

~~may transport the recipient to a more distant facility if the individual provider will accept reimbursement from the department to the nearest facility and assumes responsibility for additional expenses incurred.~~

~~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 42:1093 (July 2016).~~

~~§573. Non-Emergency, Non-Ambulance Transportation~~

~~A. F.5. ...~~

~~G. Effective for dates of service on or after October 1, 2014, the monthly payment of capitated rates shall be replaced with a per trip payment methodology.~~

~~1. Payments previously made using the monthly capitated rate shall be made by dividing the monthly rate by the number of authorized trips within a given month. Each trip will then be reimbursed separately.~~

~~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 and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:462 (March 2007), LR 34:878 (May 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 36:2564 (November 2010), LR 37:3030 (October 2011), amended LR 38:3214 (December 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1094 (July 2016).~~

~~Rebekah E. Gee MD, MPH  
Secretary~~

~~1607#054~~

**RULE**

**Department of Health  
Office of Public Health**

**Backflow and Cross Connection Control in Water Supplies  
(LAC 51:XII.344 and 346)**

Under the authority of R.S. 40:4 and 40:5 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the state health officer, acting through the Department of Health, Office of Public Health (LDH-OPH), has amended Part XII (Water Supplies) of the Louisiana state *Sanitary Code* (LAC 51). The amendments are necessary to ensure that public water supplies continue to protect their water systems from backflow and cross connections which may occur on customer premises and which can cause contamination of the water supply.

As required by Act 836 of the 2014 Regular Legislative Session, Part XIV (Louisiana state Plumbing Code) of the Louisiana state *Sanitary Code* (LAC 51, *Public Health—Sanitary Code*) became null and void on January 1, 2016. In accordance with the Act, the Louisiana state Uniform Construction Code Council (LSUCCC) promulgated new state plumbing regulations through emergency rules under the state *Uniform Construction Code* (LAC 17:I). Before January 1, 2016, comprehensive backflow protection/cross connection control regulations designed to protect public health applicable to plumbing were contained in Part XIV (Plumbing) of the state *Sanitary*

*Code*. Effective January 1, 2016, some of these same backflow protection/cross connection control regulations applicable to plumbing have been adopted by the LSUCCC under the state *Uniform Construction Code*, particularly within the 2012 *International Plumbing Code* and within the 2012 *International Residential Code* (see December 20, 2015 *Louisiana Register*, Volume 41, page 2545 and June 2016 *Louisiana Register*, Volume 42, page 826).

The state health officer, through LDH-OPH, has promulgated a Rule that finalizes the requirements of an Emergency Rule (the “ER”) concerning cross connection control/protection of the water supply which became effective on February 23, 2016. This Rule maintains the requirements of the ER which amended Part XII (Water Supplies) of Title 51 (*Public Health—Sanitary Code*) in order to direct public water systems to utilize the backflow and cross connection control regulations contained in the state *Uniform Construction Code*. Prior to the adoption of these ERs, Part XII was outdated because it directed water suppliers to Part XIV of the state *Sanitary Code* relative to protecting its system from backflow and cross connections on customer premises. As mentioned above, plumbing regulations formerly contained under Part XIV of the state *Sanitary Code* have been repealed effective January 1, 2016.

In addition, these ERs adopted comprehensive qualification requirements for persons involved in installing, repairing, testing, and maintaining backflow prevention devices and methods. This Rule keeps those requirements in place to ensure that all persons involved in the installation, repair, testing and maintenance of backflow prevention devices are qualified to perform such work.

For these reasons, Part XII (Water Supplies) of the Louisiana state *Sanitary Code* (LAC 51:XII) is amended as follows.

**Title 51**

**PUBLIC HEALTH—SANITARY CODE**

**Part XII. Water Supplies**

**Chapter 3. Water Quality Standards**

**§344. Protection of Water Supply/Containment Practices**

A. As used in this Section, “mandatory containment practices” means the containment practices prescribed in and required by the state *Uniform Construction Code*, LAC 17:I, including maintenance and testing requirements, and any additional or related requirements of this Part.

B. In order to protect its water supply from potential contamination, each water supplier shall develop and implement a written backflow prevention plan outlining the policies and procedures it will use to verify that its customers comply with mandatory containment practices, and shall make a reasonable effort to ensure that only customers who comply with mandatory containment practices connect or remain connected to its water supply.

C. Unless otherwise directed by the state health officer, a water supplier shall disconnect or refuse to connect customers who:

1. fail to comply with mandatory containment practices; or
2. fail to provide or allow adequate confirmation of such compliance.

D. If a water supplier has a reasonable basis to believe that an unprotected or improperly protected cross connection

exists on the premise of any customer not required to comply with mandatory containment practices, the water supplier shall take reasonable steps to perform one or more of the following:

1. confirm that the cross connection on the premise is eliminated or does not exist;
2. confirm that approved fixture isolation backflow protection is installed at the cross connection on the premise in accordance with the fixture isolation practices prescribed in and required by the state *Uniform Construction Code* (LAC 17:1);
3. confirm that approved containment backflow protection is installed; or
4. discontinue water service to the customer.

E. When deemed necessary to protect public health, the state health officer may issue an administrative order or emergency order requiring a water supplier to comply with this Section.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2795 (November 2012), amended by the Department of Health, Office of Public Health, LR 42:1094 (July 2016).

**§346. Installer, Repairer, Tester and Maintainer Qualifications for Backflow Prevention Devices and Methods**

A. Installer/Repairer/Maintainer Qualifications. Backflow preventers shall be installed, repaired and/or maintained by a state Plumbing Board of Louisiana (SPBLA) -licensed plumber who holds an SPBLA water supply protection specialist endorsement on his/her plumbing license pursuant to R.S. 37:1361 et seq., and its implementing regulations (LAC 46:LV.101 et seq.). Backflow preventers associated with a landscape irrigation system may be installed, repaired and/or maintained by a Horticulture Commission of Louisiana-licensed landscape irrigation contractor who holds an SPBLA-issued special water supply protection specialist endorsement in accordance with R.S. 3:3808(P). Backflow preventers located on public property or otherwise under the complete control of the water supplier (for example, water meter and the piping upstream of the water meter, if provided), may be installed, repaired and/or maintained by a backflow prevention assembly repairer who meets the ASSE 5130-2009 (backflow prevention assembly repairer professional qualification standard) or other individuals holding a backflow prevention assembly repairer certificate from a nationally recognized backflow certification organization approved by the state health officer.

B. Field Tester Qualifications. Backflow preventers shall be tested by a state Plumbing Board of Louisiana (SPBLA) -licensed plumber who holds an SPBLA water supply protection specialist endorsement on his/her plumbing license pursuant to R.S. 37:1361 et seq., and its implementing regulations (LAC 46:LV.101 et seq.); or, by a backflow prevention assembly tester who meets ASSE 5110-2009 (backflow prevention assembly tester professional qualification standard), or other individuals holding a testing certificate from a nationally recognized backflow certification organization approved by the state health officer. Backflow preventers associated with a landscape irrigation system may be tested by a Horticulture

Commission of Louisiana-licensed landscape irrigation contractor who holds an SPBLA-issued special water supply protection specialist endorsement in accordance with R.S. 3:3808(P).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) 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 42:1095 (July 2016).

Rebekah E. Gee MD, MPH  
Secretary

1607#035

**RULE**

**Department of Insurance  
Office of the Commissioner**

~~Regulation 32—Group and Individual Coordination of Benefits (LAC 37:XIII.Chapter 3)~~

~~The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act., R.S. 49:950 et seq., hereby gives notice of its intent to amend and promulgate Regulation 32—Group Coordination of Benefits. The purpose of the regulation is to establish a uniform order of benefit determinations.~~

~~The purpose for amending Regulation 32 is for the Department of Insurance to adopt the National Association of Insurance Commissioners' Model regulation entitled "Coordination of Benefits Model Regulation".~~

~~Title 37~~

~~INSURANCE~~

~~Part XIII. Regulations~~

~~Chapter 3. Regulation 32—Group Coordination of Benefits~~

~~§301. Purpose and Applicability~~

~~A. The purpose of this regulation is to:~~

- ~~1. establish a uniform order of benefit determination under which plans pay claims;~~
- ~~2. reduce duplication of benefits by permitting a reduction of the benefits to be paid by plans that, pursuant to rules established by this regulation, do not have to pay their benefits first; and~~
- ~~3. provide greater efficiency in the processing of claims when a person is covered under more than one plan.~~

~~B. This regulation applies to all plans which includes all accident and health products and health maintenance organization products that are issued on or after the effective date of this regulation, which is [insert date].~~

~~AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3.~~

~~HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 17:67 (January 1991), amended LR 20:52 (January 1994), LR 23:415 (April 1997), LR 41:1095 (July 2016).~~

~~§303. Definitions~~

~~A. As used in this regulation, these words and terms have the following meanings, unless the context clearly indicates otherwise.~~

~~Allowable Expense—except as set forth below or where a statute requires a different definition, means any health care expense, including coinsurance or copayments and~~