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# Executive Orders

## EXECUTIVE ORDER EWE-77-9 (Not Published)

## EXECUTIVE ORDER EWE-77-10

WHEREAS, there has been long-standing recognition of the fact that there are numerous subjects upon which uniformity of legislation in the various states and territories of the Union is desirable, but which are outside the jurisdiction of the Congress of the United States; and

WHEREAS, the chairman of the first committee on uniformity for state legislation of the American Bar Association in 1889, was an illustrious New Orleans attorney; and

WHEREAS, the State commission for the promotion of uniformity of legislation was created in Louisiana in 1902 and the State of Louisiana since that time, has continuously been represented in the National Conference of Commissioners of Uniform State Laws contributing each year to the support of that conference under its interstate compact programs; and

WHEREAS, it is of continuing importance to the citizens of this state that Louisiana participate in the National Conference of Commissioners on Uniform State Laws and actively examine the subjects upon which uniformity of legislation is desirable.

NOW, THEREFORE, I, EDWIN EDWARDS, by virtue of authority vested in me as Governor of the State of Louisiana, do hereby establish the Board of Commissioners for the Promotion of Uniformity of Legislation in the United States, which Board shall exercise the functions, perform the duties and discharge the obligations hereinafter set forth:

I. The Board shall examine the subjects upon which uniformity of legislation in the various states and territories of the union is desirable, but which are outside the jurisdiction of the Congress of the United States.

II. The Board shall consider and draft uniform laws to be submitted for the approval and adoption by the several states.

III. The Board generally shall devise and recommend such other and further courses of action as shall accomplish uniformity of legislation.

IV. The Board shall confer upon these matters with the Commissioners appointed by other states and territories for the same purposes.

V. The Board shall keep a record of its transactions and shall make a report of its actions and recommendations to the Governor and to the Legislature.

VI. The Board shall be composed of five attorneys and/or members of the Judiciary in the State of Louisiana, to serve at the pleasure of the Governor and without compensation for their services.

Pursuant hereto, I do hereby appoint DeVan D. Daggett, Ben R. Miller, Robert G. Pugh, Wex Malone, and Judge Adrian Duplantier as commissioners of the Board of Commissioners for the Promotion of Uniformity of Legislation in the United States and to represent the State of Louisiana on the National Conference of Commissioners on Uniform State Laws.

I further declare that this executive order shall supercede Executive Order EWE-76-9.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 26th day of July, A.D. 1977.

**EDWIN EDWARDS**  
Governor of Louisiana

## EXECUTIVE ORDER EWE-77-11

WHEREAS, the Congress of the United States has amended the Federal Property and Administrative Services Act of 1949 by Public Law 94-519, enacted October 17, 1976, which said statute is enumerated in the Federal Property Management Regulations by Amendment H to transfer to the states, Federal surplus personal property selected by a state for distribution through donation within the state to any public agency for use in carrying out or promoting for the residents of a given political area, one or more public purposes, such as conservation, economic development, education, parks, recreation, public health, and public safety, or to nonprofit educational or public health institutions or organizations, and for other purposes; and

WHEREAS, Part 101-44 (Title 41, CFR Part 101-44), Donation of Personal Property, has been revised and reissued to conform to the provisions of Public Law 94-519; and

WHEREAS, the General Services Administration of the Executive Branch of the United States government has replaced the Health, Education and Welfare Department as the Federal agency which shall allocate such property among the states in a fair and equitable basis pursuant to criteria based on need and utilization; and

WHEREAS, a temporary plan of operations must be submitted to the General Services Administrator for approval in order for the State to qualify for administration of the program under Public Law 94-519.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority

vested in me by the Constitution and laws of the State, hereby change the name of the "Louisiana Surplus Property Agency" to "Louisiana Federal Property Assistance Agency" so as to identify this new plan of operations and the new Federal personal property program to the eligible donees.

FURTHER, I ORDER, this agency to be responsible for carrying out the provisions of the plan of operations as approved by the General Services Administrator. This agency shall be in the executive branch in the Office of the Governor, the Division of Administration, with the director reporting to the Commissioner of Administration.

FURTHERMORE, the director of the Louisiana Federal Property Assistance Agency, Office of the Governor, shall have and exercise all the functions, powers, duties, authority, and responsibilities enumerated in the new plan of operations, approved by the General Services Administrator, as are and may be necessary to carry out the program in compliance with State and Federal laws and regulations.

In compliance with the provisions of Public Law 94-519, this Executive Order shall become effective on October 17, 1977.

FURTHERMORE, Executive Order EWE-77-9 issued on July 1, 1977, A.D. is hereby rescinded in its entirety.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to have affixed the Great Seal of the State of Louisiana at the Capitol in the City of Baton Rouge, on this 1st day of August, A.D. 1977.

**EDWIN EDWARDS**

**Governor of Louisiana**

## Emergency Rules

### DECLARATION OF EMERGENCY

#### Board of Elementary and Secondary Education

The following emergency policy was adopted by the Board at its regular meeting on July 28, 1977, in response to repeated suggestions from the local educational authorities and the Department of Education in order to extend secondary certification to include the sixth grade level but only in departmentalized situations.

### Rule 3.01.52d

Teachers certified at the secondary level who are teaching in a departmentalized situation shall be allowed to teach at the sixth grade level in their respective areas of certification. This provision shall in no way be applied to the present and/or proposed policies relative to teaching two hours per day out of the field of certification by virtue of completion of twelve hours in a field.

Earl Ingram, Director  
Board of Elementary and  
Secondary Education

### DECLARATION OF EMERGENCY

#### Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, has adopted a policy lowering the age for mandatory work registration of Aid to Families with Dependent Children (AFDC) clients who do not meet specific exemption criteria to sixteen years.

Because the revised policy may affect the eligibility of some current recipients, it has been effected immediately.

This action was taken pursuant to R.S. 49:953 B. Copies of the emergency rule are available for public examination at the Office of the Department of Health and Human Resources, Office of Family Services, 755 North Riverside Mall, Baton Rouge, Louisiana.

#### 15-781 Who Shall be Required to Register for Work at Employment Security (ES)

- A. All applicants and recipients, age sixteen and over, must register for employment as a condition of eligibility for an AFDC payment unless exempt for one of the following reasons:
- (1) The person, age sixteen through twenty, who is enrolled as a full-time student or has been accepted for enrollment as a full-time student for the next school term. School attendance is defined in 15-704.1 A. and verification is as stated in 15-704.1 B. and C.
  - (2) The person is incapacitated, either permanently or temporarily, and for that reason is prevented from entry into employment. When the incapacity is temporary, local office controls shall be set up to register the person when he is no longer incapacitated.  
Incapacity shall be verified and the verification recorded in the case record by the

assistance payments worker. The verification of incapacity may be by worker observation, medical reports, or Form 90. If Form 90 must be obtained to verify incapacity and the local office needs State Office assistance in making a decision, submit Form 90 to Medical Review Team (MRT) as stated in policy 15-766. For authorization of a medical examination and completion of Form 90, issue Form 146 using Code 01. If the Medical Section cannot make a decision unless special tests are made, such tests will be approved by the Medical Section. Complete Form 146 using Code 02 for special tests.

A doctor's statement that the client is incapacitated, shall not be accepted when the local office has evidence which is not in agreement with the statement. In those instances, all pertinent medical and social information shall be sent to State Office for a MRT decision. Specify on Form 90-X or a cover memorandum the reason for the submittal.

If a person claims an incapacity which has to be verified, the person can be included or retained in the certification while incapacity is being verified.

- (3) The person is age sixty-five or older.
- (4) The person is providing caretaker services on a substantially continuous basis to another member of the household who has special medical problems. The need for this person to be a caretaker must be established as well as the condition of the person with the special medical problem.

The presence of the person as a caretaker is required when the medical condition of the ill household member does not permit self-care and there is no exempt person in the household to give the required care. It is the responsibility of the client or the ill person to provide verification of care needed. This verification shall be recorded in the case record. Persons exempted as "needed in the home" shall register for employment when no longer needed in the caretaker role.

- (5) The person is a mother or other caretaker relative of a child under age six or a woman for whom a term of at least four months of pregnancy has expired. The length of pregnancy shall be verified in writing by a licensed physician or medical agency. Persons eligible for exemptions under this paragraph shall be informed that they can

volunteer to register. If the decision is made to register, child care plans shall be discussed, when applicable, and if employed, child care services offered through the social services unit explained.

When there are two or more mothers or caretaker relatives of children under age six in the home, only one such mother or caretaker can be exempt for that reason. The mothers or caretaker relatives shall decide which one will be exempt.

- (6) The person has what is considered full-time employment for his occupation with earnings in excess of work expenses. A thirty-hour work week is considered full-time.

School employees who work nine months and who meet the criteria specified in the above paragraph are exempt from registration. Full-time seasonal workers are exempt from registration if their employment will last at least sixty days after the certification or redetermination and earnings exceed work expenses. When the seasonal work is over, the client no longer meets our exemption criteria.

When a person works less than thirty hours weekly, and less than thirty hours is what is usually worked in the community, and he receives wages usually paid in the community, such person is exempt from registration under this reason.

Work expenses in this exemption refers to the standard deduction, transportation and child care as specified in policy 15-836 B.

- (7) The person lives more than thirty miles (too remote) from the nearest Employment Security office or one itinerant point used by ES or has no transportation available to enable him to register.

All persons sixteen and over who do not meet any of the above exemption requirements must register for work at Employment Security. Since work registration is a condition of eligibility, it is essential that the Assistance Payments (AP) worker determine if any health problems of potential registrants would result in an illness or incapacitation. If the client is over twenty and is enrolled in any type of training at the time of his required registration, the fact of such enrollment does not make the person exempt from work registration, unless he has two years or less of school attendance or training (including college) to complete his curriculum. Work registration is not an eligibility requirement when

two years or less of school attendance or training remains. See 15-790—When Preparation for Suitable Occupation by AFDC Parent(s) is Considered Equivalent to Employment.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

**DECLARATION OF EMERGENCY**

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

The Department of Health and Human Resources, Office of Family Services, has adopted a revised Standard of Need for Aid to Families with Dependent Children (AFDC), which takes into consideration cost of living increases in urban and nonurban areas which have occurred since the last adjustment in 1969.

Because we were advised by the Department of Health, Education and Welfare that the Need Standard must be taken into consideration in determining the eligibility of AFDC applicants, who have earned income, the policy has been effected immediately.

This action was taken pursuant to R.S. 49:953 B. Copies of the emergency rule are available for public examination at the office of the Department of Health and Human Resources, Office of Family Services, 755 N. Riverside Mall, Baton Rouge, Louisiana.

**AFDC Need Standard**

Size of Household	Nonurban	*Urban
1	\$ 93.00	\$100.00
2	177.00	196.00
3	247.00	271.00
4	309.00	335.00
5	366.00	393.00
6	418.00	445.00
7	471.00	497.00
8	523.00	549.00
9	574.00	600.00
10	622.00	648.00
11	675.00	702.00
12	706.00	730.00
13	758.00	779.00
14	794.00	814.00
15	821.00	841.00
16	877.00	904.00
17	924.00	939.00
18	971.00	992.00
	For each additional person in household, add \$43.00 to the standard	For each additional person in household, add \$48.00 to the standard

\*Urban areas include: Orleans, Jefferson, East Baton Rouge and St. Bernard.

The above recommendations are presented to comply with the provisions of Act No. 540 of the 1976 session of the State Legislature. The actual payment levels in AFDC are determined by the size of the respective appropriation, and bears no direct relationship to the need standard.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

**DECLARATION OF EMERGENCY**

**Department of Transportation and Development**

The Louisiana Department of Transportation and Development exercised the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to adopt, effective August 20, 1977, the following rules regarding special permit procedures for movement of oversize and overweight vehicles on the State highway system. These emergency rules will allow for orderly transition from the Louisiana State Police to the Department of Transportation and Development those permit functions required by Act 113 of the Louisiana Legislature of 1977, which became effective upon signature of the Governor on June 22, 1977.

**Rule No. 1**

An oversize special permit shall not be required for the operation of any vehicle, or combination of vehicles, transporting forest products in their natural state whose overall length, including any load thereon, is seventy-five feet or less and provided also that any load on said vehicle(s) shall not extend more than fifteen feet past the rear and maintains a clearance of two feet above the pavement structure.

**Rule No. 2**

Oversize special permits shall be issued by the Department of Transportation and Development without charge to all Federal, State and local governmental agencies, except government-owned utility companies. Such permits may be issued for a period not to exceed six months.

**Rule No. 3**

Overweight special permits shall not be issued without charge by the Department to Federal, State and local governmental agencies. Federal, State and local governmental agencies are required to obtain overweight special permits as required by R.S. 32:387. Federal, State and local governmental agencies are not required to post a

surety bond with the Department in order to purchase special permits on a credit basis.

George A. Fischer, Secretary  
 Department of Transportation  
 and Development

# Rules

## RULES

### Department of Culture, Recreation and Tourism Office of the State Museum

The Louisiana State Museum is responsible for the preservation of historic buildings placed in its care. In order to meet this responsibility the Department of Culture, Recreation and Tourism has adopted the following policy for use of the museum facilities for functions not sponsored by the Louisiana State Museum.

Request for usage of the Louisiana State Museum facilities will be entertained from:

A. Nonprofit organizations whose purposes are simi-

lar to the educational and historical museum purposes of the Louisiana State Museum.

B. Requests from official governmental agencies.

Request from eligible nonprofit corporations and governmental agencies will be considered only for functions numbering less than five hundred and only during the Museum's nonpublic hours.

The Museum Director is authorized to approve usage of the buildings in the policy established above. Requests for usage will be submitted to the Board's Buildings and Grounds Committee that do not clearly come within the policy and the Committee will make a recommendation to the Board for final action.

Procedures:

1. All eligible requests must be submitted at least two months prior to the anticipated function on forms supplied by the Louisiana State Museum.

2. Requests not clearly within the above policy will be submitted to the Buildings and Grounds Committee, which will make a recommendation to the Board for final action.

3. A base charge will be established to cover costs of security, custodial, and utility services required for the function. The Museum may, at its discretion, establish added charges based on the nature of the function.

## RENTAL CHARGES

### Presbytere

	No Refreshments	*With Refreshments
9:00 a.m. - 5:00 p.m.		
Business Meetings, Lectures, Slide Presentations	\$ 50.00	\$ 65.00
After 5:00 p.m.		
Business Meetings, Lectures, Slide Presentations (Minimum based on 1st hour of usage)		
1 - 200 guests	100.00	115.00
201 - 250 guests	115.00	130.00
251 - 300 guests	130.00	145.00
301 - 350 guests	145.00	160.00
351 - 400 guests	160.00	175.00
Each additional ½ hour	50.00	50.00
Receptions	1st floor only	2nd floor
1 - 200 guests	150.00	200.00
201 - 350 guests	200.00	250.00
351 - 500 guests	250.00	300.00
Each additional ½ hour	75.00	50.00

\*The Museum does not provide catering service. Host organizations must make arrangements with caterer of their choice.

## **Cabildo**

In addition to the rates above, an additional fee of \$300.00 will be charged for additional costs involved in preparation and post cleaning, relaying carpets, replacing exhibition material.

If the Museum is required to be closed to the public during normal public hours prior to, during, or after the function, a charge of \$50.00 per hour will be charged to compensate for loss of revenue.

Sandra S. Thompson, Secretary  
Department of Culture,  
Recreation, and Tourism

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## **RULES**

### **Board of Elementary and Secondary Education**

#### **Rule 4.03.01**

(This policy should be substituted for Fiscal Year 77 State Plan presently in effect.)

The Board adopted the Five Year State Plan for Vocational Technical Education as amended.

#### **Rule 4.02.01**

(This policy should be substituted for Fiscal Year 76-77 Title VI Plan presently in effect.)

The Board approved the Amended Annual Program Plan for Special Education Fiscal Year 78 as amended. The Board adopted these policies on July 14, 1977, to become effective on August 20, 1977. The Department of the State Register, in accordance with R.S. 49:954.-1C, has exercised its privilege to omit from the Louisiana Register the text of the rules. The public may inspect these rules at the Board's office, Room 104, Education Building, 646 North Fourth Street, Baton Rouge, Louisiana.

Earl Ingram, Director  
Board of Elementary and  
Secondary Education

## **RULE**

### **Department of Health and Human Resources Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, has adopted revised minimum standards for the licensure of maternity homes.

Copies of the Minimum Requirements for the Licensure of Maternity Homes may be obtained without cost at the following address: Office of Family Services, Planning and Policy Formulation, 755 Riverside Mall, Baton Rouge, Louisiana 70804.

#### **Minimum Requirements for the Licensure of Maternity Homes**

##### **Introduction**

The licensing authority of the Department of Health

and Human Resources, Office of Family Services is established by Act 367 of 1957 as amended (R.S. 46:1401-11), making mandatory the licensing of all child placing agencies, maternity homes, child caring institutions, day care centers caring for ten or more children, and family boarding homes providing care to seven or more children.

The Office of Family Services in fulfilling its responsibility under this statute has adopted Minimum Requirements for the Licensure of Maternity Homes. A maternity home is defined in Act 367 of 1957 as amended, as "any place in which any person, society, agency, corporation, or facility receives, treats or cares for within a period of six months, more than one illegitimately pregnant woman, either before, during or within two weeks after childbirth. The provisions of this definition shall not include women who receive maternity care in the home of a relative within the sixth degree of kindred computed according to civil law, or general or special hospitals in which maternity treatment and care is part of the medical services performed and the care of children only brief and incidental." This definition is presumed not to include foster family homes used by agencies in lieu of group care. These foster family homes would come under regulations governing child placing agencies.

The original application for a license is made on a form provided by the Office of Family Services. A license will be issued for a period of one year unless there is mutual agreement between the Office and the maternity home that it be for a greater or lesser period.

A social services consultant of the Office's staff will prepare a comprehensive study of the home's program, measuring performance in relation to requirements and offering recommendations and suggestions in indicated areas. This report will be made available to the facility for review of facts prior to submission to the Assistant Secretary of the Office of Family Services for a decision on the license. A home has the right to appeal through the court, as provided in the Act, if its license is denied or revoked.

The licensing report is held confidential by the Office but must be released to persons or courts upon request.

A maternity home which is operated in conjunction with other programs subject to license, such as child



caring and/or child placing programs, shall obtain a license for each of its programs.

**I. Organization and Administration.**

**A. Purpose.**

1. There shall be a written statement specifying the purposes of the maternity home. This statement shall be one which has been adopted by the governing body. All the functions of the maternity home shall be stated in its charter, or articles, when the home operates under one of these.
2. It shall be clear from the practices of the home that the purposes for which it was declared to be established are being met.
3. The governing body shall adopt a supplementary statement of any new function which is added to the program of the maternity home.

**B. Governing Body.**

1. There shall be a responsible governing body which shall be one of the following:
  - a. a board of local citizens elected or appointed for that purpose;
  - b. a religious, fraternal, charitable organization, or veteran's organization; or
  - c. a public authority.
2. This governing body shall exercise sufficient authority so that it can reasonably be held responsible for the practices within the maternity home.
3. The governing body shall have the power to appoint or dismiss the executive director and shall carry responsibility for the direction of the program.
4. If the governing body is a national or regional organization and has a local advisory board or committee, minutes of the local group setting forth changes in policies and administrative decisions affecting the local operation shall be made available to the licensing authority.

**C. Administrative Responsibilities.**

1. There shall be one person employed by the governing body to serve as superintendent or executive director. This person shall be responsible for the administration of the maternity home.
2. The agency executive director or superintendent shall be responsible for the direction and supervision of all personnel employed in the maternity home.
3. The duties, responsibilities, and authority of each staff member shall be clearly defined specifying:
  - a. where responsibility and authority rest

for each of his or her functions within the maternity home;

- b. that no responsibility or authority shall conflict with another.
4. The duties, responsibilities, and authority of each Board Committee working directly with staff shall be clearly defined.
  5. The following personnel practices shall be observed:
    - a. The Office of Family Services shall be notified promptly when there is a change of executive director within the period covered by a license. This notification shall include a statement of the qualifications of the new employee.
    - b. Only such staff members who are qualified for the duties assigned by virtue of ability, health, age, emotional stability, education, and experience shall be employed and retained in employment.
    - c. A written statement shall be given to the employee at the time of employment setting forth the duties that will be assigned to him, to whom he is directly responsible, and conditions of employment, including official responsibilities, salary, hours of work, sick leave, retirement benefits, vacations, and the notice he will be expected to give or receive in case of resignation or release.
    - d. No person shall be required to do work in contravention of the labor laws of the State of Louisiana or the United States.
    - e. The governing body of the maternity home shall be encouraged to participate in a retirement plan for the employees. Such coverage may be the home's own retirement plan or Retirement Survivors' and Disability Insurance.

**D. Resources.**

1. The maternity home shall prepare an annual budget adequate to finance the program. The budget shall be prepared for the maternity home's fiscal year and shall clearly indicate all sources of income as well as anticipated expenditures.
2. The maternity home partially dependent on board payments to carry out its functions shall have sufficient funds available to continue care until other plans can be

- made for residents should contributions cease.
3. The governing body shall not assign to the personnel of the maternity home the responsibility for fund raising.
  4. Soliciting funds shall be the responsibility of the governing body or of a special officer appointed for this purpose.
- E. Auditing of Accounts.  
The accounts of the maternity home shall be audited annually by an independent certified public accountant or by a public authority.
- F. Personnel Plan.
1. An executive director shall be employed whose qualifications include a basic year's training in an accredited school of social work, or three years of successful experience in a recognized social agency, or five years successful experience in closely allied fields such as nursing, education, or ministry.
  2. A caseworker shall be employed who meets the following qualifications: completion of one basic year in an accredited school of social work and one year of experience in a family or children's agency. The experience may be waived if the facility employs a casework supervisor with the same qualifications as the supervisor in a child placing agency.
  3. A case aide or aides may be employed with the following qualifications: a B.A. or B.S. degree in social work or a related field. This person shall be closely supervised by the casework supervisor.
  4. A full-time resident staff person shall be employed when the superintendent does not live at the home. The resident staff person's qualifications shall include: a. a high school education; b. at least two years successful experience in allied fields such as practical nursing, household management, housemother experience; c. an ability to accept and work with expectant mothers; d. an ability to supervise assistant resident staff persons; and e. be over the age of twenty-one.
  5. Assistant staff person, with the following qualifications, shall be employed when the population requires it: a. a high school education; b. an ability to accept and work with expectant mothers; and c. be over the age of twenty-one.
  6. There shall be on call at all times an employee who is a graduate nurse or a practical nurse.
    - a. The graduate nurse must have a current license to practice nursing in the State of Louisiana.
    - b. The practical nurse must have a current license to practice in the State of Louisiana.
7. Sufficient clerical staff shall be employed to keep correspondence, records, book-keeping system, and files current and in good order. Expectant mothers receiving care in the maternity home shall not be used in this capacity. Clerical staff shall be selected in relation to ability to understand the confidentiality of the work and to respect the program.
  8. Sufficient domestic staff shall be employed so that the major and heavy household duties are not assigned to the expectant mothers or become the duties of the resident staff person. Domestic staff shall be selected in relation to ability to understand the confidentiality of the work and to respect the program.
  9. All employees living or working within an institution shall be required to obtain a written statement from a physician certifying that the employee is free from venereal disease, tuberculosis, and other infectious or contagious disease. This statement shall be obtained prior to employment, or immediately thereafter and annually during employment.
  10. Resident staff shall be provided with quarters which insure reasonable privacy and rest during hours off duty. In addition, provision shall be made for personal belongings and bathing and toilet facilities separate from those used by expectant mothers.
  11. Foster homes which are used in lieu of a congregate home shall meet the standards outlined for foster homes in "Minimum Requirements for License of Child Placing Agencies," published by the Office of Family Services.
- G. Staff.
1. There shall be on duty at all times one adult serving in the capacity of resident staff. In addition, an alternate person shall be on call. There shall be one adult on the staff designated as the assistant to the resident staff who will also serve as relief resident staff.
  2. In small maternity homes, it may be necessary for one employee to serve in more than one capacity. When this practice

is followed, the employee shall be well qualified by training and experience for the different duties assigned.

## II. Ethical Practices.

The following code of professional ethics shall be observed:

- A. Respect for the confidential nature of information provided by the expectant mother and other agencies. Divulging identifying information about the expectant mother or her baby to anyone other than professional social casework staff and judicial agencies is prohibited. Information may be provided to other social casework staff and judicial agencies only when necessary for planning for the mother or the baby's welfare. Information about the mother may be given to other professional persons such as physicians or attorneys with the mother's written permission.
- B. Honesty in all dealings with expectant mothers, with other organizations and the public, including the keeping of agreements made with each.
- C. The fulfilling of any responsibility accepted by the maternity home from courts of law.
- D. Utilizing funds for the stated purposes of the maternity home.
- E. Honoring contracts and prompt payment of bills.

## III. Social Services.

A social study shall be completed for every expectant mother accepted for care by the maternity home. The social study shall be completed by a caseworker on the maternity home's staff or by a caseworker of the referring agency. When she is accepted through correspondence or on an emergency basis, the expectant mother shall be interviewed by the maternity home caseworker within a week after arrival. An immediate interview, however, is preferable.

### A. Intake.

1. The intake study shall include social information establishing that the expectant mother is in need of the services of the maternity home.
2. The following identifying information is essential: name, date of birth, nationality, religion, education, occupation, health history, physical appearance of mother, marital status, and home address.
3. The social worker shall discuss with the expectant mother the following:
  - a. the regulations of the maternity home and her responsibilities;
  - b. the services available to her through the maternity home and community;
  - c. agreement that while she is in the care

of the maternity home she may plan either to keep or to release her baby. The narrative record shall clearly show that a full discussion was held with the expectant mother regarding alternatives. The expectant mother should understand that should she not surrender her child to the home, the home will release the child only to the mother or to a licensed agency.

4. The agreement shall be in writing when a charge for care is made.

### B. Continuing Casework.

1. Following admission, the social worker shall counsel with the expectant mother as often as her individual needs require. The caseworker will begin to establish a relationship in order to gain an understanding of the expectant mother's total situation and the meaning of the pregnancy for the expectant mother.
2. Interviewing shall be focused on the expectant mother's individual problems and on plans for the baby. In general, the treatment plan will be focused on preparing the expectant mother for a return to useful community life and providing her with information regarding the resources available in her local community.
3. The decision to surrender or take her baby should be made by the mother before, or at the time of, discharge. Should the expectant mother desire postponement of her decision regarding surrender, the consideration of allowing more time shall be made on an individual basis by the social worker. In any event, adequate discharge plans shall be made.
4. The social worker shall know at the time of discharge what plans the expectant mother has for living arrangements, employment, or school. It is the social worker's responsibility to assist the expectant mother directly or through referral to other agencies when she needs help in these areas.

### C. Records.

A narrative record shall be maintained which incorporates the information required in A. and B. of this section. Copies of correspondence, agreements, and other forms shall be filed in this folder. The confidential nature of these records shall be respected, and these records are for the use of professional casework staff only. Social records shall be accessible only to the appropriate staff and shall be maintained in locked files.

#### IV. Care in the Home.

##### A. Health Aspects.

1. Responsibility for the health supervision of the maternity home shall be placed in a licensed physician or a group of licensed physicians appointed by the governing body. A physician shall approve written procedures governing the following: a. medications and treatment that may be given without specific orders from a licensed physician or by a physician designated by him; b. circumstances under which a physician shall be called; c. action to be taken in case of emergency; d. a special diet if required; and e. household tasks that may be required. The physician shall review annually the health practices within the maternity home and certify in writing that they meet the licensing requirements.
2. Unless the maternity home requires, prior to admission, a statement from a physician that the expectant mother is free from communicable diseases, the maternity home shall have an isolation facility available. The expectant mother admitted without the statement from the physician shall be placed in isolation until she has had a complete physical examination to determine her freedom from communicable diseases.
3. The expectant mother shall be placed immediately under medical supervision. She shall have a physical examination within a week after admission to the home and at least monthly prior to confinement and before discharge. Should she leave the home before she is medically discharged, this fact shall be recorded on her medical record.
4. Nourishing food, attractively served, shall be provided. The diet shall be planned in consultation with a nurse, or if a special diet, the physician in charge. Necessary changes in diet prescribed in individual cases by the physician shall be followed.
5. A complete medical record shall be maintained on each expectant mother when she delivers at the maternity home. The caseworker or nurse is responsible for maintaining a record for each expectant mother who delivers in public or private hospitals. This record shall contain dates of visits to the medical facility and a summary of medical consultation. Delivery information on the infant shall be recorded. These records shall be maintained in locked files.

6. When an infant is admitted for care into the home's nursery, all standards for child caring institutions apply.

##### B. Program.

###### 1. Regulations.

- a. The regulations of the maternity home shall not infringe on the expectant mother's privilege of writing and receiving uncensored mail and visits from her family.
- b. The same food shall be served to the staff and expectant mothers when they dine together, except when special diets must be prepared for any of the expectant mothers.
- c. A mother who wishes to give personal attention to her baby, such as bathing and feeding, shall be permitted to do so.
- d. An expectant mother shall be allowed a choice of duties, insofar as possible.

###### 2. Recreation.

A recreational program shall be provided which will meet the individual needs of the expectant mothers. This program shall consist of a well-stocked library, magazines, newspapers, games, radio or television, piano, and record players. It is desirable to encourage arts and crafts with proper leadership. There shall be provision for outdoor activities. The yard should provide for privacy and be equipped with comfortable outdoor furniture. Expectant mothers interested in community activities should be encouraged to participate.

###### 3. Education.

Every effort shall be made to arrange continued education for girls under sixteen and for older girls whose schooling has been interrupted. Vocational training when appropriate should be encouraged. Household duties should have an educational value.

###### 4. Religion.

Expectant mothers shall have the privilege of attending the church of their choice. Religious services should be available in the maternity home to those expectant mothers wishing to attend. An expectant mother wishing consultation with her pastor shall be provided the opportunity.

#### V. Plant and Equipment.

##### A. Maintenance.

The building, grounds, and equipment shall be kept clean and in good repair.

##### B. Location.

Local zoning ordinances should be followed.

C. Allocation of Space.

1. The room assigned expectant mothers shall be clean, airy, and inviting. Each expectant mother shall have a separate bed, and there shall be at least four feet between beds. Each expectant mother shall have adequate closet and drawer space for personal possessions in the room assigned to her. There shall be toilet and bath facilities available in the ratio of one to six expectant mothers. Any maternity home established or rebuilt shall be designed for a maximum of not more than four girls to a room.
2. A recreation room for the exclusive use of the expectant mothers shall be provided.
3. A room insuring privacy where expectant mothers can visit with their families shall be provided.
4. An isolation room and bath for expectant mothers admitted prior to examination for communicable diseases shall be provided.
5. When facilities for delivery are provided in the maternity home, separate and properly equipped quarters approved by the home's physician shall be provided.
6. When the home has facilities for delivery, a recovery room shall be provided on the same floor as the delivery room unless an elevator is available.
7. Separate, private offices shall be provided for the casework staff when the offices are housed in the maternity home. Facilities for the use of a private telephone should be provided.
8. Living quarters separate from those occupied by the expectant mothers shall be provided for auxiliary staff (nursery attendants, domestic staff, and maintenance staff), if they are required to live in.

D. Safety Aspects.

All requirements of the local and State fire prevention and health authorities shall be met. An annual inspection by each of these authorities shall be requested by a designated authority of the maternity home and the report shall be submitted to the Office of Family Services.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

**RULE**

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

The Department of Health and Human Resources, Office of Family Services, has adopted the following definitions for the levels of nursing care provided by a Skilled Nursing Facility (SNF), an Intermediate Care Facility I (ICF I) and an Intermediate Care Facility II (ICF II). These revisions will allow the Medical Assistance Program to comply with Federal regulations (45 CFR 245.10(b)(4)(i)) which require a common definition of skilled nursing care for the Medicare and Medicaid Programs. These regulations broaden the interpretation and application of the skilled level of care.

Skilled Nursing Facility Services Level of Care is skilled nursing and/or rehabilitation services ordered by and under the direction of a licensed physician which are needed on a daily basis and required to be provided on an inpatient basis and which can be provided only by or under the supervision of professional personnel, including registered nurse or licensed practical nurse on a continuous basis over a twenty-four-hour period and seven-day registered nurse services and/or supervision. Such services include specific skilled and/or rehabilitation services, skilled supervision and management of a complicated or extensive plan of care instituted by a physician; or skilled observation, assessment and monitoring of a complicated or unstable condition, or of the progress of a rehabilitation program; or skilled evaluation of the proper maintenance therapy for chronic ongoing illnesses.

Intermediate Care Facility Services I Level of Care is basic nursing care and services ordered by and under the direction of a licensed physician which are needed in an institutional setting and which can be provided by and under the supervision of a registered nurse or licensed practical nurse on a continuous basis over a twenty-four-hour period, for those individuals who do not require the degree of care and treatment provided in a skilled nursing facility.

Intermediate Care Facility Services II Level of Care is primarily supervised personal care and health related services ordered by and under the direction of a licensed physician which are required in an institutional setting and which usually can be provided by trained aides and orderlies under the supervision of a licensed practical nurse during twelve-hour daytime span with registered nurse consultation.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

## RULE

### Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, has adopted policy and procedural changes that will allow payment for physician services under the following limitations:

(1) Up to twelve outpatient physician visits per calendar year with provisions for extension if medically approved. Payment will actually be made for up to fifteen visits before a claim is rejected. This will allow claims which were in process at the time the medical eligibility card was issued.

(2) Up to fifteen inpatient hospital visits including admission visits in any calendar year when the recipient is hospitalized without surgery with provision for extension if medically necessary.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

## RULE

### Department of Natural Resources Office of Conservation

#### Statewide Order No. 29-N

Pursuant to power delegated under the laws of the State of Louisiana, and particularly Title 30 of Revised Statutes of 1950, as amended by 30:1D, 3 (c) (1) and 4C (16), adopted by the Legislature as Act 122 of 1976; and after a hearing held under Docket No. 77-501 in Baton Rouge, Louisiana, on July 5, 1977, following publication of notice as required by the Administrative Procedures Act, Title 49, Sections 951 through 968 of the Revised Statutes of 1950, as amended, the following rules and regulations are promulgated by the Commissioner of Conservation as being reasonably necessary to govern waste disposal wells used for the injection into the subsurface of waste or waste products and otherwise carry out the provisions of the laws of this State.

#### Findings

The Commissioner of Conservation finds as follows:

1. That rules and regulations should be established to govern waste disposal wells used for the injection into the subsurface of waste or waste products as well as the regulation of the surface and storage facilities at the injection site and that sections 1 through 16 below are reasonable and will carry out the purpose and intent of the laws of this State:

#### Section 1.0. Purpose and Scope

The rules and regulations as stated herein apply to waste disposal wells used for the injection into the

subsurface of waste or waste products as defined below and in applicable laws, but shall not apply to the disposal of brine fluids associated with the production of oil and gas, to radioactive or nuclear waste disposal activities, storage, or geothermal wells.

#### Section 2.0. Definitions

The words defined in this Section have the following meaning where used in these rules and regulations:

(1) Aquifer: A formation, group of formations, or a part of a formation that contains sufficient saturated material to yield economically significant quantities of water to wells.

(2) Commissioner: The Commissioner of Conservation of the State of Louisiana or his designated representative.

(3) Contamination: Any introduction into water of microorganisms, chemicals, wastes, or waste-fluids that makes the water unfit for its intended use.

(4) Casing: A tubular retaining structure, generally metal, which is used to isolate strata between the earth's surface and deepest depth at which the base of the casing is set.

(5) Fresh water: Water having total dissolved solids less than one thousand milligrams per liter.

(6) Pollution: A condition created by harmful or objectionable material in water.

(7) Static fluid level: The nonpumping water level in a well as maintained by the defined fluid in the well, which has not been in operation for a stated period of time.

(8) Underground drinking water source: An aquifer which supplies a source of drinking water or an aquifer which contains water having less than ten thousand milligrams per liter total dissolved solids, unless otherwise designated as not requiring protection after public hearing.

(9) Waste or waste product: Any liquid, sludge, effluent, semiliquid, or other substance resulting from any process, whether manufacturing or otherwise.

#### Section 3.0. Effective Date

Any waste disposal well permitted on and after August 20, 1977, shall be permitted and constructed in accordance with the rules and regulations stated herein and, for the purpose of these regulations, be known as a new well. Waste disposal wells and associated activities, which are permitted before the effective date of the rules and regulations, as stated herein, shall continue to operate in accordance with the provisions of the permit previously approved by the Commissioner and in accordance with the provisions of Section 4.0. hereof.

#### Section 4.0. Wells Permitted

##### Prior to Effective Date

Not more than five years after the effective date of

these regulations and upon receipt of notification from the Commissioner the owner or operator of a waste disposal well permitted prior to the effective date shall provide, within ninety days, the information required to assure that the well and related facilities are in compliance with the rules and regulations as stated herein for new waste disposal wells. If such assurance cannot be provided by the owner or operator of such wells the owner or operator shall either:

- (1) Obtain an approved variance for the well and related facilities as required in Section 16.0.
- (2) Submit a compliance implementation schedule acceptable to the Commissioner so as to bring the disposal well and related facilities into compliance with these regulations no later than five years from the effective date of the regulations.

#### Section 5.0. Application Procedures

(1) The application shall be filed in duplicate with the local district office of the Office of Conservation. At the same time, a copy of the application shall be sent to the Louisiana Office of Health Services and Environmental Quality, Bureau of Environmental Services, whose address is Office of Health Services and Environmental Quality, Bureau of Environmental Services, 325 Loyola Street, Post Office Box 60603, New Orleans, Louisiana 70160.

(2) The application shall be processed by the district office and if satisfactory, be forwarded to the Commissioner, who shall review the application along with supporting data, obtain an evaluation from the Louisiana Office of Health Services and Environmental Quality, require reasonable security bond or proof of financial responsibility for the construction and operation of a waste disposal well, and take any other action needed to make a decision.

(3) Within forty-five days after the application is received a letter shall be sent by the Commissioner to the district manager indicating approval or disapproval. If disapproved, a reason for denial of application shall be given. The district manager shall immediately notify the applicant of approval or disapproval.

(4) When an application is approved, final approval for the completion of the well in the injection zone or zones shall be given upon receipt of and review of the electrical or induction log of the waste disposal well, the casing program with packer setting, and the initial measured static fluid level, in feet, with respect to land surface datum or mean sea level.

(5) Upon completion and recompletion of a well, Conservation Form WH and Casing Test Form CSG-T shall be filed with the Commissioner of Conservation.

#### Section 6.0. Application Requirements

An application for a permit for a new well shall include the following information. The requirements for

a recompleted well that will inject into a zone that is different than that previously approved are given in Section 11.0., Recompleted Wells.

(1) The name and address of the owner and the operator of the proposed injection facility.

(2) A plan showing the location of (a) the well, (b) all related surface facilities, and (c) property boundaries.

(3) An electrical or induction log of a nearby hole or well showing the proposed injection zone.

(4) Listing of other operating wells, within two miles, injecting waste into the proposed injection zone. (Note: The Commissioner of Conservation may, if necessary, request the construction data for the nearby wells from their operators.)

(5) A description of the hydrology and geology of the area, including information on the vertical and lateral (within a two-mile radius of the injection well) limits of zones containing water with a total dissolved solids of three thousand milligrams per liter and ten thousand milligrams per liter and other information that illustrates the general lithology and geological structural features of the area.

(6) Description of chemical, physical, and biological properties and characteristics of fluid to be injected.

(7) Volume, injection rate, and calculated injection pressure of fluid to be injected.

(8) Contingency plans designed to cope with all shut-ins or well failures in order to prevent contamination of underground drinking water sources and pollution of water courses. These plans shall include a listing of alternative disposal practices.

(9) Well construction data that shall include (a) diameter of hole and total depth of hole and well, (b) type, size, weight, and strength of all casing and tubing, (c) proposed cementing procedures, (d) proposed formation testing procedures, and (e) proposed injection procedures. (Note: The State of Louisiana's requirements for casing and cementing are in Section 9.0., Well Construction). A schematic drawing of the well shall be submitted with the application.

(10) Where reasonable justification exists, the Commissioner has the option to require additional data that will assist in evaluating the application. Examples of additional data that may be required are a map showing the location of water wells; surface bodies of water; oil, gas, exploratory, or test wells; other waste disposal wells; mines, and quarries and other pertinent surface features, including residences, roads, outcrops, and faults and fractures within a two-mile radius of the injection operation.

(11) A certified copy of public notice as published in parish and State Journals. (See Section 7.0.)

#### Section 7.0. Public Notices and Hearings

The applicant shall publish in a form prescribed by the Commissioner in the Official State Journal and in