.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 51:

**Chapter 99. Nursing Facilities**

**Subchapter B. Physical Environment**

**§9923. Dining and Resident Activities**

A. ...

B. Smoking is not permitted in the dining room and other public areas as specified by R.S. 40:1291.11(B)(11), or current law.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1928 (November 2016), amended by the Department of Health, Health Standards Section, LR 51:

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

**Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on the direct or indirect cost to small businesses.

**Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service. It is anticipated that implementation of this proposed Rule may result in a cost savings to nursing facilities since nursing facilities will not be required to pay license renewal fees during the time that its license is held in abeyance.

**Public Comments**

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, Post Office Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on February 25, 2025.

**Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on January 13, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on January 29, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after January 13, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Michael Harrington, MBA, MA  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Nursing Facilities Licensing Standards**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed Rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 24-25. It is anticipated that \$756 will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

This proposed Rule amends provisions governing the licensing of nursing facilities in order to add provisions for holding a nursing facility license in abeyance when the nursing facility places all of its approved beds in abeyance.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**



It is anticipated that implementation of this proposed Rule may result in a decrease in state revenue collections in FY 24-25, FY 25-26, and FY 26-27, as nursing facilities will not be required to pay license renewal fees during the time that its license is held in abeyance. However, amount of decrease is indeterminable since there is no way to estimate how many nursing facilities that will be impacted by this proposed Rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that implementation of this proposed Rule may result in a cost savings to nursing facilities since nursing facilities will not be required to pay license renewal fees during the time that its license is held in abeyance.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed Rule has no known effect on competition and employment.

Tasheka Dukes, RN  
Deputy Assistant Secretary  
2412#056

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Office of Aging and Adult Services**

**Traumatic Brain and Spinal Cord Injury  
(LAC 48:I.Chapter 19)**

The Department of Health, Office of Aging and Adult Services proposes to amend LAC 48:I.Chapter 19 in the Public Health Program as authorized by R.S. 36:254. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Office of Aging and Adult Services proposes to amend the language of the Rule in order to align with statute changes to R.S. 36:258(F) and 259(F)(1) as approved in the 2024 Regular Legislative Session, Act 278, which will rename the program to the Traumatic Brain and Spinal Cord Injury; and will repeal §1903. Enabling Legislation and §1925 Limitation of Liability.

**Title 48  
PUBLIC HEALTH—GENERAL  
Part I General Administration  
Subpart 1. General**

**Chapter 19 Traumatic Brain and Spinal Cord Injury**

Editor's Note: This chapter, formerly LAC 67: VII. Chapter 19, was moved to LAC 48:I.Chapter 19.

**§1901. Program Profile**

**[Formerly LAC 67:VII.1901]**

A. Mission—to provide services in a flexible, individualized manner to Louisiana citizens who survive traumatic brain or spinal cord injuries enabling them to return to a reasonable level of functioning and independent living in their communities.

B. Program Administration

1. The Department of Health, Office of Aging and Adult Services (OAAS), shall be responsible for administration of the Louisiana Traumatic Brain and Spinal Cord Injury Trust Fund.

2. OAAS has the responsibility of:
  - a. - b. ...
  - c. evaluating the needs of brain injured and spinal cord injured individuals to identify service gaps and needs;
  - d. - e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1252 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:84 (January 2014), amended by the Department of Health, Office of Aging and Adult Services, LR 44:1905 (October 2018), LR 51:

**§1903. Enabling Legislation**

**[Formerly LAC 67:VII.1903]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1252 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:84 (January 2014) repealed LR 51:

**§1905. Definitions**

**[Formerly LAC 67:VII.1905]**

*Advisory Board—Traumatic Brain and Spinal Cord Injury Trust Fund Advisory Board.*

\* \* \*

*Traumatic Brain Injury*—an insult to the head, affecting the brain, not of a degenerative or congenital nature, but caused by an external physical force that may produce a diminished or altered state of consciousness which results in an impairment of cognitive abilities or physical functioning.

*Trust Fund*—Traumatic Brain and Spinal Cord Injury Trust Fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1253 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:84 (January 2014), amended by the Department of Health, Office of Aging and Adult Services, LR 42:1669 (October 2016), amended by the Department of Health, Office of Aging and Adult Services, LR 44:1905 (October 2018), LR 51:

**§1909. Individual Appeals Rights**

**[Formerly LAC 67:VII.1911]**

A. - A.2.b. ...

3. The administrative review may be conducted face-to-face or via telephone with the program manager of the Traumatic Brain and Spinal Cord Injury Trust Fund Program.

A.4. - B.6. ...

AUTHORITY NOTE; Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1254 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:85 (January 2014), amended by the Department of Health, Office of Aging and Adult Services, LR 44:1905 (October 2018), LR 51:

**§1915. Fiscal**

**[Formerly LAC 67:VII.1917]**

A. - C.1.a. ...

D. All monies collected, but not expended, for the Traumatic Brain and Spinal Cord Injury Trust Fund Program are carried forward to the following fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S.36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1255 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:86 (January 2014), amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:1907 (October 2018), LR 51:

**\$1925. Limitation of Liability**

**[Formerly LAC 67:VII.1927]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1256 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:87 (January 2014), repealed LR 51:

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

**Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

**Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

**Public Comments**

Interested persons may submit written comments to Geary Williams, Office of Aging and Adult Services, P.O. Box 2031, Baton Rouge, LA 70821-2031. Mr. Williams is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is January 30, 2025.

Michael Harrington, MBA, MA  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Traumatic Brain and Spinal Cord  
Injury**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed Rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 25. It is anticipated that \$864 will be expended in FY 25 for the state's administrative expense for promulgation of this proposed Rule and final Rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will have no effect on revenue collections for FY 25.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR  
NONGOVERNMENTAL GROUPS (Summary)**

This proposed Rule amends the provisions governing the Traumatic Head and Spinal Cord Injury Trust Fund Program. The amendments will change the word "Head" in "Traumatic Head and Spinal Cord Injury" to "Brain" throughout the Rule; and will repeal Enabling Legislation, and Limitation of Liability. Implementation of this proposed Rule will not result in costs to providers and small businesses in FY 25, FY 26, and FY 27.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

This Rule has no known effect on competition and employment.

Geary Williams  
Assistant Secretary  
2412#055

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Office of Public Health**

Emergency Medical Transportation Services  
Licensing Standards (LAC 48:I.Chapter 60)

The Department of Health, Office of Public Health, Bureau of Emergency Medical Services propose to repeal and replace LAC 48.I.Chapter 60 in Medical Assistance Program as authorized by R.S. 36:254, R.S. 40:1131.1.A, R.S. 40: 1133.5(9), 40:1135.1 and R.S. 40:1135.2. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

In compliance with Act 789 of the 2012 Regular Session, Act 106 of the 2017 Regular Session and Act 557 of the 2018 Regular Session of Louisiana Legislature, the Department of Health, Office of Public Health, Bureau of Emergency Medical Services propose to repeal and replace

the provisions governing the licensing standards for emergency medical transportation services in order to: 1) clarify and align these provisions with the corresponding legislative authorities governing emergency medical services; 2) ensure that the provisions are consistent with the standard language used in other healthcare licensing regulations; 3) promulgate the provisions clearly and concisely in the *Louisiana Administrative Code*.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Subpart 3. Licensing and Certification**

**Chapter 60. Emergency Medical Transportation Services**

**§6003. Definitions [Formerly §6001]**

\* \* \*

*Catastrophic Injury*—an injury resulting from an ambulance crash where one or more persons is physically affected with a permanent disabling injury, disorder, or illness or a severely disabling injury, disorder or illness as a result of the events of the ambulance crash. Such injuries shall be limited to injuries received by any occupant of a vehicle or bystander directly involved in the crash based on the current criteria established by the American College of Surgeons Trauma Center Guidelines.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:466 (March 2009), amended LR 41:2153 (October 2015), amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:880 (May 2023); amended LR 51:

**§6015. Inspections, Surveys or Investigations [Formerly §6011]**

A. - B.4. ...

a. Any ambulance service adding a ground transportation ambulance, air ambulance or emergency medical response (sprint) vehicle to the fleet shall provide written notification to the department in advance of the addition. The notification shall include:

B.4.a.i. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:469 (March 2009) amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:885 (May 2023); amended LR 51:

**§6017. Statement of Deficiencies**

A. - B.1. ...

2. Repealed.

B.3. - B.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:885 (May 2023); amended LR 51:

**§6021. License Renewal [Formerly §6015]**

A. - B.4. ...

5. Repealed.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:1135.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:471 (March 2009), amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:887 (May 2023); amended LR 51:

**§6031. Inactivation of License Due to a Declared Disaster or Emergency**

A. - C.2. ...

EXCEPTION: If the ambulance service requires an extension of this timeframe due to circumstances beyond the ambulance service's/provider's control, the department will consider an extended period. Such written request for extension shall show the ambulance service's/provider's active efforts to complete construction or repairs, if applicable, and the reasons for the request for extension of the ambulance service's/provider's inactive license. Any approval for an extension is at the sole discretion of the department.

D. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:889 (May 2023); amended LR 51:

**§6033. Inactivation of License due to a Non-Declared Disaster or Emergency**

A. - C.2. ...

EXCEPTION: If the ambulance service requires an extension of this timeframe due to circumstances beyond the ambulance service's/provider's control, the department will consider an extended period. Such written request for extension shall show the ambulance service's/provider's active efforts to complete construction or repairs, if applicable, and the reasons for the request for extension of the ambulance service's/provider's inactive license. Any approval for an extension is at the sole discretion of the department.

D. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:890 (May 2023); amended LR 51:

**§6035. Policies and Procedures**

A. Ambulance services must produce, and provide to all personnel, a policy and procedures manual governing the service's operation and shall hold all personnel in compliance.

B. - C.4. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1235.2 and R.S. 40:973.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:475 (March 2009), amended LR 51:

**§6037. Medical Protocol**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.14 and 40:1135.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:476 (March 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2153 (October 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1090 (July 2016); repealed LR 51:

**Subchapter B. Ambulance Service/Provider Responsibilities**

**§6043. Personnel [Formerly §6033]**

A. - I.2.d. ...

J. Identification and Credentials

1. All personnel working on an ambulance and/or emergency medical response (sprint) vehicle shall carry with them their current driver's license at the level required by the Louisiana Highway Regulatory Act

2. All medical personnel working on a ground transportation ambulance, air ambulance, or emergency medical response vehicle (sprint), shall have their level of licensure readily identifiable to the public.

K. - K.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:474 (March 2009), amended Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:891 (May 2023); amended LR 51:

**§6045. Medications [Formerly §6035]**

A. All medications, including IV fluids, shall be stored in accordance with the manufacturer's guidelines and utilized prior to the expiration date.

A.1. - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:475 (March 2009), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:893 (May 2023); amended LR 51:

**§6047. Medical Protocol [Formerly §6037]**

A. In accordance with R.S. 40:1133.14, ambulance service/provider shall follow out-of-hospital EMS protocols that have been approved by:

1. The parish or component medical society for use within its jurisdiction;
2. The ambulance service's EMS medical director; or
3. The Louisiana Emergency Response Network.

B. Repealed.

C. At a minimum, protocols, policies, or guidelines shall address the following conditions and/or situation for adult (if applicable), geriatric (if applicable) and pediatric (if applicable) patients:

1. universal care;
2. cardiovascular;
3. general medical;
4. resuscitation;
5. OB/GYN;
6. respiratory;
7. trauma; or
8. toxins and environmental.

D. - F.1. ...

G. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:476 (March 2009), amended by the Department

of Health and Hospitals, Bureau of Health Services Financing, LR 41:2153 (October 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1090 (July 2016), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:893 (May 2023); amended LR 51:

**§6053. Quality Assurance [Formerly §6043]**

A. - C.6. ...

7. a method to document EMS Practitioner skills competencies including a process for demonstrating proper pediatric care based on the agency or local protocols/guidelines.

D. - E.7. ...

8. In the event of an ambulance crash resulting in a catastrophic injury, the Louisiana Bureau of EMS shall have the right to request crash data from the Louisiana Department of Motor Vehicles for the purpose of collecting data on ambulance crashes to identify trends for patient care and quality improvement associated with the operation of ambulances. Any information collected under this section shall be de-identified as to all individual and entities contained in the data and aggregated at the statewide level. Further, as part of the data collection associated with the data collection set forth in this section, the Louisiana Bureau of EMS may contact an individual ambulance provider only by telephone or in person to obtain Provider information about such ambulance crashes involving catastrophic injuries. The Louisiana Bureau of EMS shall direct all correspondence under this section to the registered license holder for the ambulance provider.

a. In instances in which immediate medical treatment in an emergency department of a hospital is required by an ambulance provider of an employee prior to them being able to return to work, reporting shall not be required under this section.

b. Ambulance provider information shall include and be specifically limited to the following questions:

- i. At any time during the ambulance crash, did the stretcher become dislodged from its locking mechanism?
- ii. At any time during the ambulance crash, did the stretcher locking mechanism separate from the vehicle?
- iii. Did any equipment over ten pounds become airborne?
- iv. Did any compartment or cabinets open?

c. No ambulance provider, whether private or a unit of government, including municipalities and political subdivisions of the state, shall be required to provide any information associated with any ambulance crash and/or the ambulance provider information, regardless of whether the ambulance crash had any catastrophic injuries, that may be subject to or be made part of any litigation or an administrative hearing or proceeding, regardless of whether the litigation, hearing or proceeding is civil or criminal in nature. If the ambulance provider has a reasonable expectation that the ambulance crash will result in litigation or an administrative hearing or proceeding, the ambulance provider shall not be required to disclose any ambulance provider information, or any other information, to the Bureau of EMS until such time as the litigation or administrative hearing or proceeding has concluded and all appeals have been exhausted.

d. Should the ambulance provider be unable to provide requested information due to pending litigation, administrative hearing or proceeding or suspected pending litigation, administrative hearing or proceeding, the ambulance provider shall provide information requested by the Bureau of EMS at such time as the pending or suspected litigation or administrative hearing or proceeding has concluded and all appeals have been exhausted.

e. Any and all information associated with any ambulance crash collected by the Bureau of EMS is solely for data collection and patient care quality improvement purposes associated with the operation of ambulances. No source data collected by the Louisiana Bureau of EMS or compiled by the ambulance provider shall be subject to any public records disclosure as the raw data collected shall be protected under the provision of La. R.S. 13:3715.3(A)(1) because the data collected in accordance with this Rule is specifically designated as data, studies, and analysis of a healthcare licensing agency of the Louisiana Department of Health.

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 35:254, R.S. 40:1135.1 and 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:477 (March 2009); amended by Bureau of Emergency Medical Services, LR 49:895 (May 2023); amended LR 51:

### **Subchapter C. Emergency Vehicles—Ground Transportation**

#### **§6061. General Provisions**

A. - C. ...

D. Unless an ambulance or an emergency medical response (sprint) vehicle is obtained for less than 90 days, it must be registered in the ambulance service's name.

E. - G. ...

H. Ambulances shall have injury-prevention equipment. At a minimum this includes:

I. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.1 and 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:896 (May 2023); amended LR 51:

#### **§6063. Emergency Medical Response Vehicles (Sprint Vehicles) [Formerly §6055]**

A. - B.3.d. ...

4. Emergency medical response vehicles shall have injury-prevention equipment. At a minimum, this includes:

a. Availability of necessary age/size-appropriate restraint systems for all passengers and patients transported in emergency response vehicles (sprint);

B.4.b. - B.6. ...

C. The equipment and medical supplies are dependent on the level of licensure of personnel and as determined by the ambulance service's/provider's medical director and governing body who have developed policies and procedures to maintain, update, or not carry certain advanced life support equipment and medical supplies as medically indicated or contraindicated for their service area and have documentation available to support the determination. In accordance to R.S. 40:1135.2, the medical director shall

consider the following supplies and equipment when developing policies and procedures:

- a. ventilation and airway equipment;
- b. cardiac monitoring and defibrillation;
- c. immobilization devices;
- d. bandages/hemorrhage control;
- e. communication;
- f. obstetrical kit;
- g. miscellaneous equipment;
- h. infection control equipment;
- i. injury-prevention equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.2 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:896 (May 2023); amended LR 51:

#### **§6065. Ground Transportation Ambulances**

##### **[Formerly §6057]**

A. - B.3.d. ...

4. All ground transportation ambulances shall carry basic life support equipment and medical supplies that are:

a. consistent with the standards of practice for EMS practitioners as established in R.S. 40:1135.1;

b. ...

c. consistent with the recommendation of the Louisiana scope of practice for emergency medical technicians established in R.S. 40:1133.14.

d. The equipment and medical supplies are determined by the ambulance service's/provider's medical director and governing body who have developed policies and procedures to maintain, update, or not carry certain medical supplies and equipment as medically indicated or contraindicated for their service area and have documentation available to support the determination. The medical director shall consider the following supplies and equipment when developing policies and procedures:

- i. airway, ventilation and oxygenation;
- ii. bleeding, hemorrhage, control, shock management and wound care;
- iii. cardiovascular and circulation care;
- iv. diagnostic tools;
- v. infection control;
- vi. medication;
- vii. medication delivery and vascular access;
- viii. neonatal care;
- ix. orthopedic injury care;
- x. patient packaging, evacuation, and transport;
- xi. safety;
- xii. temperature management and heat-loss prevention
- xiii. miscellaneous items.

5. ...

6. All advanced life support ambulances shall carry all basic life support equipment and medical supplies that are consistent with the Louisiana scope of practice for emergency medical practitioners established in R.S. 40:1133.14. The additional equipment and medical supplies includes, but is not limited to the following:

a. airway and ventilation and oxygenation equipment;

b. bleeding, hemorrhage control, shock management and wound care;

- c. cardiovascular and circulation care;
- d. diagnostic tools;
- e. infection control;
- f. medications;
- g. medication deliver and vascular access.

7. The equipment and medical supplies is dependent on the level of licensure of personnel and as determined by the ambulance service/provider medical director and governing body who have developed policies and procedures to maintain, update, or not carry certain advanced life support equipment and medical supplies as medically indicated or contraindicated for their service area and have documentation available to support the determination.

a. All ground transportation ambulances shall have functional temperature control in the patient compartment. Such temperature control equipment shall function within the vehicle manufacturer’s recommended guidelines or specifications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:1135.2 and R.S 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:480 (March 2009), amended LR 41:2154 (October 2015), LR 49:897 (May 2023); amended LR 51:

**Subchapter D. Emergency Vehicles—Aircraft Transportation**

**§6071. General Provisions [Formerly §6065]**

A. ...

B. Certifications of all air ambulance personnel shall meet FAA requirements, if applicable, and shall meet local pilot and medical personnel staffing protocols.

C. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:1135.1 and R.S. 40:1135.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:482 (March 2009), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:898 (May 2023); amended LR 51:

**Family Impact Statement**

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

- 1. the stability of the family;
- 2. the authority and rights of persons regarding the education and supervision of their children;
- 3. the functioning of the family;
- 4. family earnings and family budget;
- 5. the behavior and personal responsibility of children;
- 6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

**Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

- 1. the effect on household income, assets, and financial security;
- 2. the effect on early childhood development and preschool through postsecondary education development;

3. the effect on employment and workforce development;

4. the effect on taxes and tax credits;

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

**Small Business Analysis**

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

- 1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
- 2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
- 3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than Friday, January 10, 2025, at COB, 4:30 pm, and should be addressed to Susan Bailey, Director, BEMS, 7273 Florida Blvd., Baton Rouge, LA 70806.

**Public Hearing**

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Friday, January 10, 2025. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 10 am on Monday, January 27, 2025, in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Friday, January 10, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Michael Harrington, MBA, MA  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Emergency Medical Transportation Services—Licensing Standards**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no costs or savings to the Bureau of EMS resulting from the implementation of the proposed rule change, aside from the cost of rule promulgation, which is included in the agency’s operating budget. Additionally, there are no

anticipated impacts on other state agencies or local governmental units. It will cost \$362 to publish the proposed rule. The Bureau of EMS will be responsible for the cost of publishing in the Louisiana Register.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated impact on the revenue collections of state or local governmental units in FY 25, FY 26, or FY 27.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no economic benefits or losses to ambulance providers as a result of this rule. The changes are to update the rule to align with current EMS practices. The language has simply been revised to clarify the requirement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no intended effect on competition or employment. There is no change to the competitive landscape for ambulance service providers, as the language modification is solely for clarification purposes.

Tonya Joiner  
Assistant Secretary  
2412#062

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Louisiana Lottery Corporation

Open Meetings Accessibility; ADA  
(LAC 42:XV.Chapter 13)

The Louisiana Lottery Corporation, in accordance with Act 393 of the 2023 Regular Legislative Session, R.S. 47:9000 et seq., and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., hereby gives notice that it intends to create LAC 42:XV.Chapter 13. The Rule change allows for attendance of board meeting via electronic means and the accommodation and participation of persons with disabilities to attend board meetings.

#### Title 42

### LOUISIANA GAMING

#### Part XV. Lottery

### Chapter 13. Open Meetings Accessibility; ADA

#### §1301. Electronic Meetings

A. Pursuant to the provisions of R.S. 42:17.2, the Louisiana Lottery Corporation Board of Directors (“board”) may meet and conduct some meetings via electronic means.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:9000 et seq. and Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Louisiana Lottery Corporation, LR 51:

#### §1303. Postings Prior to Meeting via Electronic Means

A. At least twenty-four hours prior to the meeting, the corporation shall post the following on its website:

1. meeting notice and agenda; and
2. detailed information regarding how members of the public may:
  - a. participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and
  - b. submit written public comments regarding matters on the agenda prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:9000 et seq. and Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Louisiana Lottery Corporation, LR 51:

#### §1305. Electronic Meeting Requirements

A. To the extent practicable, a schedule of meetings identifying which will be conducted via electronic means and which will be conducted as in-person meetings shall be posted on the corporation’s website on an annual basis or as available.

B. All members of the board, whether participating from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

C. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the corporation’s website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:9000 et seq. and Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Louisiana Lottery Corporation, LR 51:

#### §1307. Disability Accommodations

A. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant member of the board with an ADA-qualifying disability.

B. The board shall ensure that the written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the designated corporation representative to whom disability accommodation may be submitted.

C. The designated corporation representative shall provide the requestor with the accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

D. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with R S 47:9000 et seq. and Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Louisiana Lottery Corporation, LR 51:

#### Family Impact Statement

Pursuant to the provisions of R.S. 49:972, the Louisiana Lottery Corporation, through its president, has considered the potential family impact of the proposed Rule.

The proposed Rule has no known impact on the following:

1. The effect on the stability of the family.
2. The effect on the authority and rights of parents regarding the education and supervision of their children.
3. The effect on the functioning of the family.
4. The effect on the family earnings and family budget.
5. The effect on the behavior and personal responsibility of children.
6. The ability of the family or local government to perform the function as contained in the proposed Rule.

### Poverty Impact Statement

Pursuant to the provisions of R.S. 49:973, the Louisiana Lottery Corporation, through its president, has considered the potential poverty impact of the proposed Rule.

The proposed Rule has no impact on the following:

1. The effect on household income, assets, and financial security.
2. The effect on early childhood development and preschool through postsecondary education development.
3. The effect on employment and workforce development.
4. The effect on taxes and tax credits.
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

### Small Business Analysis

Pursuant to the provisions of R.S. 49:974.2-974.8, the Regulatory Flexibility Act, the Louisiana Lottery Corporation, through its president, has concluded that the proposed Rule is not anticipated to have an adverse impact on small business; therefore, a Small Business Impact Statement has not been prepared.

### Provider Impact Statement

Pursuant to the provisions of HCR 170 of 2014, the Louisiana Lottery Corporation, through its president, has considered the potential provider impact of the proposed Rule.

The proposed Rule has no impact on the following:

1. The effect on staffing level requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the costs to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

### Public Comments

Interested persons may submit written comments to John Carruth, General Counsel, Louisiana Lottery Corporation, 555 Laurel Street, Baton Rouge, LA 70801. All comments must be submitted no later than the end of business day, central time zone, of January 10, 2025.

Rose J. Hudson  
President and CEO

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Open Meetings Accessibility; ADA**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
The Louisiana Lottery Corporation does not anticipate to incur any costs or savings as a result of this proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no anticipated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)  
There is no anticipated effect on costs or economic benefits of directly affected persons, small businesses, or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Implementation of this rule is not anticipated to have an effect on competition or employment.

Rose Hudson  
President and CEO  
2412#054

Benjamin Vincent  
Chief Economist  
Legislative Fiscal Office



# Potpourri

## POTPOURRI

### Department of Agriculture and Forestry Board of Veterinary Medicine

#### Board Nominations

The Board of Veterinary Medicine announces that nominations for the position of Board Member will be taken by the Louisiana Veterinary Medical Association (LVMA) at the annual winter meeting to be held in late-February 2025. Interested persons should submit the names of nominees directly to the LVMA as per R.S. 37:1515. It is not necessary to be a member of the LVMA to be nominated. For more details, the LVMA may be contacted via telephone at (225) 928-5862 or via email at [office@lvma.org](mailto:office@lvma.org).

#### Examination Dates

The Board of Veterinary Medicine will administer the State Board Examination (SBE) for licensure to practice veterinary medicine in-person in the board office on the first Tuesday of every month but subject to change due to office closure (i.e. - holiday, weather). The SBE can also be taken online once an application for licensure is submitted and fees are paid. Updated exam dates, deadlines, and sign-up instructions can be found at [www.lsbvm.org/sbe](http://www.lsbvm.org/sbe).

Starting in 2025, there are three testing windows to take the North American Veterinary Licensing Examination (NAVLE) which will be administered through the International Council for Veterinary Assessment (ICVA), formerly National Board of Veterinary Medical Examiners (NBVME), and the National Board Examination Committee (NBEC). Applicants for NAVLE testing should visit the ICVA's website at [www.icva.net/navle](http://www.icva.net/navle). Starting May 1, 2024, NAVLE candidates need only to apply online with ICVA to sit for the NAVLE.

The board is currently accepting applications to take the Veterinary Technician National Examination (VTNE) which will be administered through American Association of Veterinary State Boards (AAVSB), for state certification of veterinary technicians.

The exam window dates and application deadlines for the NAVLE and the VTNE can be found at [www.lsbvm.org/deadlines](http://www.lsbvm.org/deadlines). No late application will be accepted. Requests for special accommodations must be made directly with the testing vendors as early as possible for review and acceptance. Application for licensure and exam information is available online at [www.lsbvm.org](http://www.lsbvm.org). Call 225-925-6620 or email [admin@lsbvm.org](mailto:admin@lsbvm.org) with any questions.

#### Board Meeting Dates

The members of the Board of Veterinary Medicine will meet at 8:30 a.m. on the following dates through 2025:

Thursday, February 6, 2025  
Thursday, April 3, 2025  
Thursday, June 5, 2025  
Thursday, August 7, 2025

Thursday, October 2, 2025

Thursday, December 4, 2025

Dates and locations are subject to change. All board meetings will be held on these dates and at the board office at 5825 Florida Blvd (Department of Agriculture & Forestry Building), unless noted otherwise. For more information, please visit [www.lsbvm.org/meetingdates](http://www.lsbvm.org/meetingdates) or contact the board office via telephone at (225) 925-6620 or via email at [admin@lsbvm.org](mailto:admin@lsbvm.org).

Jared Granier, MBA  
Executive Director

2412#020

## POTPOURRI

### Department of Children and Family Services

#### Temporary Assistance for Needy Families (TANF) Caseload Reduction Credit for FFY 24

The Department of Children and Family Services hereby gives notice that, in accordance with federal regulations at 45 CFR 261.41, the Temporary Assistance for Needy Families (TANF) Caseload Reduction Report for Louisiana is now available to the public for review and comment.

In order to receive a caseload reduction credit for minimum participation rates, the agency must submit a report based on data from the Family Independence Temporary Assistance Program (FITAP) and the Strategies to Empower People Program (STEP) containing the following information:

1. a listing of, and implementation dates for, all State and Federal eligibility changes, as defined at §261.42, made by the State after FY 2005;
2. a numerical estimate of the positive or negative impact on the applicable caseload of each eligibility change (based, as appropriate, on application denials, case closures, or other analyses);
3. an overall estimate of the total net positive or negative impact on the applicable caseload as a result of all such eligibility changes;
4. an estimate of the state's caseload reduction credit;
5. a description of the methodology and the supporting data that it used to calculate its caseload reduction estimates;
6. a certification that it has provided the public an appropriate opportunity to comment on the estimates and methodology, considered their comments, and incorporated all net reductions resulting from Federal and State eligibility changes; and
7. a summary of all public comments.

Copies of the TANF Caseload Reduction Report may be obtained by writing Brandy Bonney, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, Louisiana 70804-9065, by telephone at (225) 342-4096, or via e-mail at [brandy.bonney.dcf@la.gov](mailto:brandy.bonney.dcf@la.gov).

Written comments regarding the report should also be directed to Ms. Bonney. These must be received by close of business on January 19, 2025.

David Matlock  
Secretary

2412#019

## POTPOURRI

### Department of Energy and Natural Resources Office of Conservation

Request for Comments—Class VI Carbon Dioxide Geologic Sequestration Well—Confidential Business Information

The department plans to adopt rules to be codified in Subpart 6, Chapter 6 of LAC 43:XVII governing the Office of Conservation's (or successor office's) treatment and administrative processing of requests for retaining confidential business information confidential related to Class VI carbon dioxide geologic sequestration wells, particularly Class VI carbon dioxide geologic sequestration well permit applications, both before and after the United States Environmental Protection Agency's delegation of primary enforcement authority (primacy) over such class of wells to the state of Louisiana. Specifically, these planned rules will address claims of business confidentiality pursuant to R.S. 30:1104(F). As part of this rule adoption, the department is seeking comments from interested parties and members of the public on these and related matters. Recommendations submitted should be consistent with the requirements of R.S. 30:1104(F) and R.S. 44:3.2.

Specifically, the department welcomes comments on the following topics: the extent to which these rules should differ from those of the United States Environmental Protection Agency found at 40 CFR 2.201 – 2.215 and 2.304, if any; a potential requirement for applicants/operators to provide redacted copies of documents with purportedly confidential business information; a potential requirement for applicants/operators to swear under penalty of law as to the veracity and good faith nature of any request for confidential business information; the period of time after which information previously determined to be confidential business information may cease to be treated by the office of conservation as such or after which the applicant/operator must again request continued confidential treatment; and the applicability of such rules to records submitted to the department following its being granted Class VI primacy by the United States Environmental Protection Agency on January 5, 2024.

Comments are to be submitted to H. Barlow Holley (houston.holley@la.gov) by no later than January 20, 2025.

Steven M. Giambrone  
Interim Director

2412#052

## POTPOURRI

### Department of Environmental Quality Office of the Secretary Legal Affairs Division

2010 Sulfur Dioxide  
National Ambient Air Quality Standards  
State Implementation Plan (SIP) Revision

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2051 et seq., the secretary gives notice that the Office of Environmental Assessment, Air Planning and Assessment Division, will submit to the Environmental Protection Agency (EPA) a revision to the Louisiana State Implementation Plan (SIP) for sulfur dioxide. (2412Pot1)

On June 2, 2010, EPA strengthened the primary National Ambient Air Quality Standards (NAAQS) for SO<sub>2</sub>. EPA revised the primary SO<sub>2</sub> NAAQS by establishing a new 1-hour standard at a level of 75 parts per billion (ppb). As a result, the EPA designated a portion of Evangeline Parish as nonattainment for the new NAAQS. The designated nonattainment area is the rectangular portion of Evangeline Parish defined by vertices with UTM coordinates (NAD83 15R):

570250m E, 3400300m N  
570250m E, 3403300m N  
572400m E, 3403300m N  
572400m E, 3400300m N

The SIP revision will implement standards required by the Clean Air Act for the nonattainment area.

#### Public Comments

All interested persons may submit written comments concerning the revision no later than 4:30 p.m., Tuesday, January 28, 2025, to Arlys Dalton, Office of Environmental Assessment, P.O. Box 4314, Baton Rouge, LA, 70821-4314, or by e-mail at arlys.dalton@la.gov. A public hearing will be held on January 28, 2025, at 1:30 p.m., in the Galvez Building, Oliver Pollock Room, 602 N. Fifth Street, Baton Rouge, LA, 70802, if requested. The deadline for requesting a public hearing is Tuesday, January 7, 2025. The revision is available for review via LDEQ's Electronic Document Management System (EDMS), AI# 174156, or at LDEQ Headquarters, 602 North 5th Street, Baton Rouge, Louisiana, 70802.

Aurelia S. Giacometto  
Secretary

2412#047

**POTPOURRI**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division**

**VOC and Methane Standards for the Crude Oil and  
Natural Gas Source Category**

On November 30, 2023, EPA finalized new volatile organic compound (VOC) and methane regulations for the crude oil and natural gas source category. This rulemaking was published in the *Federal Register* on March 8, 2024, and became effective on May 7, 2024.

The aforementioned regulations include 40 CFR 60 Subpart OOOOb – Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After December 6, 2022. Subpart OOOOb requires tank batteries with potential VOC emissions of 6 tons per year or more and/or methane emissions of 20 tons per year or more to be controlled. Tank batteries with potential emissions below these thresholds (accounting for all legally and practicably enforceable limits established by the permitting authority) do not require controls.

Most crude oil and natural gas production facilities in Louisiana are permitted under the Minor Source Air General Permit for Crude Oil and Natural Gas Production (i.e., the MSOG). On October 7, 2024, after providing public notice and an opportunity for public comment, LDEQ modified the MSOG to add the requirements of Subpart OOOOb and to establish legally and practicably enforceable limits consistent with 40 CFR 60.5365b(e)(2) such that owners and operators of tank batteries constructed, modified, or reconstructed after December 6, 2022, with potential VOC and methane emissions of less than 6 and 20 tons per year, respectively, will not be subject to the control requirements of Subpart OOOOb if they comply with prescribed monitoring, recordkeeping, and reporting requirements.

The revised MSOG is available on LDEQ’s website at <https://www.deq.louisiana.gov/page/minor-source-general-permits>. Questions may be directed to Ms. Ashley Viator at (225) 219-3459 or [ashley.viator@la.gov](mailto:ashley.viator@la.gov).

Aurelia S. Giacometto  
Secretary

2412#048

**POTPOURRI**

**Office of the Governor  
Capital Area Groundwater Conservation Commission**

**Public Hearing—Substantive Changes to Proposed Rule  
Measuring Well Yield—Records (LAC 56:V.709)**

The Capital Area Groundwater Conservation Commission published a Notice of Intent to amend §709 entitled Records in the September 20, 2024 edition of the *Louisiana Register* (LR 50:1323). The Notice solicited comments. A public hearing was held on October 10, 2024. As a result of its analysis of the comments received at the public hearing, the commission proposes to amend certain portions of the

proposed Rule. Within Subsection C, the commission proposed to amend the first sentence to now include the term “hourly running total” and read as follows: “Well owners which do not have district provided monitoring/auditing equipment, shall provide hourly running total flow measurement data...”

The proposed amendment closely aligns with the proposed Rule on the same topic as published by the Capital Area Groundwater Conservation Commission in the September 20, 2024 edition of the *Louisiana Register* (LR 50:1323). The amendment of the Rule will further detail what type of well yield measurement data the commission is requesting from users. No fiscal or economic impact will result from the amendments proposed in this notice.

**Title 56**

**PUBLIC WORKS**

**Part V. Capital Area Ground Water Conservation  
Commission**

**Chapter 7. Rules and Regulations for Metering and/or  
Recording the Yield of Water Wells**

**§709. Records**

A. The well owner shall be required to keep records of well yield and shall, on request, furnish data concerning such records to the representatives of the Capital Area Groundwater Conservation Commission [R.S. 38:3076A(8)].

B. For the data from well owners with district provided monitoring/auditing equipment, this data is provided automatically through the supervisory control and data acquisition (SCADA) system.

C. Well owners which do not have district-provided monitoring/auditing equipment, shall provide hourly running total flow measurement data from each well from the month prior by the fifteenth of each month to the district staff utilizing a comma separated value (CSV) format and delivered to the district via secure file transfer protocol (SFTP), which format and delivery method may be modified over time by the commission to accommodate new technologies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079. Amended in accordance with R.S. 38:3076.A.(7), (8), and R.S. 38:3076.E.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 3:307 (July 1977), promulgated LR 33:2647 (December 2007), amended LR 51:

**Public Hearing**

In accordance with the provisions of the Administrative Procedure Act, specifically R.S. 49:966(H)(2), the Commission gives notice of a public hearing to receive additional comments on these substantive amendments to the proposed Rule. The hearing will be held at 10 a.m. on January 21, 2025 at the office of the Capital Area Groundwater Conservation Commission, 3074 Westfork Dr. Baton Rouge, Louisiana, 70816. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or written. Interested persons may submit written comments to Capital Area Groundwater Conservation Commission, 3074 Westfork Dr. Baton Rouge, Louisiana, 70816. The deadline for receipt of all written comments is January 20, 2025 at 10 a.m.

Gary Beard  
Executive Director

2412#003

**POTPOURRI**

**Coastal Protection and Restoration Authority**

**Public Hearings—Fiscal Year 2026 Draft Annual Plan**

The Coastal Protection and Restoration Authority (CPRA) will hold the following public hearings to receive public comments on Louisiana’s “Fiscal Year 2026 Draft Annual Plan”.

Tuesday, Jan. 28, 2025	5:30 p.m. – 7:00 p.m.	Southwest Louisiana Entrepreneurial and Economic Development Center Second Floor Meeting Rooms D & E 4310 Ryan St. Lake Charles, LA 70602
Thursday, Jan. 30, 2025	5:30 p.m. – 7:00 p.m.	Terrebonne Civic Center 346 Civic Center Blvd. Houma, LA 70360
Tuesday, Feb. 11, 2025	5:30 p.m. – 7:00 p.m.	Joseph S. Yenni Building Second Floor Council Chambers 1221 Elmwood Park Blvd Jefferson, LA 70123

CPRA will receive written comments and recommendations on the Fiscal Year 2026 Draft Annual Plan until March 22, 2025. Written comments should be mailed (to arrive no later than March 22, 2025) to the following address:

Coastal Protection and Restoration Authority  
Public Comments  
150 Terrace Avenue  
Baton Rouge, LA 70802

If, because of a disability, you require special assistance to participate, please contact the CPRA Administrative Assistant at 150 Terrace Avenue, Baton Rouge, LA 70802 or by telephone at (225) 342-7308 at least five working days prior to the hearing.

Interpretation and translation services can also be provided upon request by contacting coastal@la.gov.

Please visit coastal.la.gov/calendar/ for more detailed information and copies of the Fiscal Year 2026 Draft Annual Plan, which will be posted prior to the public hearings.

For questions regarding the hearings, please contact Ryan Shaw at Ryan.Shaw@la.gov or (225) 342-1357.

Janice Lansing  
Chief Financial Officer

2412#031

**POTPOURRI**

**Coastal Protection and Restoration Authority**

**Public Hearings—Fiscal Year 2026 Draft Atchafalaya Basin Program Annual Plan**

The Coastal Protection and Restoration Authority (CPRA) will hold the following public hearings to receive public comments on Louisiana’s “Fiscal Year 2026 Draft Atchafalaya Basin Program Annual Plan.”

Tuesday, Jan. 7, 2025	5:30 p.m. – 7:00 p.m.	Cecilia Civic Center 2464 Cecilia Sr. H South Hwy Breaux Bridge, LA 70517
Thursday, Jan. 16, 2025	5:30 p.m. – 7:00 p.m.	Iberville Parish Courthouse 2nd Floor Council Chambers 58050 Meriam St Plaquemine, LA 70764

CPRA will receive written comments and recommendations on the Fiscal Year 2026 Draft Atchafalaya Basin Program Annual Plan until March 22, 2025. Written comments should be mailed (to arrive no later than March 22, 2025) to the following address:

Coastal Protection and Restoration Authority  
ABP Public Comments  
150 Terrace Avenue  
Baton Rouge, LA 70802

If, because of a disability, you require special assistance to participate, please contact the CPRA Administrative Assistant at 150 Terrace Avenue, Baton Rouge, LA 70802 or by telephone at (225) 342-7308 at least five working days prior to the hearing.

Interpretation and translation services can also be provided upon request by contacting coastal@la.gov.

Please visit coastal.la.gov/calendar/ for more detailed information and copies of the Fiscal Year 2026 Draft Atchafalaya Basin Program Annual Plan, which will be posted prior to the public hearings.

For questions regarding the hearings, please email atchafalayabasin@la.gov or call (225) 342-7308.

Janice Lansing  
Chief Financial Officer

2412#031

**POTPOURRI**

**Office of the Governor  
Office of Financial Institutions**

**Judicial Interest Rate for 2025**

Pursuant to authority granted by R.S. 13:4202(B)(1), as amended, the Louisiana Commissioner of Financial Institutions has determined that the judicial rate of interest for calendar year 2025 will be eight and one quarter (8.25 percent) per annum.

P. Scott Jolly  
Commissioner

2412#006

**POTPOURRI**

**Department of Insurance  
Office of the Commissioner**

**Public Hearing—Substantive Changes to Proposed Rule Regulation 90—Payment of Pharmacy and Pharmacist Claims (LAC 37:XIII.Chapter 115)**

The Department of Insurance published a Notice of Intent to amend Regulation 90 to add regulatory language to incorporate and clarify audit and claim review requirements and to require the filing of policies and procedures to bring Pharmacy Benefit Management processes into compliance, in the September 20, 2024, Volume 50, No. 9 edition of the *Louisiana Register*. The Department of Insurance proposes the following changes: to amend Section 11505 to define “pharmacy” according to the revised statute, to amend Section 11507 to clarify procedures for submitting non-electronic claims, to amend Section 11509 to clarify

procedures for submitting electronic claims, to amend Section 11511 to outline the process for conducting pharmacy audits of records, to renumber Section 11513 to provide details on claim review procedures, to renumber Section 11515 to provide details on quality assurance review procedures, to renumber Sections 11517, 11519, and 11521 to align with the correct numerical sequence, and to add Section 11523 to include a confidentiality clause. Since this is a substantive change, the Department of Insurance is giving the public an opportunity for a hearing as published in this Potpourri. No fiscal or economic impact will result from the amendments proposed in this notice.

#### **Title 37**

### **INSURANCE**

#### **Part XIII. Regulations**

### **Chapter 115. Regulation Number 90—Payment of Pharmacy and Pharmacist Claims**

#### **§11501. Purpose**

A. The purpose of Regulation 90 is to implement R.S. 22:1851-1862 relative to the making of the prompt and correct payment for prescription drugs, other products and supplies, and pharmacist services covered under insurance or other contracts that provide for pharmacy benefits, and for the review and auditing of claims or records pertaining to such services.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1662 (August 2007), amended LR 51:

#### **§11503. Scope and Applicability**

A. Except as otherwise specifically provided, the requirements of Regulation 90 apply to all health insurance issuers including health maintenance organizations that offer coverage in their insurance contracts for pharmacy services in accordance with the statutory requirements Subpart C of Part II of Chapter 6 of Title 22 of the Louisiana Revised Statutes of 1950, R.S. 22:1851 et seq. Additionally, Regulation 90 applies to all contracts between a pharmacist and/or, pharmacy and/or a health insurance issuer, its agent, or any other party responsible for reimbursement for prescription drugs, other products and supplies, and pharmacist services. Any and all contracts entered into after July 1, 2005 shall be required to be in compliance with R.S. 22:1851 et seq. Additionally, Regulation 90 shall apply to all contracts in existence prior to July 1, 2005. Regulation 90 shall include but not be limited to those contracts that contain any automatic renewal provisions, renewal provisions that renew if not otherwise notified by a party, any provision that allows a party the opportunity to opt out of the contract, evergreen contracts, or rollover contracts and therefore these contracts shall be required to come into compliance. Regulation 90 shall apply to all contracts as enumerated above as of the first renewal date, first opt out date, first rollover date or first annual anniversary on or after July 1, 2005.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1663 (August 2007), amended LR 51:

#### **§11505. Definitions**

\* \* \*

*Pharmacy*—appropriately licensed place within this state where prescription drugs are dispensed and pharmacist services are provided and any place outside of this state where prescription drugs are dispensed and pharmacist services are provided to residents of this state.

\* \* \*

*Prohibited Billing Activities*—those activities outlined in R.S. 22:1871 et seq.

*Uniform Claim Forms*—are forms prescribed by the department and shall include the National Uniform Bill-04 (UB-04) or its successor for appropriate hospital services, and the current Health Care Financing Administration Form 1500 or its successor for physical and other appropriate professional services. If, after consultation with insurers, providers, and consumer groups, the commissioner determines that the state assignable portions of either form should be revised, he shall make a revision request to the State Uniform Bill Implementation Committee and if approved, prescribe the use of the revised form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1663 (August 2007), amended LR 51:

#### **§11507. Claim Handling Procedures for Non-Electronic Claims**

A. Pursuant to R.S. 22:1853.B, health insurance issuers or health maintenance organizations are required to submit to the Department, for approval, a "Prompt Payment Procedures Plan for Non-Electronic Pharmacy Claims" detailing statutory compliance for the receipt, acceptance, processing, payment of non-electronic claims and procedures in place to ensure compliance with R.S. 22:1851 et seq. and R.S. 22:1871 et seq. The Prompt Payment Procedures Plan for Non-Electronic Pharmacy Claims shall include, but not be limited to, the following:

1. a process for documenting the date of actual receipt of non-electronic claims;
2. a process for reviewing non-electronic claims for accuracy and acceptability;
3. a set of policies and procedures governing the performance of pharmacy record audits, whether by the health insurance issuer or its agent. Such material shall:
  - a. specify the selection criteria or algorithm used to select pharmacies for auditing;
  - b. specify the potential purpose and scope of the audit function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy;
  - c. expressly demonstrate compliance with all substantive elements of R.S. 22:1856.1 and this Regulation;
4. a set of policies and procedures governing the performance of claim reviews and quality assurance reviews, whether by the health insurance issuer or its agent. Such material shall:

a. specify any distinctions between claim reviews and quality assurance reviews under the policies and procedures to be used by the company. Any alternative term for a review of a claim shall be added to the policies and procedures filed with the department as a term for either a claim review or a quality assurance review prior to use in communication with any pharmacy, except for annual audits and fraud or willful misrepresentation-related audits, reviews, or investigation;

b. specify the selection criteria or algorithm used in determining when a claim review is to be performed. This shall include safeguards to ensure the scope of the review is not unduly burdensome or overly broad. Such safeguards shall include limits on the number of reviews a pharmacy may be subject to in any 30-calendar-day period and limits on the type and quantity of material produced by the pharmacy in complying with the review;

c. specify the selection criteria or algorithm used in determining when a quality assurance review is to be performed. This shall include safeguards to ensure the scope of the review is not unduly burdensome or overly broad. Such safeguards shall include limits on the number of reviews a pharmacy may be subject to in any 30-calendar-day period and limits on the type and quantity of material produced by the pharmacy in complying with the review;

d. specify the potential purpose and scope of its claim review function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy;

e. specify the potential purpose and scope of its quality assurance review function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy; and

5. a set of policies and procedures governing the performance of fraud or willful misrepresentation audits, whether by the health insurance issuer or its agent. Such material shall:

a. describe any triggers or criteria which may give rise to a fraud or willful misrepresentation audit; such triggers or criteria shall be clearly defined and easily distinguishable from the selection criteria or algorithms used by the company for pharmacy record audits, claim reviews, and quality assurance reviews;

b. describe the purpose, scope, and the set of invoking criteria to prevent the use of fraud or willful misrepresentation audits in place of pharmacy record audits, claim reviews, and quality assurance reviews.

B. The filing of the Prompt Payment Procedures Plan for Non-Electronic Pharmacy Claims document shall indicate compliance by a health insurance issuer or health maintenance organization with the filing requirements of

R.S. 22:1853. However, such documentation shall still be subject to review and disapproval at any time such documentation is deemed to be not in compliance with the substantive requirements of R.S. 22:1853 or 1856.1.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

### **§11509. Claim Handling Procedures for Electronic Claims**

A. Pursuant to R.S. 22:1851, health insurance issuers and health maintenance organizations are required to submit to the department, for approval, a "Prompt Payment Procedures Plan for Electronic Pharmacy Claims" detailing statutory compliance for the receipt, acceptance, processing, payment of electronic claims and procedures in place to ensure compliance with R.S. 22:1851et seq. The "Prompt Payment Procedures Plan for Electronic Pharmacy Claims" shall include, but not be limited to, the following:

1. a process for electronically dating the time and date of actual receipt of electronic claims;

2. a process for reporting all claims rejected during electronic transmission and the reason for the rejection.

3. a set of policies and procedures governing the performance of pharmacy record audits, whether by the health insurance issuer or its agent. Such material shall:

a. specify the selection criteria or algorithm used to select pharmacies for auditing;

b. specify the potential purpose and scope of the audit function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy;

c. expressly demonstrate compliance with all substantive elements of R.S. 22:1856.1 and this Regulation;

4. a set of policies and procedures governing the performance of claim reviews and quality assurance reviews, whether by the health insurance issuer or its agent. Such material shall:

a. specify any distinctions between claim reviews and quality assurance reviews under the policies and procedures to be used by the company. Any alternative term for a review of a claim shall be added to the policies and procedures filed with the department as a term for either a claim review or a quality assurance review prior to use in communication with any pharmacy, except for annual audits and fraud or willful misrepresentation-related audits, reviews, or investigation;

b. specify the selection criteria or algorithm used in determining when a claim review is to be performed. This shall include safeguards to ensure the scope of the review is not unduly burdensome or overly broad. Such safeguards shall include limits on the number of reviews a pharmacy may be subject to in any 30-calendar-day period and limits on the type and quantity of material produced by the pharmacy in complying with the review;

c. specify the selection criteria or algorithm used in determining when a quality assurance review is to be performed. This shall include safeguards to ensure the scope of the review is not unduly burdensome or overly broad. Such safeguards shall include limits on the number of reviews a pharmacy may be subject to in any 30-calendar-day period and limits on the type and quantity of material produced by the pharmacy in complying with the review;

d. specify the potential purpose and scope of its claim review function, including all potential recoupment, remedial, and punitive rights;

e. specify the potential purpose and scope of its quality assurance review function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy; and

5. a set of policies and procedures governing the performance of fraud or willful misrepresentation audits, whether by the health insurance issuer or its agent. Such material shall:

a. describe any triggers or criteria which may give rise to a fraud or willful misrepresentation audit; such triggers or criteria shall be clearly defined and easily distinguishable from the selection criteria or algorithms used by the company for pharmacy record audits, claim reviews, and quality assurance reviews;

b. describe the purpose, scope, and the set of invoking criteria to prevent the use of fraud or willful misrepresentation audits

B. ...

C. The filing of the "Prompt Payment Procedures Plan for Electronic Pharmacy Claims" document shall indicate compliance by a health insurance issuer and health maintenance organization with the filing requirements of R.S. 22:1854. However, such documentation shall still be subject to review and disapproval at any time such documentation is deemed to not be in compliance with the substantive requirements of R.S. 22:1854 or 1856.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

#### **§11511. Pharmacy Audits of Records**

A. Pharmacy record audits of records shall, with the exception of fraud or willful misrepresentation audits, be the sole mechanism a health insurance issuer or its agent may require a pharmacy to participate in for the purpose of systematic review of the pharmacy's compliance with contract terms and conditions, filing guidelines, and the provider manual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

#### **§11513. Claim Reviews**

A. Claim reviews shall be limited to a determination of whether a claim is payable or has been paid correctly. Inappropriate aggregation of claim reviews, excessive application of claim reviews upon a single pharmacy, and similar activities serve to convert a claim review into a pharmacy record audit and therefore subject to the requirements of and limitations on such audits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

#### **§11515. Quality Assurance Reviews**

A. Quality assurance reviews shall be limited to reviews of pharmacy compliance with contractual and claim filing requirements and shall only be performed prior to reimbursement. The purpose of a quality assurance review must be to test and maintain compliance with contract terms

or agreed-upon claim filing requirements, and the health insurance issuer shall design and implement such reviews to be remedial in nature, rather than to deny, recover, or otherwise non-pay claims based on correctable or harmless errors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

#### **§11517. State of Emergency**

A. Pursuant to any Executive Order issued by the governor transferring authority to the department on matters pertaining to insurance, and pursuant to the plenary authority vested in the commissioner under Title 22, the department shall be authorized to issue emergency regulations during a state of emergency that suspends and/or interrupts any of the provisions found in Title 22 or take any or all such action that the commissioner deems necessary in reference to provisions in Title 22.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

#### **§11519. Severability Clause**

A. If any Section or provision of Regulation 90 or its application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions that can be given effect without the invalid sections or provisions or application, and for these purposes, the Sections or provisions of this regulation and the application to any person or circumstance shall be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

#### **§11521. Effective Date**

A. Regulation 90 shall become effective upon final publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

#### **§11523. Confidentiality**

A. The Louisiana Department of Insurance shall maintain any and all confidential documents considered trade secrets or fall under the Louisiana public records law under R.S. 44:1 et al.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

#### **Public Hearing**

A public hearing on the proposed substantive changes will be held by the Louisiana Department of Insurance on January 21, 2025 at 10 a.m. in the Poydras Hearing Room, Poydras Building, 1702 North Third Street, Baton Rouge, LA. Interested persons who wish to make comments may do so at the public hearing or by writing to Evelyn Danielle Linkford, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214,

by faxing comments to (225) 342-7821, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., January 21, 2025.

Timothy J. Temple  
Commissioner

2412#023

## POTPOURRI

### Department of Insurance Office of the Commissioner

Public Hearing—Substantive Changes to Proposed Rule Regulation 131—Plan for Nonrenewal or Cancellation of Homeowners Policies in Effect and Renewed for More Than Three Years (LAC 37:XIII.Chapter 202)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., published a Notice of Intent to promulgate its Rule, Regulation 131, in the September 20, 2024, LAC 37, Chapter 202 of the *Louisiana Register*. The Department of Insurance proposes the following changes: to amend Section 20207 by amending the definition of *Homeowners Insurance* by deleting the reference to manufactured homes or mobile homes, by deleting the word means in the definition of *Insured*, and by adding a definition of *Not In The Public Interest*. Section 20209 A.2. was amended to require the submission of data and not the submission of a geographic map. Finally, Section 20209 B. was amended to add a reference to the Uniform Trade Secret Act. Since these are substantive changes, the Department of Insurance is giving the public an opportunity for a hearing as published in this Potpourri.

### Title 37

### INSURANCE

#### Part XIII. Regulations

#### Chapter 202. Regulation Number 131—Plan for Nonrenewal or Cancellation of Homeowners Policies in Effect and Renewed for More Than Three Years

##### §20207. Definitions

A. As used in Regulation 131, these terms shall have the following meaning ascribed herein unless the context clearly indicates otherwise.

*Commissioner*—the Louisiana Commissioner of Insurance.

*Department*—the Louisiana Department of Insurance.

*Homeowners Insurance*—a policy of insurance on a one- or two-family owner-occupied premises, which combines fire and allied lines with any one or more perils of casualty, liability, or other types of insurance within one policy form at a single premium, where the insurer's liability for damage to the premises under said policy is determined with reference to the replacement value of the premises.

*Homeowners Policies*—shall mean for purposes of this regulation, policies of homeowners insurance that have been in effect for more than three years on or before August 1, 2024.

*Insured*—customers owning homeowners policies as provided for in R.S. 22:1265.

*Insurer*—any insurer that provides property, casualty, and liability insurance in the state of Louisiana.

*Nonrenewal or Cancellation Date*—the termination date of an insured's policy of homeowners insurance.

*Not In The Public Interest*—means the imposition of a plan to cancel or nonrenew up to 5 percent of homeowners policies that has an outsized impact on a specific coastal geographic area, zip code, or parish.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, 22:1265, Act 2024, No. 9 of the Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

#### §20209. Plan for Nonrenewal or Cancellation

A. - A.1. ...

2. data submitted through a LDI portal or link to such data by parish representing each proposed parish and zip code affected by the nonrenewal or cancellation, along with the deductible amount. The data shall pinpoint all proposed homeowners policies to be nonrenewed or cancelled and demonstrate compliance with the requirement that no more than 5 percent of the insurer's homeowners policies in force in any one parish that is subject to the "3 year rule" and a listing of those homeowners policies that may be nonrenewed or cancelled;

A.3 - A.10. ...

B. Any business plan, documentation or information filed pursuant to Regulation 131 shall be considered proprietary or trade secret pursuant to the provisions of R.S. 44:3.2 and the Uniform Trade Secrets Act pursuant to Chapter 13-A of Title 51 of the Louisiana Revised Statutes of 1950 shall be applicable to any business plan, documentation or information.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, 22:1265, Act 2024, No. 9 of the Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

#### Public Hearing

A public hearing on the proposed substantive changes will be held by the Louisiana Department of Insurance on January 21, 2025 at 10 a.m. in the Poydras Hearing Room, Poydras Building, 1702 North Third Street, Baton Rouge, LA. Interested persons who wish to make comments may do so at the public hearing or by writing to Claire Lemoine, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214. Comments will be accepted no later than January 21, 2025 by close of business, 4:30 p.m. Interested persons who wish to make comments may do so by writing to Claire Lemoine, Attorney Supervisor, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov.

Timothy J. Temple  
Commissioner

2412#005



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