

manages, operates or leases. The schedule of civil fines by class of violations shall be as follows.

i. Class A. Violations that create a condition or occurrence, which may result in death or serious harm to the public. The violations include, but are not limited to the following: cooling, holding or storing potentially hazardous food at improper temperatures; failure to follow schedule process in low acid canned foods or acidified food production; poor personal hygienic practices; failure to sanitize or sterilize equipment, utensils or returnable, multi-use containers; no water; no approved water source; cross contamination of water; inadequate disinfection of water before bottling; sewage back up; sewage discharge on to the ground; sewage contamination of drinking water; failure to comply with human drug current good manufacturing practices (cGMP); inadequate labeling of foods or drugs regarding life threatening ingredients or information; failure to provide consumer advisories; failure to comply with any applicable requirements of R.S. 40:5.5.4; non-compliant UV lamps or termination control switch on tanning equipment; the inadequate handling and disposal of potentially infectious biomedical wastes; failure to obtain food safety certification in accordance with 2005 of Part XXIII. Class A civil fines shall be \$100 per day per violation.

3.a.ii. - 5.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 40:4, and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 27:1694 (October 2001), repromulgated LR 28:1210 (June 2002), amended LR 28:2529 (December 2002), LR 41:148 (January 2015), LR 49:

Part XXIII. Public Health - Food Establishments

Chapter 1. Definitions

§101. Definitions
[formerly paragraph 23:101]

A. Terms not defined or referenced herein shall have the meanings as defined in LAC 51:I. In any instance where a term defined herein is also defined in one or more Parts of LAC 51:I, the definition contained in this Part shall govern this Part.

Critical Item—a provision of this code that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental degradation, such as but not limited to a potentially hazardous food stored at improper temperature, poor personal hygienic practices, not sanitizing equipment and utensils, no water, contaminated water sources, sewage backup or improper sewage disposal, severe insect or rodent infestation, failure to comply with any applicable requirement of R.S. 40:5.5.4, and chemical contamination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 40:4, and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:311 (February 2002), repromulgated LR 28:1405 (June 2002), amended LR 28:2531 (December 2002), LR 49:

Chapter 43. Inspections and Enforcement

§431. Enforcement, Critical Violations
[formerly paragraph 22:43-2]

A. Critical items, (as defined in this Part) noted at the time of inspection shall be corrected immediately or by a time set by the state health officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 40:4, and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:336 (February 2002), amended LR 28:1430 (June 2002), LR 49:

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. 9:973(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 credit;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should not have an 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 Monday, September 11, 2023, COB, 4:30 p.m., and

should be addressed to Michael Vidrine, Director, Sanitarian Services, P.O. Box 4489, Baton Rouge, LA 70821.

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: Legal Rulemaking Coordinator, Post Office Box 929, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Monday, September 11, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:00 a.m. on Monday, September 25, 2023 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 September 11, 2023. 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 Streets and Main Street (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.

Stephen Russo, JD
Secretary
and
Joseph K. Miller, MD, MPH
State Health Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE 111, Sanitary Code
Food Service Establishment Violations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE AND LOCAL GOVERNMENT UNITS (Summary)
The proposed rule change is anticipated to increase LDH expenditures by approximately \$479 SGF in FY24 associated with publication costs.
In compliance with SR 159 of the 2023 RLS, the LDH proposes to amend Chapter 1 of Title 51 regarding Suspension/Revocation, Civil Fines or Penalties. Specifically, the rule proposes that failure to notify to patrons of food service establishments of the origin of crawfish and shrimp is a critical violation of the sanitary code and is subject to civil fines, not to exceed \$10,000 per violation per year.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENT UNITS (Summary)
The rule change proposes that it is a critical violation of the Sanitary Code if a food service establishment does not inform patrons of the country of origin of certain seafood. Current rule proposes that a critical violation of sanitary codes may result in an establishment being assessed a maximum penalty of \$10,000 per violation per year. The amount of revenue that may be collected in fines from food service establishments that fail to comply with this notification requirement cannot be estimated at this time but is anticipated to be minimal.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Owners of food service establishment that serve crawfish and shrimp may incur a fine of \$10,000 per violation per year if they fail to notify patrons of the origin of crawfish and shrimp.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule has no known effect on competition and employment.

Doris G. Brown
Assistant Secretary
2308#041

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT TO ADOPT A RULE

**Department of Health
Office of Public Health**

School Based Health Centers
(LAC 50:XV.9101 and 9103)

Under the authority of R.S. 40:31.3, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the secretary, acting through the Department of Health, Office of Public Health (LDH/OPH), **has** intends to amend and adopt parts of Chapter 91 of Title 50.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 5. Early and Periodic Screenings, Diagnosis, and Treatments

Chapter 91. School Based Health Centers

Subchapter A. General Provisions

§9101. Purpose

A. The Adolescent School Health Initiative Act of 1991 authorized the development of an adolescent school based health initiative to facilitate and encourage the provision of comprehensive health centers in public middle and secondary schools. Such health centers are referred to in this Chapter as “School Based Health Centers” (SBHCs).

B. A SBHC is a health center that:

- 1. is located on a school campus (including mobile units);
- 2. is organized through school, community, and health provider relationships;
- 3. is administered by a sponsoring facility;
- 4. provides health services (including, but not limited to, both behavioral and physical health) to children and adolescents through health professionals in accordance with state and local law, including laws related to licensure and certification;
- 5. provides, at a minimum, health services during school hours to children and adolescents by health professionals in accordance with established standards of care, evidence-based practice, laws, regulations and requirements, including parental consent.

C. For purposes of Subparagraph B.3 the term *sponsoring facility* includes any of the following:

- 1. a hospital;
- 2. a federally qualified health center (FQHC);
- 3. a for-profit or non-profit health care agency; or
- 4. a school or a school system, in partnership with a health facility.

D. SBHCs provide convenient access to preventive and acute care services for students who might otherwise have limited or no access to health care. This care may be provided onsite or through telehealth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:31.3 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 34:1419 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:365 (February 2012), amended by the Department of Health, Office of Public Health, LR 49:

§9103. Registry of School Based Health Centers

A. The Louisiana Department of Health, Office of Public Health will establish and maintain a registry of all SBHCs. This registry shall be publicly available on the website of the Louisiana Department of Health.

B. SBHCs are required to submit the following information to the registry:

1. name of sponsoring agency;
2. name of school(s) where the SBHC is located;
3. additional schools served by the SBHC (*feeder schools);
4. location of the SBHC (address, including parish);
5. services provided at facility; and
6. point of contact, including name, phone number, and email.

C. The instructions or method of submitting the information required by this Section to the registry shall be made available on the Louisiana Department of Health website.

D. All SBHCs shall submit their initial information, as described in Subsection B. of this Section, to the registry by June 30, 2024.

E. All SBHCs shall review, confirm or update their information by June 30 of each year. Additionally, any change in information shall be provided to the registry within 30 days from the date of the change.

*The Office of Public Health-Adolescent School Health Program defines feeder school as: any school that meets all three of the following criteria:

- (1) the school is near the SBHC and/or in the same school district as the host school,
- (2) the SBHC can be accessed by a student from the school without assistance from a parent/legal guardian, and
- (3) the school had at least 50 students visit the SBHC during the previous year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:31.3

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:

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 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. 49:961(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 transportation credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should not have any 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 Monday, September 11, 2023 at 4:30 p.m., and should be addressed to Ayesha Umrigar, P.O. Box 629, Baton Rouge, LA 70821.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by email to the Office of the Secretary ATTN: LDH Marketing Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Monday, September 11, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:00 a.m. on Monday, September 25, 2023 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 Bergeron at (225) 342-1342 after September 11, 2023. 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.

Stephen R. Russo, JD
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: School Based Health Centers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule is anticipated to increase Louisiana Department of Health (LDH), Office of Public Health expenditures approximately \$1,331 SGF in FY24 associated with promulgation costs.
In compliance with Act 318 of 2023 RLS, the LDH proposes to amend Chapter 91 of Title 48 regarding School Based Health Centers, the rule provides that Office of Public Health shall maintain a registry of health centers in schools.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of the proposed change will have no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Assigned personnel at health centers in schools will be required to provide information to be included in the Louisiana Department of Health Office of Public Health registry. The rule proposed will result in a nominal increase to the personnel workload, resulting in personnel submitting the required information for the health centers.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule has no known effect on competition and employment.

Doris G. Brown
Assistant Secretary
2308#042

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

Driving Schools
(LAC 55:III.145 and 151)

Under the authority of R.S. R.S. 32:402.1(A)(1) and R.S. 40:1461, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:961 et seq., the Office of Motor Vehicles hereby proposes to amend sections in Chapter 1, regarding driving schools. The amended Sections, §145 and §151 removes a medical certification requirement, corrects and an e-mail address, and authorizes alternative methods of training for the 6-hour classroom instruction for students 18 years of age and older. This Rule shall become effective upon the promulgation of the Rule in the *Louisiana Register*.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 1. Drivers License

Subchapter A. General Requirements

**§145. Qualifications for Private Driving School
Owners and Instructors**

- A. - B.4. ...
- 5. Repealed.
- C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1975 (August 2012), amended LR 43:1761 (September 2017), LR 45:1602 (November 2019), LR 49:

§151. Regulations for All Driver Education Providers

- A. - F.3. ...

4. DPS shall be advised via e-mail at ladrivingschools@dps.la.gov within 10 business days of a vehicle that is removed from service and shall be provided the required information on replacement vehicles. OMV shall provide the school e-mail notification within three business days that the information has been received. The school shall send the odometer reading of vehicles for the first and last day of service and proof of registration for the vehicle(s) removed or added to service.

- F.5. - J.6. ...

K. Alternative Method of Instructions of the 6-Hour Pre-Licensing Course

1. Driving schools shall only use platforms and equipment that have been approved by DPS.

2. Class schedules using the alternative methods shall be submitted to OMV at least 48 hours prior to beginning the class.

a. Driving schools shall notify DPS of any changes in platform or meeting ID/passcodes.

b. The audio and video shall be clear and not distorted when viewing or listening.

c. Driving schools shall give DPS access to view the class live via the approved platform.

3. Instructors shall conduct classes from a location free of any distractions.

4. Driving schools shall use their current DPS approved 6-hour lesson plans for the courses.

5. The school shall verify the identity of the individual taking the online course.

6. Driving schools shall limit the class size to 25 students per class per school.

7. All enrolled students for a class taught using an alternative method must be online and present for the full class. If a student fails to do so, the instructor must document the time missed and the student must make up the time at a later date in a format approved by DPS.

a. A student shall not be issued a certificate unless they have completed their full hours of classroom instruction.

b. All instructors shall take student attendance before class, after all breaks, and lunch.