

HISTORICAL NOTE: Promulgated by the Department of Health and Human Services, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:2439 (November 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:2772 (October 2013).

§8151. Contact with Family and Collaterals

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.1-7.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Services, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:2439 (November 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:2773 (October 2013).

§8153. Participation in Program Development

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.1-7.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Services, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:2439 (November 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:2773 (October 2013).

§8155. Disciplinary Safeguards

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.1-7.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Services, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:2439 (November 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:2773 (October 2013).

§8157. Furnishings and Equipment for Center Based

Respite Care

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.1-7.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Services, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:2439 (November 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:2773 (October 2013).

§8159. Play Space and Equipment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.1-7.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Services, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987),

repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:2439 (November 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:2773 (October 2013).

§8161. Health and Safety

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.1-7.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Services, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:2439 (November 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:2773 (October 2013).

§8165. Maintenance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.1-7.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Services, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:2440 (November 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:2773 (October 2013).

§8167. In or Out-of-Home

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.1-7.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Services, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:2440 (November 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:2773 (October 2013).

Kathy H. Kliebert
Secretary

1310#083

RULE

**Department of Insurance
Office of the Commissioner**

Regulation 101—Registration and Regulation of Navigators
(LAC 37:XIII.Chapter 143)

Under the authority of the *Louisiana Insurance Code*, R.S. 22:1 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 22:11, and R.S. 22:753, the Department of Insurance has adopted Regulation 101. The purpose of the regulation is to require the registration and provide for the regulation of all entities and all persons authorized by the U.S. Department of Health and Human Services to act as navigators for any affordable insurance exchange operating in this state.

Title 37
INSURANCE

Part XIII. Regulations

Chapter 143. Regulation 101—Registration and Regulation of Navigators

§14301. Purpose

A. The purpose of Regulation 101 is to implement a provision of Act 349 of the 2013 Regular Session of the Louisiana Legislature relative to the registration and regulation of navigators as authorized in R.S. 22:753.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2774 (October 2013).

§14303. Authority

A. Regulation 101 is promulgated pursuant to the authority granted in R.S. 22:11 and 22:753(H)(5).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2774 (October 2013).

§14305. Applicability and Scope

A. Regulation 101 is applicable to all entities and persons that receive either funding or certification from any state or federal governmental agency for the purposes of acting as a health insurance navigator for an affordable insurance exchange (also called a Health Insurance Marketplace) in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2774 (October 2013).

§14307. Definitions

A. As used in Regulation 101, the following terms shall have the meaning or definition as indicated herein.

Affordable Insurance Exchange—an exchange or marketplace established pursuant to the Patient Protection and Affordable Care Act, Pub. L. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. 111-152.

Commissioner—*commissioner* of insurance for the state of Louisiana.

Navigator—any person or entity that receives a grant of funding or certification or other form of recognition or designation as a *navigator* by an affordable insurance exchange or by any state or federal governmental entity pursuant to 45 CFR §155 et seq., as authorized by §1311 of the Affordable Care Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2774 (October 2013).

§14309. Registration of Navigators

A. Each navigator must be registered with the commissioner.

B. Each navigator grantee shall complete and submit a registration form prescribed by the commissioner and in a manner directed by the commissioner within 10 days of the effective date of this regulation, or within 10 days of

certification or notice of a grant of funding to a navigator, whichever is earlier.

C. A navigator grantee shall append its registration form with a list of persons employed or associated with the entity that shall act or shall reasonably be expected to act as navigators individually, and shall submit sufficient proof of certification as a navigator. When such a navigator entity employs or associates with such persons not included in the appendix, the navigator shall submit an updated appendix to the commissioner within 10 days of the employment or association. Whenever a person listed on a submitted appendix ceases to be employed or associated with the navigator entity, or ceases to act in a capacity as a navigator, the entity shall submit an updated appendix to the commissioner within 10 days of such event.

D. No navigator shall be permitted to act as such in this state or to advertise such service unless such navigator has completed the registration process promulgated in Regulation 101.

E. In the event that any navigator, whether an entity or an individual, is decertified or in any other manner has its designation as a navigator revoked, altered, or suspended, such navigator shall immediately notify the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2774 (October 2013).

§14311. Required Education and Training

A. A navigator must complete initial education and training as prescribed by the U.S. Department of Health and Human Services prior to engaging in services as a navigator.

B. A navigator must complete all continuing education and training prescribed by the U.S. Department of Health and Human Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2774 (October 2013).

§14313. Prohibited Conduct

A. Pursuant to 45 CFR §155 et seq., no navigator shall:

1. engage in any activities that would require a health and accident insurance producer license;
2. offer advice or recommendations nor any form of endorsement of a particular health benefit plan or health and accident insurance product;
3. provide any services related to health benefit plans or health and accident insurance products offered outside of an affordable insurance exchange, except to the extent required by federal law or regulations;
4. accept any form of compensation or consideration of any kind whatever from a health insurance issuer or from a health and accident stop-loss issuer;
5. disclose any information obtained in the course of navigator activities where such information is confidential or protected from disclosure by law, including but not limited to personal identifiable information, protected health information, or income tax information; and
6. violate the standards of conduct or prohibitions relating to navigators as enumerated in 45 CFR §155.260 or other federal laws or regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2774 (October 2013).

§14315. Required Reports and Reporting

A. A navigator that is required to file annual and quarterly progress reports with the Centers for Medicare and Medicaid Services shall also file such reports with the commissioner within 10 days of filing with the appropriate federal office or agency.

B. A navigator that is required to file financial reports with the Centers for Medicare and Medicaid Services shall also file such reports with the commissioner within 10 days of filing with the appropriate federal office or agency.

C. A navigator shall report to the commissioner any regulatory action or other form of administrative action to which the navigator has been made subject to by state or federal administrative agencies. Such report shall be made to the commissioner within 10 days of the action.

D. The commissioner may require the furnishing of other information necessary and proper for the enforcement of Regulation 101.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2775 (October 2013).

§14317. Enforcement

A. A navigator acting in violation of Regulation 101 or in violation of any applicable federal law or regulation pertaining to navigators shall be subject to reporting by the commissioner to the relevant federal regulatory agency responsible for navigator oversight.

B. No provision of Regulation 101 shall be interpreted to preclude other forms of enforcement against navigators in such cases where a navigator has violated other provisions of law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:753.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 39:2775 (October 2013).

James J. Donelon
Commissioner

1310#085

RULE

**Department of Natural Resources
Office of Coastal Management**

Mitigation (LAC 43:I.700 and 724)

Under the authority of R.S. 49:214.21-49:214.41 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:450 et seq., the Department of Natural Resources, Office of Coastal Management amends LAC 43:700 and 724 relative to the rules and procedures for mitigation.

This Rule amendment is intended to assist in ensuring that the Office of Coastal Management's regulatory practices regarding its mitigation program are consistent with the

state's Comprehensive Master Plan for a Sustainable Coast, and simplifying the present mitigation rules to reduce the burden on limited state resources.

Title 43

NATURAL RESOURCES

Part I. Office of the Secretary

Chapter 7. Coastal Management

Subchapter A. Definitions

§700. Definitions

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Consistency Authorization—a letter or other formal notification stating that the Office of Coastal Management has found that the proposed activity is consistent, to the maximum extent practicable, with the Louisiana Coastal Resources Program.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.21-49:214.41.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 21:835 (August 1995), amended by the Office of Coastal Restoration and Management, LR 28:516 (March 2002), amended by the Department of Natural Resources, Office of the Secretary, LR 35:2183 (October 2009), amended by the Department of Natural Resources, Office of Coastal Management, LR 39:2775 (October 2013).

Subchapter C. Coastal Use Permits and Mitigation

§724. Rules and Procedures for Mitigation

A. General. This Section provides general procedures for avoiding and minimizing adverse impacts identified in the permit review and consistency authorization review processes, restoring impacted sites when appropriate, quantifying anticipated unavoidable coastal resources ecological value losses, requiring appropriate and sufficient compensatory mitigation, reviewing and establishing mitigation banks and/or in-lieu-fee programs, and evaluating and processing requests for variances from the compensatory mitigation requirement.

B. Avoidance, Minimization, and Restoration of, and Compensation for, Ecological Losses of Coastal Resources Values

1. The secretary shall not grant a coastal use permit or issue a general permit or consistency authorization for an individual activity unless the permit process includes evaluation of the following:

a. any locations, designs, methods, practices, and techniques which may be required, following a thorough review of §§701-719, to avoid and minimize those adverse impacts identified during the permit review and consistency review processes;

b. any locations, designs, methods, practices, and techniques which may be required, following a thorough review of §§701-719, to restore impacted sites when appropriate; and

c. a requirement for compensatory mitigation to offset any net loss of coastal resources ecological value that is anticipated to occur despite efforts to avoid, minimize, and restore permitted/authorized impacts (i.e., unavoidable net loss of coastal resources ecological value), unless a variance is granted pursuant to §724.K.

2. If the secretary determines that a proposed activity would comply with §§701-719 and would not result in a net