

~~license was granted inactive status, a recertification of advanced procedure proficiency and examination acceptable to the board may be required to re-activate the original license.~~

~~AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.~~

~~HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:632 (April 2006), amended LR 34:873 (May 2008), LR 38:1590 (July 2012), LR 40:2250 (November 2014), repromulgated LR 40:2580 (December 2014, amended by the Department of Health, Board of Optometry Examiners, LR 44:1248 (July 2018)).~~

Chapter 7. Examination

§701. Examination Requirements

~~A. In order to take the examination required by R.S. 37:1051, an applicant must satisfy the following licensing requirements set forth in R.S. 37:1049:~~

- ~~1. be of good moral character;~~
- ~~2. have graduated from an approved high school or school maintaining a similar standard;~~
- ~~3. have graduated from a school or college of optometry approved by the board and hold the graduate level doctor of optometry degree;~~
- ~~4. file with the secretary of the board upon the form furnished an application under oath stating that he fulfills each requirement of this Section and include with the application the papers required by R.S. 37:1050;~~
- ~~5. have reached the required level of performance on those parts of the examination administered by the National Board of Examiners in Optometry required by the board and cause to be furnished to the secretary of the board a true written copy of the score report of such national board examination;~~
- ~~6. have demonstrated that they have reached the qualification level necessary to become certified to treat abnormal conditions and pathology of the human eye and its adnexa as set forth in R.S. 37:1051, and the rules and regulations established, published, and administered by the board; and~~
- ~~7. meet the credentialing requirements of the board to perform authorized ophthalmic surgery procedures.~~

~~B. The Louisiana State Board of Optometry Examiners shall have the discretion to allow an applicant to take the examination required by R.S. 37:1051 prior to having satisfied the requirements of §701.A for circumstances beyond the control of the applicant.~~

~~AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048~~

~~HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:635 (April 2006), amended by the Department of Health, Board of Optometry Examiners, LR 44:1250 (July 2018).~~

Chapter 8. Fees and Expenses

§801. Fees

~~A. The board shall charge and collect the following fees, consistent with R.S. 37:1058:~~

- ~~1. application for examination \$500;~~
- ~~2. original license fee \$300;~~
- ~~3. duplicate license fee \$50;~~
- ~~4. annual license renewal fee \$200;~~
- ~~5. license delinquency fee \$300;~~
- ~~6. license reinstatement fee \$300;~~
- ~~7. original authorized ophthalmic surgery procedure certificate \$50;~~

~~8. inactive license annual renewal fee \$100.~~

~~B. ...~~

~~AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.~~

~~HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:635 (April 2006), amended LR 40:2252 (November 2014), repromulgated LR 40:2580 (December 2014), amended by the Department of Health, Board of Optometry Examiners, LR 44:1250 (July 2018).~~

~~Dr. James Sandefur, O.D.
Secretary~~

~~1807#008~~

RULE

Department of Health Office of Public Health

Water Supplies (LAC 51:XII.101, 105, 302, 319, and 355)

Under the authority of R.S. 40:4, 40:4.13, and 40:5 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), has amended Part XII (Water Supplies) of the Louisiana state *Sanitary Code* (LAC 51). When effective, the amendments to Part XII assist LDH-OPH in ensuring the continued protection of public health from contaminated drinking water. The amendments added four requirements to the list of significant deficiencies (see §319) as approved by the Water Committee on March 8, 2018. Public water systems are required to correct significant deficiencies identified by LDH-OPH personnel during a sanitary survey. Sanitary surveys (onsite inspections) are required by federal regulations to be conducted every 3 to 5 years depending on the water system type, and therefore the compliance deadline for the new requirements will vary by water system and may be extended on an as needed basis. The §302 amendments clarify that the new design standards in Chapter 1 and 2 as published in the February 20, 2018 *Louisiana Register* supersede Chapter 3 design standards for new public water systems or any proposed new construction or modification to an existing public water system. The remaining amendments are just clarifications and do not impose any new requirements. The effective date of the below amendments is planned to be on August 1, 2018 to coincide with the effective date of the previously mentioned new design standards. For these reasons set forth above, Part XII (Water Supplies) of the Louisiana state *Sanitary Code* (LAC 51:XII) is amended as follows. This Rule is hereby adopted on the day of promulgation.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part XII. Water Supplies

Chapter 1. General

§101. Definitions

[formerly paragraph 12:001]

A. Unless otherwise specifically provided herein, the following words and terms used in this Part of the *Sanitary Code*, and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows.

* * *

Critical Component—a component is considered critical if failure is expected to result in a quality or quantity of finished water that fails to meet the requirements of this Part.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:258(B), R.S. 36:254(B)(7), R.S. 40:4(A)(8), R.S. 40:4.13(D)(1)(2), R.S. 40:5(A) (2)(3)(5)(6)(17)(20), and R.S. 40:1148.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1318 (June 2002), amended LR 28:2513 (December 2002), LR 30:1194 (June 2004), LR 30:2326 (October 2004), LR 35:484 (March 2009), LR 35:1240 (July 2009), LR 38:2375 (September 2012), LR 38:2793 (November 2012), LR 38:3232 (December 2012), amended by the Department of Health, Office of Public Health, LR 43:84 (January 2017), LR 44:1248 (July 2018).296 (February 2018), effective August 1, 2018, LR 44:1251 (July 2018).

§105. Permit Requirements for a Potable Water Supply
[formerly paragraph 12:002-2]

A. - B. ...

C. Submission of plans for maintenance and replacement of existing facilities in-kind shall not be required.

1. Interior coating of potable water storage tanks is not considered maintenance and shall be submitted to the state health officer for approval. Submission for pre-approval of materials for minor repairs is allowable.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8), 40:4.13(D)(1)(2) and R.S. 40:5(A)(2)(3)(5)(6)(7)(17)(19).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1320 (June 2002), amended LR 38:2376 (September 2012), amended by the Department of Health, Office of Public Health, LR 44:297 (July (February 2018), effective August 1, 2018, LR 44:1251 (July 2018).

Chapter 3. Water Quality Standards

§302. Relationship with this Part

A. Effective August 1, 2018, LAC 51:XII.111-191 and §§201-277 of this Part supersede, for any new public water system or any proposed new construction or modification to an existing public water system, any other design provisions in this Chapter.

B. Nothing in this Section shall be construed to allow any exception to compliance with the significant deficiency requirements of §319 of this Part, which is applicable to all public water systems, irrespective of construction date.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(8), 40:4.13(D)(1)(2) and 40:5(A)(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:1251 (July 2018).

§319. Significant Deficiencies Identified in Sanitary Surveys

A. - C. ...

D. For all public water systems, except as otherwise specified in this Part, failure to comply with any of the following requirements has been determined by the state health officer to be a significant deficiency and shall be corrected in accordance with §319.B of this Part:

1. §§105.A, 105.B or 105.D of this Part;

2. §135.A of this Part [standby power] for any community water supply and non-community water supply serving a hospital. A standby power supply shall be provided

through a dedicated portable or in-place auxiliary power of adequate supply and connectivity;

3. §161.A of this Part [flood protection] for any community water supply. Use of a levee system or flood walls are acceptable for meeting §161.A of this Part;

4. §169.B.2 of this Part [secondary source] for any community water supply and non-community water supply serving a hospital. Connection to another public water supply of sufficient capacity or providing an LDH-approved annual public notice to customers may be considered in lieu of meeting §169.B.2 of this Part;

5. §237.A of this Part [minimum system pressure of 20 psig];

6. §309.A of this Part;

7. there shall be no pathway for contamination into the well casing or discharge piping. The well site grading, the well slab and all well appurtenances including casing, sanitary seal, vent, and drawdown tube shall be maintained to prevent the introduction of contamination into the well casing and discharge piping;

8. every potable water well, and the immediate appurtenances thereto that comprise the well, shall be located at a safe distance from all possible sources of contamination. The state health officer has deemed that due to the horizontal distance to a possible source of pollution that is currently causing, or may reasonably be expected to cause contamination to be introduced into the water being delivered to consumers, action is necessary to eliminate or mitigate this potential source of contamination;

9. §315.A of this Part;

10. §325.A of this Part;

11. §327.A.15 of this Part;

12. §329.A.6 of this Part;

13. §331.A of this Part;

14. §337.C of this Part;

15. §343.A of this Part;

16. §344.A of this Part;

17. general equipment design shall be such that feeders will be able to supply, at all times, the necessary amounts of chemicals at an accurate rate throughout the range of feed;

18. for fluoride only, day tanks shall be provided where bulk storage of liquid chemical is provided, meet all the requirements of §203.J, hold no more than a 30-hour supply, and be scale mounted or have a calibrated gauge painted or mounted on the side if liquid levels can be observed in a gauge tube or through translucent sidewalls of the tank. In opaque tanks, a gauge rod extending above a reference point at the top of the tank, attached to a float can be used. The ratio of the area of the tank to its height shall be such that unit readings are meaningful in relation to the total amount of chemical fed during a day;

19. no drain on a water storage structure shall have a direct connection to a sewer or storm drain. The design shall allow draining the storage facility for cleaning or maintenance without causing loss of pressure in the distribution system;

20. system shall have a monitoring plan that includes a list of all routine compliance samples required on a daily, weekly, monthly, quarterly, and annual basis and identify the sampling location where samples are to be collected. The public water system shall revise and re-submit its monitoring plan if changes to a plant or distribution system require

changes to the sampling locations or if any significant changes to the disinfection methods are made. In addition, the public water system shall update and re-submit its monitoring plan when the system's sampling requirements or protocols change;

21. §1503.A.1 of this Part;

22. §1503.C of this Part;

23. storage tanks and pipelines for liquid chemicals shall be specified for use with individual chemicals and shall not be used for different chemicals. Offloading areas shall be clearly labeled to prevent accidental cross-contamination;

24. system shall ensure that no critical water system component is in poor condition or defective;

25. all potable water systems shall be designed, constructed, and maintained so as to prevent leakage of water due to defective materials, improper jointing, corrosion, settling, impacts, freezing, or other causes. Valves and blow-offs shall be provided so that necessary repairs can be made with a minimum interruption of service; and

26. other condition which is deemed by the state health officer to be a significant deficiency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8), 40:13(D)(1)(2) and R.S. 40:5(A)(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 43:85 (January 2017), amended LR 44:1249 (July 2018), 345 (February 2018), effective August 1, 2018, LR 44:1251 (July 2018).

§355. Mandatory Disinfection
[formerly paragraph 12:021-1]

A. - A.2.b. ...

B. All new groundwater systems installed after July 1, 1996 shall provide at least 30 minutes contact time prior to the first customer. It is recommended that all existing systems provide the 30 minutes contact time prior to the first customer. Additions to or extensions of existing systems are exempt from the 30 minutes contact time.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8)(13) and R.S. 40:5(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1326 (June 2002), amended LR 28:2514 (December 2002), LR 35:1240 (July 2009), LR 38:2376 (September 2012), LR 42:408 (March 2016), amended by the Department of Health, Office of Public Health, LR 44:1252 (July 2018).

Jimmy Guidry, MD
State Health Officer
and
Rebekah E. Gee, MD, MPH,
Secretary

1807#030

RULE

Department of Health
Bureau of Health Services Financing

Adult Residential Care Providers
Licensing Standards

Involuntary Termination of Residency Agreement
(LAC 48:I.6837)

~~The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.6837 governing the licensing standards for adult residential care providers as authorized by R.S. 36:254 and R.S. 40:2166.1-2166.8 et seq. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.~~

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 68. Adult Residential Care Providers

Subchapter C. Residency Criteria, Person-Centered Service Plans, and Residency Agreements
§6837. Termination of Residency Agreements

~~A. B.2.d.iii. ...~~

~~3. The resident and/or the resident's representative, if applicable, shall have the right to dispute any involuntary termination of the residency agreement in accordance with §6833.G.6-7.~~

~~B.4. C.3. ...~~

~~AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.~~

~~HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1097 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1252 (July 2018).~~

Rebekah E. Gee MD, MPH
Secretary

1807#057

RULE

Department of Health
Bureau of Health Services Financing

Federally-Qualified Health Centers
Reimbursement Methodology—Cost Reporting
(LAC 50:XI.10503 and 10701)

~~The Department of Health, Bureau of Health Services Financing has amended LAC 50:XI.10503 and 10701 in the Medical Assistance Program as authorized by R.S. 36:254~~