

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 49:697 (April 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Dr. Courtney N. Phillips  
Secretary

2304#061

## **RULE**

### **Department of Health Bureau of Health Services Financing**

#### **Targeted Case Management Reimbursement Methodology Workforce Retention Bonus Payments (LAC 50:XV.10704)**

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:XV.10704 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. 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 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part XV. Services for Special Populations**

##### **Subpart 7. Targeted Case Management**

##### **Chapter 101. General Provisions**

##### **§10704. Targeted Case Management Workforce**

###### **Retention Bonus Payments**

A. Establishment of Targeted Case Management Workforce Retention Bonus Payments

1. Case management agencies for the early and periodic screening, diagnosis, and treatment (EPSDT) targeted population and for participants in the New Opportunities Waiver (NOW) who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for the case manager that worked with participants for those months.

2. The case manager who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the agency. This bonus payment is effective for all affected case managers of any working status, whether full-time or part-time.

B. Audit Procedures for Targeted Case Management Workforce Bonus Payments

1. The bonus payments reimbursed to case management agencies shall be subject to audit by LDH.

2. Case management agencies shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the targeted case management bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

4. Case management agencies shall produce the requested documentation upon request and within the time frame provided by LDH.

5. Non-compliance or failure to demonstrate that the bonus payments were paid directly to case managers may result in the following:

- a. sanctions; or
- b. disenrollment from the Medicaid Program.

C. Sanctions for Targeted Case Management Workforce Bonus Payments

1. The case management agency will be subject to sanctions or penalties for failure to comply with this Rule. The severity of such action will depend upon the following:

- a. failure to pay case managers the \$250 monthly bonus payments;
- b. the number of employees identified as having been paid less than the \$250 monthly bonus payments;
- c. the persistent failure to pay the \$250 monthly bonus payments; or
- d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:698 (April 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen R. Russo  
LDH Secretary

2304#062

## **RULE**

### **Department of Insurance Office of the Commissioner**

#### **Regulation 126—Louisiana Fortify Homes Program (LAC 37:XIII.Chapter 182)**

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and specifically R.S. 22:11, the Department of Insurance has promulgated Regulation 126 to set forth rules and requirements governing the administration of the Louisiana Fortify Homes Program (LFHP) and eligibility criteria for LFHP grants as set forth in Act No. 554 of the 2022 Regular Session. This Rule is hereby adopted on the day of promulgation.

#### **Title 37**

### **INSURANCE**

#### **Part XIII. Regulations**

##### **Chapter 182. Regulation Number 126—Louisiana Fortify Homes Program**

##### **§18201. Purpose**

A. The purpose of Regulation 126 is to set forth rules and requirements governing the administration of the Louisiana Fortify Homes Program (LFHP) and eligibility

criteria for LFHP grants in accordance with Act No. 554 of the 2022 Regular Session.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:1483.1(A).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:698 (April 2023).

#### **§18202. Definitions**

A. As used in Regulation 126, the following terms shall have the meanings herein specified.

1. *Evaluator*—an independent third party certified by the Insurance Institute for Business and Home Safety (IBHS) as a fortified evaluator for hurricane and high wind and hail who can verify that a home meets the fortified roofing construction standard. Homeowners can find a list of certified evaluators at [www.lds.la.gov/fortifyhomes](http://www.lds.la.gov/fortifyhomes).

2. *Insurance Institute for Business and Home Safety (IBHS)*—a non-profit research and communications organization of the property and casualty insurance industry that defines the FORTIFIED roofing construction standard for homes, information for which can be found at [www.fortifiedhome.org](http://www.fortifiedhome.org).

3. *Louisiana Fortify Homes Program (LFHP)*—a program, enacted by Act No. 554 of the 2022 Regular Session, to be administered by the Louisiana Department of Insurance through its Office of Policy, Innovation and Research, to make financial grants to retrofit roofs of insurable property, as defined in R.S. 22:1483(C)(9), with a homestead exemption, to resist loss due to hurricane, tornado, or other catastrophic windstorm events and to meet or exceed the fortified roof standard of the Insurance Institute for Business and Home Safety, information for which can be found at [www.lds.la.gov/fortifyhomes](http://www.lds.la.gov/fortifyhomes).

4. *National Flood Insurance Program (NFIP)*—a program enacted by the National Flood Insurance Act of 1968 (P.L. 90-448), which the Federal Emergency Management Agency (FEMA) administers, through its Federal Insurance and Mitigation Administration (FIMA) division, to provide an insurance alternative to disaster assistance to meet the escalating costs of repair damage to buildings and their contents caused by floods. The NFIP designates flood zones and flood maps, which illustrate a community's flood risk, information for which can be found at [www.floodsmart.gov](http://www.floodsmart.gov).

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:1483.1(A).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:699 (April 2023).

#### **§18203. Contractor Eligibility Requirements and Conflicts of Interest**

A. Contractor Eligibility Requirements. To be eligible to work as a Louisiana Fortify Homes Program contractor (LFHP-approved contractor), the contractor must meet all of the following program requirements:

1. submit and maintain a current copy of all certificates, licenses and proof of insurance coverages with the LFHP;

2. hold a valid residential license or home improvement registration issued by the Louisiana State Licensing Board for Contractors (LSLBC) and must be in good standing with the LSLBC;

3. hold any other valid state or jurisdictional business licenses or work permits required by law in Louisiana;

4. maintain a general liability policy with \$1,000,000 in liability coverage;

5. maintain a workers' compensation policy in compliance with Louisiana law;

6. provide a certificate of successful completion of the fortified roof for high wind and hail and hurricane training issued by the Insurance Institute for Business and Home Safety (IBHS) or its successor. The training may be offered as separate courses, and the contractor is responsible for paying all fees associated with the training;

7. be in compliance with all regulatory and tax laws regulating businesses in the state of Louisiana;

8. maintain internet access and have a valid, active email address on file with the LFHP for communication with the LFHP;

9. avoid conflicts of interest in any work performed on projects funded by LFHP grants;

10. agree to follow the LFHP procedures and rules as established by the Commissioner of the Department of Insurance.

#### **B. Contractor Conflicts of Interest**

1. LFHP-approved contractors may not possess a financial interest in any project for which they perform work toward a fortified designation other than for payment on behalf of the homeowner by the LFHP.

2. LFHP-approved contractors cannot be the evaluator for a fortified designation on any project funded by LFHP grants.

3. The LFHP-approved contractor is responsible for reporting to the LFHP any potential conflicts of interest before work commences on any job funded by LFHP grants.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:1483.1(A).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:699 (April 2023).

#### **§18204. Evaluator Eligibility Requirements and Conflicts of Interest**

A. Evaluator Eligibility Requirements. To be eligible to work on the Louisiana Fortify Homes Program (LFHP), an evaluator must meet all of the following program requirements:

1. submit and maintain a copy of all current certificates and licenses with the LFHP;

2. be in good standing with the Insurance Institute for Business and Home Safety (IBHS) and maintain an active certification as a fortified home evaluator for hurricane and high wind and hail, issued by the IBHS or its successor;

3. possess all necessary business licenses to perform the work required;

4. be in compliance with all regulatory and tax laws regulating businesses in the state of Louisiana;

5. avoid conflicts of interest in any work performed on projects funded by LFHP grants.

#### **B. Evaluator Conflicts of Interest**

1. Evaluators may not possess a financial interest in any project for which they inspect for fortified designation purposes in connection with the LFHP.

2. Evaluators cannot be a contractor or supplier of any materials, products or systems installed in any home they inspect for fortified designation purposes for the LFHP.

3. Evaluators cannot be a sales agent for any home being designated for the LFHP program.

4. Evaluators have a duty to inform the LFHP of any potential conflicts of interest before commencing inspections on any job funded by LFHP grants.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:1483.1(A).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:699 (April 2023).

#### **§18205. Louisiana Fortify Homes Program Grants**

A. Grant Eligibility. To be eligible for a Louisiana Fortify Homes Program (LFHP) grant, an applicant must meet the following requirements.

1. The home must be an owner-occupied, single-family, primary residence with a homestead exemption and cannot be a condominium or mobile home.

2. The home must be in good repair unless damaged by a hurricane, non-hurricane wind, or hail.

3. The homeowner must fortify the home's roof to meet the Insurance Institute for Business and Home Safety (IBHS) fortified roof standard.

4. The homeowner must provide the LFHP proof of a wind insurance policy on the home. Additionally, if the home is in a designated National Flood Insurance Program (NFIP) flood zone, the homeowner must provide the LFHP proof of a flood insurance policy on the home.

5. The homeowner must obtain and pay for all permits required by law or ordinance for the construction.

6. The homeowner must arrange and pay for inspections required by law or ordinance and the terms of the grant, which shall include inspection pursuant to R.S. 22:1483(C)(3).

7. The work must comply with applicable building codes.

8. The LFHP project must be completed within three months of the date of the grant award notification, which will be delivered to the applicant through electronic means. Failure to timely complete the LFHP project may result in a forfeiture of the grant.

#### **B. Grant Application Process**

1. In order to apply, a homeowner must complete and submit an online grant application to the LFHP. The online grant application portal will be accessible via [www.ldi.la.gov/fortifyhomes](http://www.ldi.la.gov/fortifyhomes).

2. The homeowner will be responsible for paying for a certified evaluator of the homeowner's choice to provide an IBHS home review evaluation on the home seeking to be fortified. A list of certified evaluators can be found at [www.ldi.la.gov/fortifyhomes](http://www.ldi.la.gov/fortifyhomes). The LFHP may remove an evaluator from the list of certified evaluators at any time upon a finding that the evaluator failed to meet any of the program requirements listed in §18204 of this Regulation.

3. The evaluator shall determine whether or not the home meets a minimum structural standard on a pass or fail basis before identifying all improvements required to meet the IBHS fortified roof standard. Afterward, the evaluator shall submit a report to the IBHS for approval and provide a copy of the submitted report to the LFHP.

4. Via the LFHP online application portal, the homeowner must then upload bids from three LFHP-approved contractors of their choice to improve the home to meet the IBHS fortified roof standard. If an LFHP-approved contractor is not available in the area where the home is located, the minimum number of bids required for the

application will be reduced to reflect the number of contractors that are available in the area. A list of eligible contractors can be found at [www.ldi.la.gov/fortifyhomes](http://www.ldi.la.gov/fortifyhomes). The LFHP may remove a contractor from the list of eligible contractors at any time upon a finding that the contractor failed to meet any of the program requirements listed in §18203 of this Regulation.

C. Awarding of Grants. The LFHP will review all applications for completeness and will perform appropriate audits to verify the accuracy of the information in the application and whether the applicant meets the eligibility criteria. Verified applicants will then be placed in the order received, and grants will be awarded on a first-come basis, subject to availability of funding. Upon submission of an LFHP grant application, the LFHP will have 30 days to approve or deny the application. However, the LFHP may extend the time for review and approval of applications as it deems necessary. The LFHP will notify an applicant if the time for review and approval of the application has been extended. LFHP-approved contractors are not authorized to begin work on a home until the grant for the work is approved.

D. Maximum Grant Award. The amount of a grant award shall be equivalent to the actual cost to upgrade to the IBHS fortified roof standard not to exceed \$10,000. The Commissioner of the Department of Insurance may periodically update the amount of the grant award.

E. Release of Funds. Grant funds will only be released on behalf of an approved applicant once an IBHS fortified certificate has been issued for the home. Funds will be paid by the LFHP, on behalf of the homeowner, directly to the contractor that performed the work to fortify the roof.

#### **F. Grant Award Process**

1. Once the grant application is approved, the homeowner may contract with an LFHP-approved contractor to fortify the home. Once the fortification work on the home is completed, the LFHP-approved contractor will submit a copy of the signed contract to the LFHP, along with an invoice seeking payment and an affidavit verifying that the fortified standard was met by the work done by the LFHP-approved contractor.

2. The evaluator will perform all required evaluations, including the required interim inspection during construction and the final inspection, confirming that the work was completed according to the IBHS fortified roof specifications. The IBHS will review the evaluation and determine whether to issue a fortified designation, which is a written certificate that the home meets the fortified standard.

3. The LFHP will pay the LFHP-approved contractor's costs covered by the grant, and the homeowner shall pay the remaining costs to the LFHP-approved contractor.

4. The homeowner then must submit the declaration pages of the required insurance coverage to the LFHP within 30 days of receiving the fortified designation.

5. The LFHP may conduct random inspections to detect any fraud or irregularities.

6. To timely manage the processing of grant applications or to meet funding limitations, it may be necessary to establish specific periods when the LFHP will accept grant applications.



AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:1483.1(A).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:700 (April 2023).

#### **§18206. Severability**

A. If any rule or portion of a rule or its applicability to any person or circumstance is held invalid by any court, the remainder of this Chapter or the applicability of the provision to other persons or circumstances shall not be affected.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11 and R.S. 22:1483.1(A).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:701 (April 2023).

James J. Donelon  
Commissioner

2304#003

### **RULE Department of Natural Resources Office of Conservation**

#### **License Renewal (LAC 46:LXXXIX.501 and 509)**

The Department of Natural Resources, Office of Conservation has amended LAC 46:LXXXIXI.501.E and LAC 46:LXXXIXI.501.F, and added LAC 46:LXXXIXI.509.B in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The changes incorporate specifications for continuing education hours required of Louisiana-licensed water well drillers for annual license renewal, as provided for by R.S. 38:3098(B). This Rule is hereby adopted on the day of promulgation.

### **Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part LXXXIX. Water Well Contractors (Drillers) Chapter 5. Procedures for Obtaining and Maintaining a License**

##### **§501. License Application**

A. - D. ...

E. License Renewal. All licenses issued by the department shall expire on June 30 of each year and shall be renewable annually, without qualifying examination, upon submission of a completed license renewal application (see §1111), using form provided by the department, upon payment of the required license renewal fee (see §503), and upon certification by the department of qualified continuing education hours (see §509). Renewal applications, together with the required license renewal fees, must be received by the department no later than June 30 of each year. Such application shall have the effect of extending the validity of the current license until the renewal certificate or the new license is received, or the applicant is notified in writing by the department that the renewal of license has been refused.

F. Contractors (drillers) who fail or refuse to submit their license renewal applications, documentation of required continuing education hours, and the applicable annual renewal fees to the department by June 30 of each year or

submit their applications with N.S.F. or account closed checks, will be considered delinquent and they will be dropped from the roster of licensed drillers. Thereafter, the license may be renewed only upon receipt of the completed renewal application, documentation of required continuing education hours, and payment of the applicable renewal fee, plus a penalty of \$5 for each month that the contractor (driller) was delinquent.

G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, Water Resources Section, LR 9:248 (April 1983), amended LR 11:967 (October 1985), LR 49:701 (April 2023).

#### **§509. Requirements for Maintaining a License**

A. ...

B. Continuing Education. Six hours of continuing education are required for maintenance and renewal of a license annually. Five hours shall consist of continuing education in generalized water well drilling principles; drilling or reworking of water wells; drilling monitoring wells, heat pump wells or holes; geotechnical boreholes; plugging and abandoning wells or holes; safety in drilling operations, including utility notifications and equipment transport; well construction/pumps; geology and hydrogeology; new technologies; and/or other relevant topics approved by the department. One hour shall consist of training provided and/or approved by the department on relevant state law, rules, and regulations governing the above, or relevant compliance and enforcement matters. The license holder must attest to the department personal attendance for each required continuing education hour. The department will review the submitted continuing education documentation and provide notice of certification or rejection of all or some of the hours. Rejected hours must be completed within 60 days of notice from the department, subject to penalty found in §503.F and §503.G. The department may consider requests for, and act upon, exceptions to the above requirements on an individual, case-by-case basis resulting from reasonable extenuating circumstances and/or hardships.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, Water Resources Section, LR 9:249 (April 1983), amended LR 11:968 (October 1985), LR 49:701 (April 2023).

Richard P. Ieyoub  
Commissioner

2304#024

### **RULE**

#### **Department of Revenue Policy Services Division**

#### **Income Tax Return Filing Extensions (LAC 61:III.2501, 2503, 2505, and 2507)**

Under the authority of R.S. 47:103(D), 287.614(D), 612, 1511, and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has