

er the information submitted with the petition and any other relevant information.

E. If the board denies a rule-making petition, it shall send written notice of its denial to the person who submitted the petition. The notice shall state in writing the reasons for the denial.

F. If the board grants a rule-making petition, it shall initiate rule-making proceedings within 90 days of its receipt of the petition, and it shall send written notice that rule-making proceedings have been initiated to the person who submitted the petition.

G. The board will presume that its current rules are valid unless this presumption is rebutted by persuasive evidence is offered in the petition for the declaratory ruling. When the board determines that a rule is invalid, the board shall initiate rule-making proceedings, sending written notice of the proceedings to the person who submitted the petition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:577 (April 2003), amended LR 47:1868 (December 2021).

Katherine E. Hillegas  
Executive Director

2112#016

## RULE

### Office of the Governor Board of Architectural Examiners

#### Declaratory Orders and Rulings (LAC 46:I.2305)

The Board of Architectural Examiners, in accordance with the provisions of R.S. 49:950 et seq., and through the authority granted in R.S. 37:144(C), has adopted LAC 46:I.2305 pertaining to declaratory orders and rulings.

R.S. 49:962 provides that state agencies shall provide by rule for the filing and prompt disposition of petitions for declaratory orders and rulings as to the applicability of any statutory provision or of any rule or order of the agency. The board seeks to comply with this statute by adopting the proposed Rule, which provides by rule for the filing and prompt disposition of petitions for declaratory orders and rulings as to the applicability of any statutory provision or of any rule or order of the agency. This Rule is hereby adopted on the day of promulgation.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part I. Architects

#### Chapter 23. Application of Rules

#### §2305. Declaratory Orders and Rulings

A. The board may issue, upon request, a declaratory order or ruling as to the applicability of any statutory provision or of any rule or order of the board. Declaratory orders and rulings shall have the same status as board decisions or orders in disciplinary and enforcement proceedings.

B. A request for a declaratory order or ruling shall be made in the form of a written petition to the board on a form provided by the board. To be considered, the form must be completed in full.

C. A petition properly made shall be considered by the board.

D. In its consideration of the petition, the board may request further information from the person or persons who filed the petition. Any such request for further information must be answered promptly and fully.

E. The declaratory order or ruling of the board on said petition shall be in writing and mailed to the petitioner at the last address furnished to the board.

F. If the request for declaratory order or ruling concerns or is related to pending or anticipated litigation, administrative action, or other adjudication, the board may defer issuing a declaratory order or ruling until the litigation, administrative action, or other adjudication is final.

G. The board will presume that its current rules are valid unless this presumption is rebutted by persuasive evidence offered by the petitioner for the declaratory ruling. When the board determines that a rule is invalid, the board shall initiate rule-making proceedings, sending written notice of the proceedings to the person who submitted the petition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 47:1869 (December 2021).

Katherine E. Hillegas  
Executive Director

2112#017

## RULE

### Office of the Governor Board of Architectural Examiners

#### Members of the Military and Spouses and Dependents of Members of the Military (LAC 46:I.1109)

The Board of Architectural Examiners, in accordance with the provisions of R.S. 49:950 et seq., and through the authority granted in R.S. 37:144(C), has amended LAC 46:I.1109 pertaining to Members of the Military and Spouses and Dependents of Members of the Military.

Act No. 200 of 2020 amended R.S. 37:3651 which pertains to licensure for members of the military, their spouses and dependents. This Act requires professional licensing boards to adopt rules implementing its provisions, and in Subsection B the board seeks to comply with this statute by amending LAC 46:I.1109, its current rule pertaining to military-trained architects and architect spouses of military personnel. Subsection B requires the board to issue a license to a military member, including United States Department of Defense civilian employee who has been assigned to duty in Louisiana, or an applicant who is married to or is a dependent of a member of the military or a United States Department of Defense civilian employee, if the

member receives military orders for a change of station to a military installation or assignment located in this state or if the member has established this state as his state of legal residence as reflected in the member's military record, if he meets certain requirements. Subsection A adopts the path to licensure for military personnel contained in the 2021 *NCARB Model Law and Regulations*. The requirements outlined in Subsection A reflect programs that are accepted by all architecture licensing boards in the United States. This Rule is hereby adopted on the day of promulgation.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part I. Architects**

#### **Chapter 11. Licenses**

#### **§1109. Members of the Military and Spouses and Dependents of Members of the Military**

A. Except as provided in §1109.B below, members of the military and their spouse and dependents shall meet all of the requirements for obtaining licensure set forth in this Section.

1. In evaluating qualifications, the board may, prior to reaching its decision, require the applicant to substantiate the applicant's qualifications.

2. To obtain an initial license, members of the military and their spouse and dependents shall be of good character as verified to the board by an applicant's employers or by honorable discharge evidenced by a copy of military discharge document (DD 214).

3. To obtain an initial license, members of the military and their spouse and dependents shall complete an Approved Education Program, or its equivalent, as described herein.

4. An Approved Educational Program is a degree accredited by the National Architectural Accrediting Board (NAAB) or education deemed equivalent by the board to the *NCARB Education Standard* pursuant to Subparagraph b below. At a minimum, the criteria for determining such compliance with the education requirement shall include:

a. an original certified transcript from an approved educational program transmitted through NCARB; or

b. as an alternate to satisfying the approved educational program requirement, the board may consider

i. any other architectural curriculum that has not been accredited by NAAB, but that has been evaluated and found to be an equivalent standard based on NCARB Alternatives to Education Requirement as identified in the August 2021 *NCARB Certification Guidelines*, such version being incorporated herein by reference; or

ii. demonstration of successful completion of an Education Evaluation Services for Architects (EESA) review. The board may also consider an applicant's combination of education and experience that has been evaluated and found to be equivalent to the January 2021 *NCARB Education Standard*, such version being incorporated by reference.

5. To obtain an initial license, members of the military and their spouse and dependents shall complete the approved experience program administered by NCARB (AXP). In lieu of completing AXP, the board may accept professional

training while in active duty as it deems acceptable and in keeping with the experience requirements set forth by NCARB.

6. To obtain an initial license, members of the military and their spouse and dependents shall pass the Architectural Registration Examination administered by NCARB.

B. R.S. 37:3651 enacts special rules for obtaining licensure applicable to certain members of the military and their spouses and dependents who satisfy the following qualifications. Pursuant to such statute:

1. a member of the military, including a United States Department of Defense civilian employee who has been assigned to duty in Louisiana, or an applicant who is married to or is a dependent of a member of the military or United States Department of Defense civilian employee, if the member or United States Department of Defense civilian receives military orders for a change in station to a military installation or assignment located in this state or if the member of United States Department of Defense civilian has established this state as his state of legal residence as reflected in the member's or United States Department of Defense civilian's military record who demonstrates all of the following conditions to the satisfaction of the board shall be issued a license, permit pending normal license, or registration to practice architecture in Louisiana:

a. the applicant holds a current and valid occupational license in architecture;

b. the applicant has held the occupational license in the other state for at least one year;

c. the applicant has passed an examination, or met any education, training, or experience standards as required by the board in the other state;

d. the applicant is held in good standing by the board in the other state;

e. the applicant does not have a disqualifying criminal record as determined by the board;

f. the applicant has not had an occupational license revoked by a board in another state because of negligence or intentional misconduct related to the applicant's work in architecture;

g. the applicant did not surrender an occupational license because of negligence or intentional misconduct related to the person's work in architecture in another state;

h. the applicant does not have a complaint, allegation, or investigation pending before a board in another state which relates to unprofessional conduct of an alleged crime; if the applicant has a complaint, allegation, or investigation pending, the board shall not issue or deny a license to the applicant until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies his criteria for licensure to the satisfaction of the board;

i. the applicant pays all applicable fees in this state; and

j. the applicant simultaneously applies for a permanent license; if the applicant fails to qualify for a permanent license once the permanent application is vetted, the permit automatically terminates;

2. a member of the military, or an applicant who is married to or is a dependent of a member of the military, or

**RULE**

**Department of Health  
Bureau of Health Services Financing  
and  
Office for Citizens with Developmental Disabilities**

Act 421 Children’s Medicaid Option  
(LAC 50:I.3103, III.2331, and XXII.Chapters 81-85)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities have amended LAC 50:I.3103, adopted III.2331, and repealed XXII.Chapters 81-85 in the Medical Assistance Program as authorized by R.S. 36:254, 46:977.21-977.25 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 I. Administration**

**Subpart 3. Managed Care for Physical and Behavioral Health**

**Chapter 31. General Provisions**

**§3103. Recipient Participation**

A. The following Medicaid recipients shall be mandatory participants in managed care:

1. mandatory enrollees:

a. - i. ...

j. individuals and families who have more income than is allowed for Medicaid eligibility, but who meet the standards for the Regular Medically Needy Program;

k. individuals from age 19 to 65 years old at or below 133 percent of the federal poverty level with a 5 percent income disregard as provided in 42 CFR 435.119, hereafter referred to as the new adult group; or

l. individuals eligible through the Act 421 Children’s Medicaid Option (421-CMO) program.

B. ...

1. Participation in a managed care organization (MCO) for the following participants is mandatory for specialized behavioral health, applied behavior analysis (ABA)-based therapy and non-emergency medical transportation (NEMT) services (ambulance and non-ambulance) only, and is voluntary for physical health services:

a. - a.vi. ...

b. individuals under the age of 21 who are otherwise eligible for Medicaid, and who are listed on the DHH Office for Citizens with Developmental Disabilities’ request for services registry and not enrolled in the 421-CMO. These children are identified as Chisholm class members:

B.1.b.i. - I. ...

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

United States Department of Defense civilian employee who has been assigned duty in Louisiana, who demonstrates all of the following conditions to the satisfaction of the board shall be granted a license, permit pending normal license, or registration to practice architecture in Louisiana provided:

a. the applicant worked in a state that does not use an occupational license or government certification to regulate the practice of architecture;

b. the applicant worked at least three years in the lawful occupation; and

c. the applicant satisfies the requirements of Subparagraphs B.1.f.-j of this Section;

3. a member of the military or a United States Department of Defense civilian employee who has been assigned duty in Louisiana, or an applicant who is married to or is a dependent of a member of the military or United States Department of Defense civilian employee, shall be issued a license, permit pending normal license, or registration based on holding a private certification and work experience in another state, provided the applicant demonstrates all of the following conditions to the satisfaction of the board:

a. the applicant worked in a state that does not use an occupational license or government certification to regulate the practice of architecture;

b. the applicant worked for at least two years in the occupation privately certified;

c. the applicant holds a current and valid private certification in the lawful occupation;

d. the private certification organization holds the applicant in good standing; and

e. the applicant satisfies the requirements of Subparagraphs B.1.f.-j of this Section;

4. to wholly or partially satisfy the education, training, or experience requirements for architectural licensure, an applicant must present clear and convincing evidence of comparable education, training, or experience as a member of the United States armed forces or any national guard or other reserve component. The board will determine whether the evidence of education, training, or experience is in fact comparable;

5. for purposes of this rule, *military* and *dependent* shall have the meanings set forth in R.S. 37:3651(N) and (O), such meanings incorporated herein by reference;

6. this Section shall not apply to any applicant receiving a dishonorable discharge or a military spouse whose spouse received a dishonorable discharge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 47:1870 (December 2021).

Katherine E. Hillegas  
Executive Director

2112#018