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## LOUISIANA STATE RACING COMMISSION

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**Charles A. Gardiner III**  
Executive Director

July 19, 2021

The Honorable Clay Schexnayder  
Speaker of the House  
Post Office Box 94062  
Baton Rouge, LA 70804-9062

The Honorable Patrick Page Cortez  
President of the Senate  
Post Office Box 94183  
Baton Rouge, LA 70804-9183

Dear Senator Cortez and Representative Schexnayder:

Pursuant to La. R.S. 49:968(D)(1)(b), the Louisiana State Racing Commission hereby announces its plan to proceed with rule-making regarding the May 20, 2021 Notice of Intent of LAC 35.XIII.11609 "Procedure" that was promulgated on pages 630 through 631 of the *Louisiana Register*. The LSRC tentatively plans to vote for formal adoption of the rule at the next Public Commission Meeting, at which the required 90 days following Notice of Intent pursuant to La. R.S. 49:953 will have passed.

The proposed amendment to rule LAC 35.XIII.11609 better clarifies for the public what happens to the portion of a Pick N wager in the instance that there is a change of racing surface due to conditions of the course.

In regard to the proposed rule, this Commission has received no comments after the Notice of Intent was published and therefore has not conducted a hearing pursuant to La. R.S. 49:953(A)(2).

The Commission has made no changes to the proposed rule.

Subject to legislative oversight by either the House Commerce Committee or Senate Commerce Committee, the Louisiana State Racing Commission intends to submit one Rule to the Office of the State Register for publication following the required time periods set forth in La. R.S. 49:951 et. seq. Please contact Larry Munster at (504) 483-3357 if the commission may be of any assistance to you concerning this rule.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles A. Gardiner III".

Charles A. Gardiner III  
Executive Director

CAG: tm  
Enclosures

cc: Office of the State Register  
House Commerce Committee  
Senate Commerce Committee

family poverty in relations to individual or community asset development as described in R.S. 49:973.

**Small Business Analysis**

This proposed Rule has no known measurable impact on small businesses as described in R.S. 49:965.6.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

**Public Comments**

Written comments may be addressed to Elizabeth Traylor, Executive Management Officer, Board of Pardons and Parole, P.O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on June 10, 2021.

Sheryl M. Ranatza  
Board Chair

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

**RULE TITLE: Meeting and Hearing for the Board of Parole; Inactive Parole Supervision**

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

There is no impact on expenditures of the Department of Public Safety & Corrections (DPS&C) or local governmental units as a result of the proposed rules. The proposed revisions expand the ability of individuals to provide testimony to the Board of Pardons and the Committee on Parole via phone, teleconferencing, and/or videoconferencing. The proposed rules create provisions and guidelines for moving parolees into inactive parole supervision.

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

There will be no effect on revenue collections of state or local governmental units as a result of the proposed rule changes.

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

There will be an impact to individuals who choose to participate in hearings with the Board of Pardons and/or the Committee on Parole via phone, teleconference, or videoconference. Those persons will experience a savings in travel expenses by participating in the new manner allowed under the proposed rules.

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

There is no estimated effect on competition and employment as a result of the proposed rule changes.

Sheryl M. Ranatza  
Board Chair  
2105#019

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration  
Racing Commission**

Pick N Procedure (LAC 35:XIII.11609)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, notice is hereby given that the Racing Commission proposes to amend LAC 35:XIII.11609. The proposed rule better clarifies for the public what happens to the portion of a Pick N wager in the instance that there is a change of racing surface due to conditions of the course.

**Title 35**

**HORSE RACING**

**Part XIII. Wagering**

**Chapter 116. Pick N**

**§11609. Procedure**

A. - F. ...

G. If the condition of the course warrants a change of racing surface in any of the legs of the Pick N races, and such change was not known to the public prior to the closing of wagering for the Pick N pool, the stewards shall declare the changed leg(s) an all win for Pick N wagering purposes only.

H. - L.2.b. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1014 (May 2002), amended LR 34:870 (May 2008), LR 45:1594 (November 2019), LR 47:

**Family Impact Statement**

This proposed Rule has no known impact on family formation, stability, and/or autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This proposed Rule has no known measurable impact on small businesses as described in R.S. 49:965.6.

**Provider Impact Statement**

This proposed Rule has no known impact on providers of services for individuals with developmental disabilities.

**Public Comments**

The domicile office of the Louisiana State Racing Commission is open from 8:00 a.m. to 4:30 p.m. Monday - Friday, and interested parties may submit oral or written comments, data, views, or arguments relative to this proposed rule for a period up to 20 days (exclusive of weekends and state holidays) from the date of this

publication to Brett Bonin, Assistant Attorney General, 320 North Carrollton Avenue, Suite 2-B, New Orleans, Louisiana 70119-5100.

Charles A. Gardiner III  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Pick N Procedure**

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

There is no anticipated direct material effect on state or local governmental units as a result of the proposed administrative rule. The proposed amendment to the rule better clarifies for the public what happens to the portion of a Pick N wager in the instance that there is a change of racing surface due to conditions of the course.

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

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed administrative rule.

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

There are no estimated costs or economic benefits to directly affected persons or non-governmental groups. The proposed amendment is a change of language in the rule for clarification.

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

There is no effect on competition and employment as a result of the proposed administrative rule change.

Charles A. Gardner, III  
Executive Director  
2105#031

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

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

**Home and Community-Based Services Waivers  
Cost Reporting Requirements  
(LAC 50:XXI.Chapters 7 and Chapter 29)**

The Department of Health, Bureau of Health Services Financing, the Office for Citizens with Developmental Disabilities and the Office of Aging and Adult Services proposes to amend LAC 50:XXI.Chapter 7 and repeal LAC 50:XXI.Chapter 29 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing, the Office for Citizens with Developmental Disabilities, and the Office of Aging and Adult Services

propose to amend the provisions governing home and community-based services (HCBS) waivers in order to: 1) repeal LAC 50:XXI.Chapter 29 of the Adult Day Health Care (ADHC) Waiver Rule in its entirety and incorporate the language into LAC 50:XXI.Chapter 7 of the general provisions for HCBS waivers providers; 2) add provisions stating that personal care service and adult day health care providers may be penalized for failing to submit cost reports timely; and 3) remove outdated language from the administrative Rule.

**Title 50  
PUBLIC HEALTH—MEDICAL ASSISTANCE  
Part XXI. Home and Community-Based Services  
Waivers**

**Subpart 1. General Provisions  
Chapter 7. Reimbursement Methodology  
Subchapter A. Personal Care Services Providers**

**§701. General Provisions**

A. The Department of Health (LDH) establishes reimbursement methodologies and cost reporting requirements for providers of home and community-based services waiver programs who provide personal care services (including personal care services, personal care attendant services, community living supports services, attendant care services, personal assistance services, in-home respite, and individual and family support services).

B. - C. Repealed.

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, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:509 (March 2013), amended LR 42:898 (June 2016), amended by the Department of Health, Bureau of Health Services Financing, the Office for Citizens with Developmental Disabilities and the Office of Aging and Adult Services, LR 47:

**§703. Cost Reporting Requirements**

A. Effective July 1, 2012, the department implemented mandatory cost reporting requirements for providers of home and community-based waiver services listed above in §701.A. The cost reports will be used to verify expenditures and to support rate setting for the services rendered to waiver participants.

1. - 7. Repealed.

B. Providers of services in the following waiver programs shall be required to submit cost reports:

1. Adult Day Health Care Waiver;
2. Children's Choice Waiver;
3. Community Choices Waiver;
4. New Opportunities Waiver;
5. Residential Options Waiver; and
6. Supports Waiver.

C. Each provider shall complete the LDH approved cost report and submit the cost report(s) to the department no later than five months after the state's fiscal year ends (June 30).

1. - 5. Repealed.

D. When a provider fails to submit a cost report by the last day of November, which is five months after the state fiscal year ends (June 30), a penalty of 5 percent of the total monthly payment for the first month and a progressive penalty of 5 percent of the total monthly payment for each succeeding month may be levied and withheld from the