



State of Louisiana
Louisiana Department of Health
Office of Management and Finance

June 4, 2018

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Louisiana State House of Representatives
P.O. Box 4486, Capitol Station
Baton Rouge, LA 70804

President John A. Alario, Jr.
Louisiana State Senate
P.O. Box 94183, Capitol Station
Baton Rouge, LA 70804

The Honorable Frank A. Hoffmann, Chairman
Louisiana State House of Representatives
House Health and Welfare Committee
P.O. Box 44486, Capitol Station
Baton Rouge, LA 70804

The Honorable Fred H. Mills, Chairman
Louisiana State Senate
Senate Health and Welfare Committee
P.O. Box 94183, Capitol Station
Baton Rouge, LA 70804

Dear Gentleman:

RE: 2nd Legislative Oversight Committee Summary Report on Proposed Rulemaking

In accordance with the provisions of the Administrative Procedure Act, (R.S. 49:950, *et seq.*), the state health officer acting through the Department of Health, Office of Public Health (LDH-OPH), proposes to promulgate a rule to amend Part XII (Water Supplies) of Title 51 (Public Health–Sanitary Code) of the Louisiana Administrative Code (LAC). This action is being taken pursuant to the rulemaking authority granted by R.S. 40:4, 40:4.13, and 40:5. The proposed rule is authorized under Act 488 of the 2014 Regular Legislative Session. When effective, the proposed amendments to Part XII will assist LDH-OPH in ensuring the continued protection of public health from contaminated drinking water and continuous water service to the public.

The proposed rule amends requirements for public water systems (PWSs) that were approved by the Louisiana Standards for Water Works Construction, Operation, and Maintenance Committee by adding four new requirements to the list of significant deficiencies (§319) to include standby power, secondary water source, flood protection for critical facilities, and an increase in minimum system pressure from 15 psi to 20 psi. The first three requirements are applicable to community water systems and to those non-community water systems that serve a hospital. The proposed rule does provide some flexibility regarding compliance options. For instance, PWSs can choose to provide an annual public notice to their customers in lieu of providing a secondary source. The effective date of the proposed amendments is proposed to be August 1, 2018 to coincide with the effective date of the new design standards. The compliance deadline with these four requirements depends on when LDH conducts an onsite inspection (sanitary survey) of the PWS and identifies one or more of these significant deficiencies. LDH conducts sanitary surveys every 3 to 5 years depending on the PWS type (community vs. non-community). PWSs must provide a corrective action plan and schedule to LDH within 90 days after the PWS has received a LDH sanitary survey report citing one or more significant deficiencies. Therefore the compliance deadline for these four requirements will vary by PWS and may be extended on an as-needed basis. The

remaining amendments in the proposed rule are just clarifications and do not impose any new requirements.

The Department published a Notice of Intent for the proposed rule in the April 20, 2018 issue of the Louisiana Register (Volume 44, No. 4). A public hearing was held on Tuesday, May 29, 2018. Except for LDH-OPH employees, there were no individuals from the public in attendance at the hearing meeting and no verbal comments were given during the public hearing. The comment period ended on Wednesday, May 30, 2018 at 4:30 p.m. and no written comments were received for the proposed rule. Also, the proposed rule was distributed to the members of the Water Committee on April 20, 2018. No substantive changes have been made to the proposed rule since publication in the April 20, 2018 Louisiana Register.

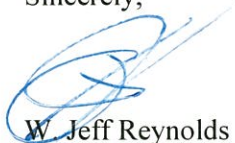
Subject to legislative oversight by either the House or Senate Health and Welfare Committees, the Department anticipates adopting the published Notice of Intent as a final Rule in the July 20, 2018 issue of the Louisiana Register.

We are enclosing the following documents:

- 1) copy of the Notice of Intent as published with the published cover page of the Fiscal and Economic Impact Statement;
- 2) the May 29, 2018 public hearing certification; and
- 3) copy of the attendance roster.

Should you have any questions, please contact Jimmy Guidry, State Health Officer, Louisiana Department of Health, at (225) 342-3417.

Sincerely,



W. Jeff Reynolds
Undersecretary

WJR:JG:AL:cb

Attachments

cc: Jimmy Guidry, M.D., State Health Officer/LDH Medical Director, LDH
Amanda Laughlin, Chief Engineer, Engineering Services Section
Parham Jaber, M.D., M.P.H., Assistant Secretary, OPH

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

**~~RULE TITLE: Managed Care for Physical
and Behavioral Health—Applied Behavior
Analysis-Based Therapy Services~~**

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

~~It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 17-18. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 17-18 for the state's administrative expense for promulgation of this proposed rule and the final rule.~~

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

~~It is anticipated that the implementation of this proposed Rule will not affect revenue collections other than the federal share of the promulgation costs for FY 17-18. It is anticipated that \$270 will be collected in FY 17-18 for the federal share of the expense for promulgation of this proposed rule and the final rule.~~

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

~~This proposed Rule amends the provisions governing managed care for physical and behavioral health in order to clarify that Medicaid recipients who are in need of applied behavior analysis-based therapy must access these services through a managed care organization under the Healthy Louisiana program. Recipients will benefit from this proposed rule since it ensures that voluntary, opt-in Healthy Louisiana participants continue to receive ABA services through the managed care organizations (MCOs). There is no anticipated impact to MCOs or providers as these are services that are currently provided and associated costs are already built into the managed care rate structure. It is anticipated that implementation of this proposed rule will not have economic costs to providers or MCOs for FY 17-18, FY 18-19 and FY 19-20.~~

**~~IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)~~**

~~It is anticipated that the implementation of this proposed rule will not have an effect on competition.~~

Jen Steele
Medicaid Director
1804#024

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**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, notice is hereby given that the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), intends to amend Part XII (Water Supplies) of the Louisiana state *Sanitary Code* (LAC 51). When effective, the proposed amendments to Part XII will assist LDH-OPH in ensuring the continued protection of public health from contaminated drinking water. The intent of the amendments is to add 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 intent of §302 amendments is to clarify that the new design standards in Chapter 1 and 2 as published in the February 20, 2018 *Louisiana Register* will 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 in the proposed Rule are just clarifications and do not impose any new requirements. The effective date of the below proposed 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 proposed to be amended as follows.

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 44:296 (February 2018), effective August 1, 2018, LR 44:

**§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 (February 2018), effective August 1, 2018, LR 44:

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:

§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 44:345 (February 2018), effective August 1, 2018, LR 44:

§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:

Family Impact Statement

1. The effect on the stability of the family. None
2. The effect on the authority and rights of parents regarding the education and supervision of their children. None

3. The effect on the functioning of the family. None
4. The effect on the family earnings and family budget. The proposed Rule adopts four new requirements for public water systems effective August 1, 2018. The proposed Rule may increase the monthly water bill for households if served drinking water by a public water system (PWS) that does not currently meet one or more of the four requirements. The PWS may determine a need to increase their revenue collections (i.e., increase water bills) to cover some or all Rule implementation costs. The actual effect on water bills is hard to predict due to variables in the applicable requirements based upon the PWS's size, location, compliance status and financial status. Therefore, the effect of the Rule on households is unknown.

5. The effect on the behavior and personal responsibility of children. None

6. The ability of the family or local government to perform the function as contained in the proposed Rule. None for the family. The proposed Rule adopts four new requirements for public water systems effective August 1, 2018. Local governmental units that own/operate a public water system (PWS) may determine a need to increase their revenue collections (i.e., increase water bills) to cover the cost of complying with this Rule. The increase in revenue collections needed for compliance with these requirements is not estimable as it would vary and depend on the PWS's size, location, Rule compliance status and financial status.

Poverty Impact Statement

1. The effect on household income, assets, and financial security. The proposed Rule adopts four new requirements for public water systems effective August 1, 2018. The proposed Rule may increase the monthly water bill for households if served drinking water by a public water system (PWS) that does not currently meet one or more of the four requirements. The PWS may determine a need to increase their revenue collections (i.e., increase water bills) to cover some or all Rule implementation costs. The actual effect on water bills is hard to predict due to variables in the applicable requirements based upon the PWS's size, location, Rule compliance status and financial status. Therefore, the effect of the Rule on households is unknown.

2. The effect on early childhood development and preschool through postsecondary education development. There will be no effect on childhood development and preschool through postsecondary education development.

3. The effect on employment and workforce development. The proposed Rule will likely cause an increase in competition to hire and retain qualified and certified water plant operators. The Rule will require water plant operators to become more knowledgeable of plant and distribution system processes and controls. The competition to hire and retain a competent operator will be higher based on his/her qualifications. This will cause an increase in employment of more knowledgeable and qualified individuals to properly operate, maintain, monitor, and take appropriate corrective actions to remain in compliance with said Rule.

4. The effect on taxes and tax credits. There will be no effect on taxes and tax credits.

5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance. There will be no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

In accordance with the Regulatory Flexibility Act (R.S. 49:965.2-965.8), this Small Business Regulatory Flexibility Analysis and Small Business Economic Impact Statement is being submitted for the rules and regulations proposed for adoption, amendment, or repeal (proposed Rule).

The impact of the proposed Rule on small businesses as required by the Regulatory Flexibility Act has been considered. The purpose of the proposed Rule is to require existing public water systems (PWSs) to comply with four design requirements to protect drinking water from contamination and to ensure continuous water service to the public. The four requirements include: 1. standby power; 2. secondary water source; 3. flood protection for critical facilities; and 4. increases the required minimum system pressure from 15 pounds per square inch (psi) to 20 psi. The first three requirements are applicable to community water systems and to those non-community water systems that serve a hospital. Some flexibility is provided regarding compliance options. The minimum system pressure increase is proposed for all existing PWSs with no flexibility. The effective date of the proposed Rule is proposed for August 1, 2018. However, since the Louisiana Department of Health (LDH) performs inspections on PWS every 3 to 5 years, the compliance deadline for these four requirements will vary by PWS and may be extended on an as-needed basis. The remaining amendments in the proposed Rule are just clarifications and do not impose any new requirements.

For purposes of assessing the impacts of the Rule on small entities, LDH considers PWSs serving 10,000 or fewer people to be small entities. Such systems include municipal/publicly-owned, state-owned and privately-owned PWSs which may be for-profit businesses where the provision of water is ancillary, such as a mobile home park. A screening analysis was conducted to determine if the proposed Rule would have a significant economic impact on small PWSs. LDH estimated that the first three requirements of the proposed Rule may have a significant economic impact on 30 percent of the small PWSs. LDH does not

anticipate that the fourth requirement of the proposed Rule will have a significant economic impact on a substantial number of small PWSs. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in drafting the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impacts of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Per HCR 170, "provider" means an organization that provides services for individuals with developmental disabilities. In particular, there should be no known or foreseeable effect on the:

1. staffing level requirements or qualifications required to provide the same level of service;
2. total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. 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 Wednesday, May 30, 2018 at COB, 4:30 p.m., and should be addressed to Amanda Laughlin, Chief Engineer, Engineering Services Section, Office of Public Health, P.O. Box 4489, Baton Rouge, LA 70821-4489, or faxed to (225) 342-7303. If comments are to be shipped or hand-delivered, please deliver to the Bienville Building, 628 North Fourth Street - Room 125, Baton Rouge, LA 70802.

Public Hearing

LDH-OPH will conduct a public hearing at 1 pm on Tuesday, May 29, 2018, in Room 173 of the Bienville Building, 628 North Fourth Street, Baton Rouge, LA. Persons attending the hearing may have their parking ticket validated when one parks in the 7-story Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets. (cater-corner and across the street from the Bienville Building). All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

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

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Water Supplies

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

The proposed rule amends standards for public water systems (PWSs) that were approved by the Louisiana Standards for Water Works Construction, Operation, and Maintenance Committee by adding four new requirements to the list of significant deficiencies to include standby power, secondary water source, flood protection, and a minimum system pressure of 20 psi.

State and local agencies that own/operate a PWS will incur costs to update their water systems to comply with the four requirements in this proposed rule change. The cost to these agencies depends on the system's current compliance status, size and location. LDH records indicate the following state and local agencies that own/operate a PWS may be impacted by the proposed rule after August 1, 2018.

LDH estimates that there are 66 PWSs that do not meet the proposed standby power requirement. The projected cost for a PWS to install standby power (a generator) is \$55 K.

LDH estimates that there are 29 PWSs that do not meet the proposed secondary water source requirement. The projected cost for a PWS to install a secondary water source (a water well) is \$350 K.

LDH estimates that there are 94 PWSs that do not meet the proposed flood protection requirement. The projected cost for a PWS to install flood protection (a floodwalls/levee system) is \$78 K.

LDH is unable to estimate the number of PWSs that do not meet the proposed minimum system pressure of 20 psi requirement. The projected cost for a PWS to meet the minimum system pressure (install a booster pump station) is \$120 K.

Louisiana Department of Health – Office of Public Health (LDH-OPH) will incur approximately \$950 in costs associated with publishing this proposed rule change.

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

The proposed rule does not directly affect state or local governmental revenue collections. However, state or local governmental units that own/operate a PWS may determine a need to increase its revenue collections (i.e., increase water bills) to cover the cost of complying with this rule. Similar to implementation costs, the increase in revenue collections needed for compliance with these requirements is not estimable as it would vary and depend on the PWS's size, financial status, and location.

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

PWSs will incur costs to comply with the four requirements in this proposed rule change. The cost to these agencies depends on the system's current compliance status, size and location. The projected costs to these systems are detailed in Section I of this impact statement.

If a PWS is notified by OPH that it has one of these deficiencies, then it has 90 days to submit a corrective action plan to OPH. If the PWS fails to comply with its corrective plan and also is in violation of other drinking water standards, then the PWS may be issued an Administrative Order per the Environmental Protection Agency's (EPA) Enforcement Escalation Policy. An Administrative Order provides a deadline in which the deficiency must be corrected. Failure to correct the deficiency by the deadline may result in the PWS being assessed a maximum penalty of \$3,000 per day.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will likely cause an increase in competition to hire and retain qualified and certified water plant operators. The rule will require water plant operators to become more knowledgeable of plant and distribution system processes and controls. The competition to hire and retain a competent operator will be higher based on his/her qualifications. This will cause an increase in employment of more knowledgeable and qualified individuals to properly operate, maintain, monitor, conduct assessments and take

appropriate corrective actions to remain in compliance the proposed rule.

Jimmy Guidry, MD
State Health Officer
1804#048

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Physical Therapy Board

Licensing and Certification (LAC 46:LIV.Chapters 1-5)

The Louisiana Physical Therapy board, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:2405, hereby amends *Professional and Occupational Standards*, Physical Therapy Board, LAC 46:LIV.103, 105, 107, 111, 113, 119, 121, 123, 125, 129, 133, 135, 137, 139, 143, 145, 151, 157, 161, 163, 165, 167, 171, 172, 173, 175, 180, 181, 183, 185, 187, 195, 198, 303, 305, 307, 311, 313, 318, 321, 325, 330, 331, 333, 335, 337, 339, 341, 343, 345, 351, 357, 359, 365, 367, 369, 371, 373, 375-377, 379, 381, 383, 387, 392, and 501.

The amendments to LAC 46:LIV are mostly a clean-up effort to cite statutes and eliminate redundancy in language. The amendments to LAC 46:LIV.135-139 streamline the process for licensing foreign-trained physical therapists (PTs) and creates a process for licensing foreign-trained physical therapy assistants (PTAs) and military trained physical therapist assistants (PTAs). Section 151 was amended to eliminate the requirement for a face-to-face interview prior to obtaining a license and to require all initial applicants complete the state jurisprudence exam. Section 171 was amended to remove the mandate of remediation requirements for those who fail the examination by changing wording from "shall" to "may" regarding remediation recommendations for passing the national board exam. The board also set a limit for low score failed attempts to align with the national board examination limitations. Section 180 has been added to create a new license status of "inactive," allowing those not practicing physical therapy in the state of Louisiana to continue to renew their license but waive the continuing education requirements. Section 311 was amended to remove the requirement of 2-years' experience working as a licensed physical therapist prior to undertaking 50 hours of dry needling education and to change the process for documenting informed consent of patients. Section 318 adopts R.S. 40:1223.1 et seq., and corresponding amendments to govern telehealth in practice for physical therapy. Section 325 has been amended to provide exemptions to licensure to professionals in good standing from other jurisdictions in the United States or foreign trained. Section 333.B.2.a provides clarification for supervision of physical therapist assistants regarding initial evaluation of patients and delegation or subsequent treatment. Section 341 updates language regarding documentation standards for physical therapists and physical therapist assistants. Section 345 proposes structural changes, moving language as it exists from §373, Violations, to §345,

~~Unprofessional Conduct, to help licensees navigate the rules better, while also adding the requirement of professionals to notify the board of felony convictions. If not noted here, the rules have no substantial change and have been changed mostly to cite existing law.~~

~~These amendments are proposed in response to the decision made by the majority of members at the board meetings held January 24, 2018 and March 21, 2018. The basis and rationale for the proposed Rule are to comply with R.S. 37:2405.~~

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIV. Physical Therapy Examiners

Subpart 1. Licensing and Certification

Chapter 1. Physical Therapists and Physical Therapists Assistants

Subchapter A. Board Organization

§103. Board Domicile

~~A. Domicile. The board shall be domiciled in accordance with R.S. 37:2403(A).~~

~~AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2403(A) and Act 535 of 2009.~~

~~HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, the Physical Therapy Board, LR 37:3031 (October 2011), amended by the Department of Health, Physical Therapy Board, LR 44:~~

§105. Meetings

[Formerly §179]

~~A. Meetings. Meetings of the board shall be held at least six times a year to transact business. The board shall comply with R.S. 37:2404(A) when scheduling regular meetings, calling special meetings, and providing notice and waivers.~~

~~B. Location. Unless otherwise noticed, board meetings shall be held at the board office. The board may meet at other locations as determined by the board with notice of such location posted at least five days prior to the meeting date. The location of the meeting shall not be changed after such notice is given without reasonable notice of such change provided to all board members and to others who have requested such notification.~~

~~C. Quorum. The number of board members that constitute a quorum for any business before the board will be the number set in R.S. 37:2404(B). A majority vote of those present in a meeting is required for passage of a motion before the board.~~

~~D. Open Meetings. All board meetings and hearings shall be open to the public. The board may, in its discretion and according to R.S. 42:16-17, conduct any portion of its meeting in executive session, closed to the public and may request the participation in such executive session of staff members or others as may be needed for consideration of the business to be discussed in executive session.~~

~~E. Attendance. Board members are expected to attend regularly scheduled meetings, special meetings, open forums and hearings, which may be scheduled in conjunction or separate from regular scheduled meetings. Attendance constitutes active participation in at least 80 percent of the entire meeting. Missing two meetings per year is generally acceptable. Exceptions may be granted by the board for~~

Public Hearing Certification

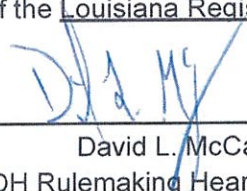


Number: 2018-05-29

Topic: 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, notice is hereby given that the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), intends to amend Part XII (Water Supplies) of the Louisiana State Sanitary Code (LAC 51). When effective, the proposed amendments to Part XII will assist LDH-OPH in ensuring the continued protection of public health from contaminated drinking water. The intent of the amendments is to add 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 intent of Section 302 amendments is to clarify that the new design standards in Chapter 1 and 2 as published in the February 20, 2018 Louisiana Register will 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 in the proposed rule are just clarifications and do not impose any new requirements. The effective date of the below proposed amendments is planned to be on August 1, 2018 to coincide with the effective date of the previously mentioned new design standards. This public hearing is being conducted to allow the public an opportunity to comment on the proposed revisions.

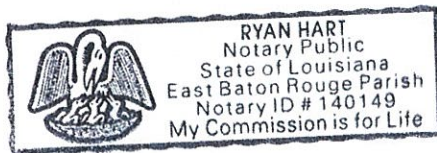
Attachments:

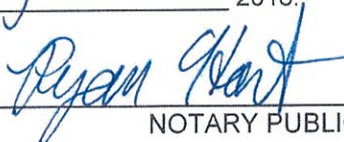
- Sign-In Sheet dated: May 29, 2018
- Public Hearing Posted Announcement
- Notice of Intent as published in the April 20, 2018 issue of the Louisiana Register



David L. McCay
LDH Rulemaking Hearing Officer

SWORN TO BEFORE ME on this the 29th day of may 2018.





NOTARY PUBLIC

Ryan Hart

Printed Name of Notary Public

35810

Bar Roll Number

RULEMAKING PUBLIC HEARING

SIGN-IN SHEET

Part XII Amendments [LAC 51:XII.101.105, 302, 319, 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, notice is hereby given that the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), intends to amend Part XII (Water Supplies) of the Louisiana State Sanitary Code (LAC 51). When effective, the proposed amendments to Part XII will assist LDH-OPH in ensuring the continued protection of public health from contaminated drinking water. The intent of the amendments is to add 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 intent of Section 302 amendments is to clarify that the new design standards in Chapter 1 and 2 as published in the February 20, 2018 Louisiana Register will 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 in the proposed rule are just clarifications and do not impose any new requirements. The effective date of the below proposed amendments is planned to be on August 1, 2018 to coincide with the effective date of the previously mentioned new design standards. This public hearing is being conducted to allow the public an opportunity to comment on the proposed revisions. **Hearing date, time and location: May 29, 2018, 1:00 pm. LDH Bienville Building, 628 N. 4th Street Baton Rouge, LA 7082. Room 173**

[illegible]

Administrative Hearing Officer

David L. McCay

PUBLIC HEARING: MAY 29, 2018, 1 P.M.



AGENDA

LOCATION OF PUBLIC HEARING:

**LDH BIENVILLE BUILDING
628 N. 4TH STREET, ROOM 173
BATON ROUGE, LA 70802
BEGINNING AT 1 PM**

NOTICE OF INTENT

DEPARTMENT OF HEALTH - OFFICE OF PUBLIC HEALTH

Sanitary Code / Water Supplies

Part XII Amendments [LAC 51:XII.101.105, 302, 319, 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, notice is hereby given that the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), intends to amend Part XII (Water Supplies) of the Louisiana State Sanitary Code (LAC 51). When effective, the proposed amendments to Part XII will assist LDH-OPH in ensuring the continued protection of public health from contaminated drinking water. The intent of the amendments is to add 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 intent of Section 302 amendments is to clarify that the new design standards in Chapter 1 and 2 as published in the February 20, 2018 Louisiana Register will 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 in the proposed rule are just clarifications and do not impose any new requirements. The effective date of the below proposed amendments is planned to be on August 1, 2018 to coincide with the effective date of the previously mentioned new design standards.

Public Comments:

Interested persons may submit written comments on the proposed rule. Such comments must be received no later than Wednesday, May 30, 2018 at COB, 4:30 p.m., and should be addressed to Amanda Laughlin, Chief Engineer, Engineering Services Section, Office of Public Health, P.O. Box 4489, Baton Rouge, LA 70821-4489, or faxed to (225) 342-7303. If comments are to be shipped or hand-delivered, please deliver to the Bienville Building, 628 N. 4th Street - Room 125, Baton Rouge, LA 70802.

PUBLIC HEARING: MAY 29, 2018, 1 P.M.