CONTENTS November 2019

I. EMERGENCY RULES
   Education
   Board of Elementary and Secondary Education—Bulletin 746—Louisiana Standards for State Certification of School Personnel (Part CXXXI.203) ................................................................. 1571

Governor
   Boxing and Wrestling Commission—Boxing and Wrestling Standards—Class B Licensing (LAC 46:I.525) ... 1572

Health
   Bureau of Health Services Financing—Abortion Facilities—Licensing Standards (LAC 48:I.4431) ............... 1572
   Pharmacy Benefits Management Program—Pharmacy Copayment (LAC 50:XXIX.111) .......................... 1575
   Office of Public Health—Registration of Foods, Drugs, Cosmetics and Prophylactic Devices (LAC 49:I.Chapter 5 and LAC 51:VI.301) .......................................................... 1575

Public Safety and Corrections
   Uniform Construction Code Council—Temporary Exemption to Certification Requirement (LAC 55:VI.901) .... 1578

Wildlife and Fisheries
   Modification of the 2019 Private Recreational Red Snapper Season—Veteran’s Day .................................. 1579

II. RULES
   Governor
   Capital Area Ground Water Conservation Commission—Pumpage Fees (LAC 56:V.1107) ............................ 1580
   Coastal Protection and Restoration Authority—Coastal Mineral Agreements (LAC 43:XXXI.Chapter 2) ........ 1580
   Department of Veterans Affairs—Commission; Educational Aid; Veterans Homes; Assistance Fund (LAC 4:VII.Chapter 9) ............................................................... 1587
   Division of Administration, Racing Commission—Ambulance (LAC 35:III.5713) ......................................... 1593
   Pick Five or Pick Six (LAC 35:XIII.11001 and 11003) ................................................................. 1593
   Pick N (LAC 35:XIII.Chapter 116) ........................................ 1594

Department of Health
   Bureau of Health Services Financing—Applied Behavior Analysis-Based Therapy Services Reimbursement Methodology (LAC 50:XXV.703) .......................................................... 1597
   Ground Ambulance Provider Fees and Enhanced Reimbursements for Qualifying Ground Ambulance Service Providers (LAC 48.I.4001 and 50.XXVII.331) .......................... 1597
   Inpatient Hospital Services—Reimbursement Methodology—Outlier Pool Rate Increase (LAC 50:V.954) .. 1599

Natural Resources
   Office of Conservation—Fees (LAC 43:IX.Chapter 7) ........................................................................ 1599
   Statewide Order No. 29-B (LAC 43:IX.501, 507, and 519) ..................................................................... 1600

Public Safety and Corrections
   Office of Motor Vehicles—Driving Schools (LAC 55:III.143-159) ............................................................. 1602
   Office of State Police—Towing, Recovery, and Storage (LAC 55:I.1907) ................................................ 1604
   Office of the State Fire Marshal—Fireworks (LAC 55:V.Chapter 19) ....................................................... 1605

Revenue
   Policy Services Division—Prescription of Refunds Claimed Pursuant to the Federal Combat-Injured Veterans Tax Fairness Act of 2016 (LAC 61:I.4914) ........................................... 1606

III. NOTICES OF INTENT
   Education
   Board of Elementary and Secondary Education—Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.203) ......................................................... 1609
   Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act (LAC 28:XLIII.101, 153, 450, 508, 904, 1101, 1153, 1508, and 1511) ........................................ 1610

This public document was published at a total cost of $1,365. Two hundred fifty copies of this public document were published in this monthly printing at a cost of $1,365. The total cost of all printings of this document including reprints is $1,365. This document was published by Moran Printing, Inc. 5425 Florida Boulevard, Baton Rouge, LA 70806, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-971 and R.S. 49:981-999. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

The Office of the State Register provides auxiliary aids for the Louisiana Register for visually impaired individuals. By appointment, oral presentation of the Louisiana Register is available at the Office of the State Register, or an audio cd of requested sections of the Louisiana Register can be provided for the production cost incurred. For more information contact the Office of the State Register.
Governor
Used Motor Vehicle Commission—(LAC 46:V.2701, 2801, 2901-2907, 3101, 3701, 3901, 4301, 4401-4405, 4501, and 4701-4710) ........................................................................................................... 1613

Health
Board of Nursing—Officers of the Board and Meetings of the Board (LAC 46:XLVII.3303 and 3307) .......................................................... 1619
Board of Pharmacy—Cannabis Metered-Dose Inhaler (LAC 46:LIII.2443) ........................................................................................................... 1621
Continuing Education Records (LAC 46:LIII.507) ................................................................................................................................. 1622
Controlled Substance License for Third Party Logistics Providers (LAC 46:LIII.Chapter 27) ................................................................. 1624
Correctional Center Pharmacy (LAC 46:LIII.Chapter 18 and 2303) ............................................................................................................... 1628
Delays of Licensure Examinations (LAC 46:LIII.503 and 903) .................................................................................................................... 1632
Drug Disposal by Pharmacies (LAC 46:LIII.1503, 1519, 2503, 2517, 2701, and 2749) ................................................................. 1635
Investigational Drugs (LAC 46:LIII.1529 and 2505) ................................................................................................................................. 1638
License Transfer for Pharmacy Technicians (LAC 46:LIII.903 and 905) .................................................................................................. 1640
Licensing of Marijuana Pharmacies (LAC 46:LIII.2447) ............................................................................................................................. 1642
Partial Fills of Schedule II Prescriptions (LAC 46:LIII.2747) ........................................................................................................................ 1644
Pharmacy Compounding (LAC 46:LIII.2535) .............................................................................................................................................. 1646
Pharmacy Immunizations (LAC 46:LIII.521) .............................................................................................................................................. 1647
Pharmacy Records (LAC 46:LIII.Chapters 11, 15, 17, and 25) .................................................................................................................... 1649
Rulemaking Procedures (LAC 46:LIII.113) ...................................................................................................................................................... 1658
Telepharmacy Dispensing Sites (LAC 46:LIII.2425) ................................................................................................................................. 1659
Veterinary Hospital Pharmacy (LAC 46:LIII.1503 and 1517) .................................................................................................................... 1661

Bureau of Health Services Financing—Federa1ly Qualified Health Centers—Reimbursement Methodology
Mammography Separate Payments (LAC 50:XI.10703) ................................................................................................................................. 1663
Home and Community-Based Behavioral—Health Services Waiver—Coordinated System of Care
Discharge Criteria (LAC 50:XXXIII.8101 and 8103) ................................................................................................................................. 1665
Pregnant Women Extended Services—Substance Use Screening and Intervention Services
Tobacco Cessation (LAC 50: XV. Chapter 163) ................................................................................................................................. 1666
Rural Health Clinics—Reimbursement Methodology—Mammography Separate Payments
(LAC 50:XI.16703) .................................................................................................................................................................................... 1668
School-Based Health Services—School-Based Applied Behavior Analysis-Based Therapy Services
(LAC 50: XV.9541 and XXXIII.Chapters 41-45) ................................................................................................................................. 1670
Office of Behavioral Health—Home and Community-Based Behavioral—Health Services Waiver
Coordinated System of Care Discharge Criteria (LAC 50:XXXIII.8101 and 8103) ............................................................................... 1665
School-Based Health Services—School-Based Applied Behavior Analysis-Based Therapy Services
(LAC 50: XV.9541 and XXXIII.Chapters 41-45) ................................................................................................................................. 1670

Insurance
Office of the Commissioner—Regulation 116—Stop-Loss or Excess Policies of Insurance (LAC 37:XIII. Chapter 169) ................................................................................................................................. 1672

Public Safety and Corrections
Board of Pardons—Committee Procedures (LAC 22:XI.504) ................................................................................................................................. 1676
Committee on Parole—Committee Procedures (LAC 22:XI.504) ................................................................................................................................. 1676
Office of the State Fire Marshal, Uniform Construction Code Council—Temporary Exemption to Certification Requirements (LAC 55:VI.901) ................................................................................................................................. 1677

Transportation and Development
Office of Engineering—Louisiana Transportation Research Center (LTRC)—Transportation Training and Education Fund (LAC 70:XXVII.101) ................................................................................................................................. 1678

Treasury
Office of the Treasurer—Fiscal Administrator Revolving Loan Fund (LAC 71:IX.Chapter 1) ................................................................................................. 1680

Wildlife and Fisheries
Wildlife and Fisheries Commission—Restriction of All Oyster Harvesting on Four New Reefs (LAC 76:VII.537) .................................................................................................................................................................................. 1683

IV. COMMITTEE REPORT
House of Representative
Committee on Ways and Means—Proposed Emergency Rule—CBD Product Public Safety Regulations .............. 1685

V. POTPOURRI
Agriculture and Forestry
Agricultural Chemistry and Seed Commission—Notice of Public Hearing—Substantive Changes to Proposed Rule: Agricultural Chemistry and Seed Commission—Industrial Hemp (LAC 7:XIII.Chapter 13) ................................................................................................................................. 1686
Board of Veterinary Medicine—Board Nominations, Meeting Dates, and Scheduled Exams ........................................................................ 1690

Civil Service
Board of Ethics—Notice of Public Hearing.............................................................................................................................................. 1691
building, and to remove the obsolete fund authorized account agents and fund accounting processes which are now inoperable, due to the closure of the fund checking account and implementation of the current LaGov processes which are systematically in place to cover all fund expenditures.

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 as a result of this proposed amendments to the rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of this proposed amended rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of this proposed amendments to the rule.

Shawn Wilson, Ph.D. John D. Carpenter
Secretary Legislative Fiscal Officer
1911#006 Legislative Fiscal Office

NOTICE OF INTENT
Department of Treasury
Office of the Treasurer

Fiscal Administrator Revolving Loan Fund
(LAC 71:IX.Chapter 1)

In accordance with R.S. 39:1357 and the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that rulemaking procedures have been initiated by the Department of Treasury, Office of the Treasurer, to promulgate §101 Definitions, §103 Restricted Use of Funds, §105 Process for Obtaining Loan from the Fund, and §107 Loan Conditions and Repayment in Title 71 (Treasury—Public Funds), Part IX (State Assistance to Local Government) of the Administrative Code.

The proposed Rule applies to requests for loans by political subdivisions from the Fiscal Administrator Revolving Loan Fund for costs and expenses associated with fiscal administration. The proposed Rule will permanently implement the emergency rules implemented by the Treasurer on October 1, 2019. The proposed rules will define the restricted used of the Fiscal Administrator Revolving Loan Fund created by R.S. 39:1357, provide for the application process and the documents that political subdivisions must follow to obtain loans from the Fiscal Administrator Revolving Loan Fund, and the requirements for repayment of approved loans.

Title 71
TREASURY—PUBLIC FUNDS
Part IX. State Assistance to Local Government
Chapter 1. Fiscal Administrator Revolving Loan Fund

§101. Definitions
A. For the purpose of this Chapter, the following shall mean:

Application—formal request for a loan from the fund for the payment of fiscal administration costs.
Court—the state district court ordering the independent fiscal administration of the political subdivision and appointment of a fiscal administrator pursuant to R.S. 39:1351, et seq.
Estimated Costs—the estimated costs and expenses associated with the independent fiscal administration of the political subdivision, including, but not limited to, all costs and expenses incurred by the fiscal administrator, the legislative auditor, the attorney general, the state treasurer, and any other persons engaged in connection with the independent fiscal administration.
Fiscal Administration Costs—the actual costs and expenses associated with the independent fiscal administration of the political subdivision, including, but not limited to, all costs and expenses incurred by the fiscal administrator, the legislative auditor, the attorney general, the state treasurer, and any other persons engaged in connection with the independent fiscal administration.
Fiscal Administrator—the court appointed fiscal administrator pursuant to R.S. 39:1351, et seq.
Fund—the fiscal administrator revolving loan fund, as established in R.S. 39:1357.
Loan—maximum principal amount authorized to the political subdivision from the fund through a loan agreement to the department of treasury for the sole purpose of paying fiscal administration costs.
Loan Agreement—the executed evidence of indebtedness of the political subdivision to repay the loan from the fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1357.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Office of the Treasurer, LR 46:
§103. Restricted Use of Funds
A. The monies within the fund shall only be used for the purpose of paying the costs and expenses associated with the independent fiscal administration of the political subdivision. Such costs and expenses shall include, but not be limited to, all costs and expenses incurred by the fiscal administrator, the legislative auditor, the attorney general, the state treasurer, and any other persons engaged in connection with the independent fiscal administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1357.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Office of the Treasurer, LR 46:
§105. Process for Obtaining Loan from the Fund
A. After passing the resolution or ordinance as described in R.S. 39:1357(E) and (F), the political subdivision shall transmit an application to the legislative auditor. The application shall be in the form established by the department of treasury.
B. Such application should contain the following:
   1. name of the public entity, including:
      a. names of chief administrative officer and board/council members;
      b. physical address;
      c. mailing address;
      d. email of chief administrative officer; and
      e. phone number.
2. name of fiscal administrator, including:
   a. physical address;
   b. mailing address;
   c. email;
   d. phone number;
   e. date of appointment; and
   f. certified copy of court order appointing fiscal administrator.
3. a copy of the written report required to be prepared under R.S. 39:1352(B)(1). In the event that the written report has not yet been prepared or was prepared more than a year prior to the application, the application shall contain an estimate of the revenues and expenditures of the political subdivision for the remainder of its current fiscal year and the following fiscal year.
4. current budget of the political subdivision with projected expenditures to fiscal year end;
5. financial statements of the political subdivision;
6. a list of current creditors showing existing balances and payment schedules;
7. a list of assets not identified in financial statements;
8. a list of insurance policies, including insurance company name, policy numbers, and type of insurance;
9. sources of funds and evidence of ability to repay the loan requested by this application;
10. anticipated date for end of fiscal administration;
11. the estimated costs as determined by the political subdivision and fiscal administrator; and
12. the requested maximum principal amount of loan.
C. The legislative auditor in its review and approval of the application shall ensure all financial information is included in the application.
D. Upon approval of the application, the legislative auditor shall forward the application to the state treasurer and attorney general for their review and approval.
E. Upon receiving the approval of the application from the legislative auditor, state treasurer, and attorney general, the attorney general shall file a motion to approve the application with the court.
F. Following issuance of an order by the court approving the political subdivision’s application, the political subdivision shall submit, in addition to the requirements of the state bond commission, the following to the state bond commission for its review and approval:
   1. the application;
   2. a copy of the approvals of the state treasurer, attorney general, legislative auditor, and fiscal administrator;
   3. a certified copy of the court order approving the application;
   4. a draft of the proposed loan agreement to secure repayment of the loan from the fund;
   5. proof of publication of the resolution or ordinance in the official journal of the political subdivision as required in R.S. 39:1357(F); and
   6. a copy of a resolution or ordinance adopted by the political subdivision authorizing the fiscal administrator to execute a loan agreement with the department of treasury on behalf of the political subdivision for a loan from the fund setting forth the following:
      a. maximum principal amount under the loan;
      b. maximum interest rate;
      c. maximum term of the loan;
      d. repayment schedule of the loan;
      e. security for the loan, if any;
      f. any redemption features of the loan agreement, including a maximum redemption premium, if any.
G. Upon approval from the state bond commission, the fiscal administrator on behalf of the political subdivision shall execute a loan agreement with the department of treasury containing the details set forth in the application and the adopted resolution or ordinance.
H. Payments from the fund shall be made by the department of treasury upon receipt of invoices from the fiscal administrator, approved by the legislative auditor. Such payments shall not exceed the maximum principal amount as established in the loan agreement.
I. Payments from the fund shall be made in the order of approval by the bond commission, absent circumstances where the department of treasury determines that an emergency exists or where the fiscal review committee has adopted a motion prioritizing payments from the fund.

§107. Loan Conditions and Repayment
A. Each loan shall be evidenced by a loan agreement on a form prescribed or approved by the department of treasury. The interest rate on each loan shall be established by the department of treasury and shall be an interest rate that is less than or equal to the market interest rate.
B. The political subdivision shall tender payments to the department of treasury in accordance with the repayment schedule set forth in the loan agreement.
C. The department of treasury may by suit, action, mandamus, or other proceedings, protect and enforce any covenant relating to and the security provided in connection with any indebtedness issued pursuant to R.S. 39:1357, and may by suit, action, mandamus, or other proceedings enforce and compel performance of all of the duties required to be performed by the governing body or officials of any political subdivision hereunder and in any proceedings authorizing the issuance of the loan agreement.

Family Impact Statement
In accordance with Section 953 and 972 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal, or amendment.
1. The effect on the stability of the family. We anticipate no 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. We anticipate 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. We anticipate no effect on the functioning of the family.
4. The effect on family earnings and the family budget. We anticipate no effect on family earnings and the family budget.

5. The effect on the behavior and personal responsibility of children. We anticipate no 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. We anticipate no effect on the ability of the family to perform the function as contained in the proposed rule. We anticipate that the proposed rule will assist local governments with obtaining needed financing for fiscal administration costs.

**Poverty Impact Statement**

In accordance with Section 953 and 973 of Title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, repeal, or amendment.

1. The effect on household income, assets, and financial security. We anticipate no effect on household income, assets, and financial security.

2. The effect on early childhood development and preschool through postsecondary education development. We anticipate no impact on early childhood development or preschool through postsecondary education development.

3. The effect on employment and workforce development. We anticipate no impact on employment and workforce development.

4. The effect on taxes and tax credits. We anticipate no impact on taxes or tax credits.

5. The effect on child and dependent care, housing, healthcare, nutrition, transportation, and utilities assistance. We anticipate no effect on child and dependent care, housing, healthcare, nutrition, transportation, and utilities assistance.

**Provider Impact Statement**

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a Provider Impact Statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities.

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. We anticipate no effect on the staffing level requirements or the qualifications for that staff 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. We anticipate no impact on 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. We anticipate no effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments to Renee Free, Department of Treasury, Office of the Treasurer, P.O. Box 44154 Baton Rouge, LA 70804, or by email to RFree@treasury.la.gov. Ms. Free is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is Noon CST on Tuesday, December 10, 2019.

John M. Schroder  
State Treasurer

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Fiscal Administrator Revolving Loan Fund**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule may create a marginal increase in additional workload for the legislative auditor, the attorney general and state treasurer. Costs associated with any additional workload may be funded by the Fiscal Administrator Revolving Loan Fund or absorbed within existing resources.

The proposed rule defines the restricted use of the Fiscal Administrator Revolving Loan Fund created by R.S. 39:1357, the process political subdivisions must follow for obtaining loans from the Fund, and the requirements for repayment of approved loans. The proposed rule will provide a mechanism for political subdivisions to enter into a loan agreement with the State to borrow monies from the Fiscal Administrator Revolving Loan Fund in order to pay the costs incurred by the court appointed fiscal administrator. The costs incurred by the political subdivision will increase by an indeterminable amount based on length of time a fiscal administrator is appointed, the scope of the work outlined by such administrator, and the magnitude of the political subdivision's fiscal crisis.

The political subdivision will be required to sign a promissory note whose terms will include an interest payment at a rate determined by the treasurer in accordance with R.S. 39:1357(E).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will allow political subdivisions who are prohibited from receiving state appropriated funds, or federal assistance which passes through the state pursuant to R.S. 39:72.1 until a fiscal administrator is appointed by the court, a means to borrow funds to pay all cost and expenses associated with a court appointed fiscal administrator. The political subdivision will repay borrowed funds to the state at an interest rate determined by the treasurer in accordance with R.S. 39:1357(E).

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will directly affect the ability of municipalities to address public health, safety and welfare, including issues concerning urgent needed repairs to public water systems. Citizens of impacted political subdivisions may realize economic benefits afforded through stabilized health and safety services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to have a direct effect on competition or employment, although stabilizing the fiscal situation of political subdivisions may create enhanced competition and employment opportunities in impacted communities.

Nancy Keaton  
Chief of Staff

Gregory V. Albrecht  
Chief Economist

Legislative Fiscal Office