

**Listing of the 10% of Producers with the Greatest Percentage of Replacements**

Producer's Name	Number of Policies Sold By This Producer	Number of Policies Replaced By This Producer	Number of Replacements As % of Number Sold By This Producer

**Listing of the 10% of Producers with the Greatest Percentage of Lapses**

Producer's Name	Number of Policies Sold By This Producer	Number of Policies Lapsed By This Producer	Number of Lapses As % of Number Sold By This Producer

**Company Totals**

Percentage of Replacement Policies Sold to Total Annual Sales \_\_\_\_\_%

Percentage of Replacement Policies Sold to Policies In Force (as of the end of the preceding calendar year) \_\_\_\_\_%

Percentage of Lapsed Policies to Total Annual Sales \_\_\_\_\_%

Percentage of Lapsed Policies to Policies In Force (as of the end of the preceding calendar year) \_\_\_\_\_%

**H. Appendix H**

**GUIDELINE FOR LONG-TERM**

**CARE INDEPENDENT REVIEW ENTITIES**

In order for an organization to qualify as an independent review organization for long-term care insurance benefit trigger decisions, it shall comply with all of the following:

a. The independent review organization shall ensure that all health care professionals on its staff and with whom it contracts to provide benefit trigger determination reviews hold a current unrestricted license or certification to practice a health care profession in the United States.

b. The independent review organization shall ensure that any health care professional on its staff with whom it contracts to provide benefit trigger determination reviews who is a physician holds a current certification by a recognized American medical specialty board in a specialty appropriate for determining an insured's functional or cognitive impairment.

c. The independent review organization shall ensure that any health care professional on its staff with whom it contracts to provide benefit trigger determination reviews who is not a physician holds a current certification in the specialty in which that person is licensed, by a recognized American specialty board in a specialty appropriate for determining an insured's functional or cognitive impairment.

d. The independent review organization shall ensure that all health care professionals on its staff and with whom it contracts to provide benefit trigger determination reviews have no history of disciplinary actions or sanctions including, but not limited to, the loss of staff privileges or any participation restriction taken or pending by any hospital or state or federal government regulatory agency.

e. The independent review organization shall ensure that neither it, nor any of its employees, agents, or licensed health care professionals utilized for benefit trigger determination reviews receives compensation of any type that is dependent on the outcome of the review.

f. The independent review organization shall ensure that neither it, nor any of its employees, agents, or licensed health care professionals it utilized for benefit trigger determination reviews are in any manner related to, employed by, or affiliated with the insurer, insured, or with a person who previously provided medical care or long-term care services to the insured.

g. The independent review organization shall provide a description of the qualifications of the reviewers retained to conduct independent review of long-term care insurance benefit

trigger decisions, including the reviewer's current and past employment history, practice affiliations, and a description of past experience with decisions relating to long-term care, functional capacity, dependency in activities of daily living, or in assessing cognitive impairment. Specifically, with regard to reviews of tax qualified long-term care insurance contracts, it must demonstrate the ability to assess the severity of cognitive impairment requiring substantial supervision to protect the individual from harm or with assessing deficits in the ability to perform without substantial assistance from another person at least two activities of daily living for a period of at least 90 days due to a loss of functional capacity.

h. This independent review organization shall provide a description of the procedures employed to ensure that reviewers conducting independent reviews are appropriately licensed or registered; trained in the principles, procedures, and standards of the independent review organization; and knowledgeable about the functional or cognitive impairments associated with the diagnosis and disease staging processes, including expected duration of such impairment, which is the subject of the independent review.

i. The independent review organization shall provide the number of reviewers retained by the independent review organization and a description of the areas of expertise available from such reviewers and the types of cases such reviewers are qualified to review (e.g. assessment of cognitive impairment or inability to perform activities of daily living due to a loss of functional capacity).

j. The independent review organizations shall provide a description of the policies and procedures employed to protect confidentiality of protected health information, in accordance with federal and state law.

k. The independent review organization shall provide a description of its quality assurance program.

l. The independent review organization shall provide the names of all corporations and organizations owned or controlled by the independent review organization or which own or control the organization, and the nature and extent of any such ownership or control. The independent review organization shall ensure that neither it, nor any of its employees, agents, or licensed health care professionals utilized are not a subsidiary of, or owned or controlled by, an insurer or by a trade association of insurers of which the insured is a member.

m. The independent review organization shall provide the names and résumés of all directors, officers, and executives of the independent review organization.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:1186(A), 22:1186(E), 22:1188(C), 22:1189, and 22:1190.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:1412 (July 2017) (effective January 1, 2018).

James J. Donelon  
Commissioner

1707#057

**RULE**

**Department of Justice  
Law Enforcement Officers and  
Firemen's Survivor Benefit Review Board**

Survivor Benefits  
(LAC 37:I.1101 and LAC 58:XXIII.Chapter 1)

The Law Enforcement Officers and Firemen's Survivor Benefit Review Board, in accordance with R.S. 40:1665.3 and the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., hereby adopts this Rule, repealing the survivor benefits regulations, LAC 37:I.1101 and adopting §101, Survivors Benefits, §103, Definitions, §105, Board Membership and Domicile, §107, Claims Requests, §109,

Procedures for Hearings, and §111, Appeals in Title 58 (Retirement), Part XXIII (Survivor Benefit Board) of the *Louisiana Administrative Code*.

The Rule applies to reviews of survivor benefits claims made on behalf of deceased law enforcement officers and firemen to the Law Enforcement Officers and Firemen's Survivor Benefit Review Board. The Rule addresses additional qualifying claim circumstances enacted by law and clarify documents necessary for adjudication of claims submitted for review by the Law Enforcement Officers and Firemen's Survivor Benefit Review Board. In order to provide continuity and a single point of contact for employee agencies reporting potential qualifying claims, the Rule provides that the attorney general or their designee shall chair the board in lieu of a rotational chairmanship by members of the board.

### **Title 37**

### **INSURANCE**

#### **Part I. Risk Management**

#### **Subpart 1. Insurance and Related Matters**

#### **Chapter 11. Law Enforcement Officers' and Firemen's Survivor Benefit Review Board**

#### **§1101. Survivor Benefits**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:1947, R.S. 33:1981, R.S. 33:2201, and R.S. 39:1533.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Risk Management, LR 16:400 (May 1990), amended LR 31:69 (January 2005), LR 32:1443 (August 2006), repealed by the Department of Justice, Law Enforcement Officers and Firemen's Survivor Benefit Review Board, LR 43:1417 (July 2017).

### **Title 58**

### **RETIREMENT**

#### **Part XXIII. Survivor Benefit Board**

#### **Chapter 1. Law Enforcement Officers and Firemen's Survivors Benefit Board (Formerly LAC 37:I.Chapter 11)**

#### **§101. Survivors Benefits**

##### **(Formerly LAC 37:I.1101.A-B)**

##### **A. Purpose:**

1. to establish an effective and efficient mechanism for fulfilling the provisions of R.S. 39:1533(A), 40:1665, 40:1665.3, 40:1665.2(B), and 40:1665.1;

2. to govern the submission, evaluation and determination of claims submitted pursuant to R.S. 40:1665.3, 40:1665.2, 40:1665.1, 40:1665, 33:2011, and 33:2581.

##### **B. Application**

1. The rules will apply to all claims arising from R.S. 40:1665, 40:1665.2, and 40:1665.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1665, 40:1665.1, 40:1665.2, 40:1665.3, 33:2011, 33:2581, and 39:1533.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Risk Management, LR 16:400 (May 1990), amended LR 31:69 (January 2005), LR 32:1443 (August 2006), amended by the Department of Justice, Law Enforcement Officers and Firemen's Survivor Benefit Review Board, LR 43:1417 (July 2017).

#### **§103. Definitions**

##### **(Formerly LAC 37:I.1101.C)**

*Board*—the Law Enforcement Officers and Firemen's Survivor Benefit Review Board.

*Child*—as defined in R.S. 40:1665.3(C)(2).

*Fireman*—as defined in R.S. 40:1665(B).

*Law Enforcement Officer*—as defined in R.S. 40:1665.2(B).

*Line of Duty*—shall include:

1. for law enforcement, any activity performed in which a law enforcement officer suffers death as a result of:

a. an injury arising out of and in the course of the performance of their official duties;

b. arising out of any activity while on or off duty, in their official enforcement capacity, involving the protection of life or property;

c. traveling to or from a public safety emergency or responding to a request for law enforcement assistance regarding the health, safety, or welfare of the public; or

d. traveling to or from their residence or their authorized work area while using a law enforcement vehicle provided by their employing agency;

2. for firemen, an activity performed in which a fireman suffers death as a result of:

a. an injury arising out of and in the course of the performance of their official duties;

b. an injury arising out of an activity, while on or off duty, in their capacity as a firemen, in the protection of life and property;

c. a heart attack or stroke as provided for in R.S. 40:1665.1;

d. a disabling cancer, following 10 or more years of service, as provided for in R.S. 33:2011; or

e. a disease or infirmity of the heart or lungs, which develops during employment in the classified fire service, as provided for in R.S. 33:2581.

*Qualifying Claim*—those claims meeting the criteria of claims request documentation, and the meaning ascribed to line of duty.

*Spouse*—as defined in R.S. 40:1665.3(C)(1).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1665, 40:1665.1, 40:1665.2, 40:1665.3, 33:2011, 33:2581, and 39:1533.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Risk Management, LR 16:400 (May 1990), amended LR 31:69 (January 2005), LR 32:1443 (August 2006), amended by the Department of Justice, Law Enforcement Officers and Firemen's Survivor Benefit Review Board, LR 43:1417 (July 2017).

#### **§105. Board Membership and Domicile (Formerly LAC 37:I.1101.D)**

A. The board's official domicile will be located in Baton Rouge. All claims hearings, presentations, etc. will be held in the board's official domicile. Claimant expenses related to claim preparation and presentation are not allowable for reimbursement. Board members serve on a gratuitous basis. The chairman of the board shall be the attorney general, or their designee.

B. The board will be comprised of those individuals or their designees as stated in R.S. 40:1665.3

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1665, 40:1665.1, 40:1665.2, 40:1665.3, 33:2011, 33:2581, and 39:1533.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Risk Management, LR 16:400 (May 1990), amended LR 31:69 (January 2005), LR 32:1443 (August 2006), amended by the Department of Justice, Law Enforcement Officers and Firemen's Survivor Benefit Review Board, LR 43:1417 (July 2017).

#### **§107. Claims Requests**

##### **(Formerly LAC 37:I.1101.E)**

A. All claims shall be submitted to the chairman of Law Enforcement Officers and Firemen's Survivor Benefit Review Board through the Department of Justice, Attorney General.

B. All claim requests must include the following documentation:

1. notarized affidavit for decedent's date of employment, rank, duty assignment, routine work schedule, work responsibilities, years of classified service if applicable, and brief statement outlining injuries;

2. copy of decedent's commission as police officer/fireman;

3. notarized affidavits from any witnesses to incident;

4. certified copy of investigative report, or uncertified copy accompanied by notarized affidavit of reporting investigative officer, which identifies copy of report as accurate reproduction of original report;

5. certified copy of decedent's death certificate and autopsy protocol report;

6. notarized affidavit from decedent's surviving spouse stating their full name, address, date of marriage, and that they were not legally separated or divorced at time of death. Also, a certified copy of marriage license;

7. list of names and birth dates of each minor child born to or adopted by decedent, certified copies of birth certificates;

8. certified copy of letters of tutorship;

9. notarized affidavit of tutor or legal representative of surviving child stating child is unmarried and under the age of 18, or alternately, is unmarried, under the age of 23, and a student;

10. notarized affidavit of caretaker of surviving child which states the major child is physically and/or mentally handicapped, totally and permanently disabled, and solely dependent upon decedent for support. Also, copy of the major child's medical and/or psychological records; and

11. if decedent was not survived by a spouse, child or children, a notarized copy of the department's form designating decedent's chosen beneficiary. If decedent is not survived by a spouse, child or children, and no beneficiary designation form has been completed, any approved qualifying claim shall be paid to the decedent's estate.

C. Additional information required for some firemen:

1. for claims involving disabling cancer under R.S. 33:2011, a certified copy of medical diagnosis of disabling cancer originating in the bladder, brain, colon, liver, pancreas, skin, kidney, or gastrointestinal tract, and leukemia, lymphoma, and multiple myeloma;

2. for claims involving diseases or infirmity of the heart or lungs under R.S. 33:2581, a certified copy of a

medical diagnosis of disease of the heart or lung during period of classified fire service;

3. for claims involving heart attack or stroke under R.S. 40:1665.1, notarized affidavit providing that heart attack or stroke occurred while on duty while fireman was engaged in an activity which was stressful or physical, or participating in a training exercise that involved stressful or strenuous physical activity, or no later than 24 hours from engaging or participating in such activities, while on duty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1665, 40:1665.1, 40:1665.2, 40:1665.3, 33:2011, 33:2581, and 39:1533.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Risk Management, LR 16:400 (May 1990), amended LR 31:69 (January 2005), LR 32:1443 (August 2006), amended by the Department of Justice, Law Enforcement Officers and Firemen's Survivor Benefit Review Board, LR 43:1418 (July 2017).

#### **§109. Procedures for Hearings**

##### **(Formerly LAC 37:I.1101.F)**

A. Upon receipt of a claim, the chairman will schedule the claim for board hearing within 60 days after all required documentation is received. Each claim shall be assigned a sequential number claim code which shall be utilized for official references.

B. The chairman shall notify the board members, claimant, and appointing authority of the claimant of the claim items up for consideration no later than 10 days prior to hearing.

C. At the hearing date described, the board shall officially receive and act upon all claims received.

D. The board may, at its discretion, entertain additional oral presentations from outside parties regarding the claim.

E. The board shall have the following options with regards to the claim action:

1. approval of the qualifying claim;

2. denial of the claim;

3. deferral pending receipt of additional data; or

4. conditional approval of qualifying claim, pending receipt of any outstanding documentation.

F. The board shall inform the claimant, in writing, of its determination.

G. If approved or upon receipt of outstanding documentation following conditional approval, the board chairman shall certify to the commissioner of administration and request payment in accordance with R.S. 39:1533.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1665, 40:1665.1, 40:1665.2, 40:1665.3, 33:2011, 33:2581, and 39:1533.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Risk Management, LR 16:400 (May 1990), amended LR 31:69 (January 2005), LR 32:1443 (August 2006), amended by the Department of Justice, Law Enforcement Officers and Firemen's Survivor Benefit Review Board, LR 43:1418 (July 2017).

#### **§111. Appeals**

##### **(Formerly LAC 37:I.1101.G)**

A. Claimant may appeal within 60 days of being advised of the board's decision.

B. This appeal shall be filed in the Nineteenth Judicial District Court.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1665, 40:1665.1, 40:1665.2, 40:1665.3, 33:2011, 33:2581, and 39:1533.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Risk Management, LR 16:400 (May 1990), amended LR 31:69 (January 2005), LR 32:1443 (August 2006), amended by the Department of Justice, Law Enforcement Officers and Firemen’s Survivor Benefit Review Board, LR 43:1418 (July 2017).

Joe Picone  
Chairman

1707#034

**RULE**

**Department of Public Safety and Corrections  
Office of Motor Vehicles**

**Digitized Driver’s License  
(LAC 55:III.161)**

In accordance with the provisions of R.S. 32:411(F)(1) and (3)(d) and (f) regarding the implementation of a digitized driver’s license and the fee to install the application to display a digitized driver’s license, the Department of Public Safety and Corrections, Office of Motor Vehicles, has adopted LAC 55:III, Chapter 1, Subchapter A, §161 to implement rules as are necessary to implement a digitized driver’s license as no digitized driver’s license is valid until such rules are adopted. This is a completely new section.

**Title 55**

**PUBLIC SAFETY**

**Part III. Motor Vehicles**

**Chapter 1. Driver’s License**

**Subchapter A. General Requirements**

**§161. Digitized Driver’s License**

A. As used in this Section, digitized driver’s license shall have the meaning assigned to it as in Title 32 of the 1950 Louisiana Revised Statutes.

B. A licensee may obtain a digitized driver’s license by purchasing the digitized driver’s license application from the department or its authorized representative. The fee to initially install the application to display a digitized driver’s license on a mobile device shall be six dollars.

C. The application shall be installed upon initial purchase and upon renewal of a driver’s license.

D. The number of active applications per driver’s license is limited to one unless the capability to add additional devices is approved by the commissioner.

E. In the case of lost, stolen, or replaced mobile devices, the holder of a digitized driver’s license shall re-assign the application to another mobile device and terminate use of the application on the lost, stolen, or replaced mobile device.

F. The licensee utilizing the digitized driver’s license is responsible for the successful operation of the application. If the person to whom the licensee is presenting the digitized driver’s license to is unable to read the digitized driver’s license, it will be as if the licensee did not present a driver’s license at all.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:411(F)(1) and (3)(d) and (f).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:1419 (July 2017).

Karen G. St. Germain  
Commissioner

1707#035

**RULE**

**Department of Transportation and Development  
Professional Engineering and Land Surveying Board**

**Professional Engineer Licensure and  
Acceptable Engineering Graduate Degrees  
(LAC 46:LXI.903, 1105, and 1901)**

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Professional Engineering and Land Surveying Board has amended its rules contained in LAC 46:LXI.903, 1105, and 1901.

The revisions remove the expired provisions relating to applicants for licensure as a professional engineer in naval architecture/marine engineering and clarifies the requirements for acceptable engineering graduate degrees.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LXI. Professional Engineers and Land Surveyors**

**Chapter 9. Requirements for Certification and  
Licensure of Individuals and Temporary  
Permit to Practice Engineering or Land  
Surveying**

**§903. Professional Engineer Licensure**

A. The requirements for licensure as a professional engineer under the alternatives provided in the licensure law are as follows:

1. ...
2. the applicant for licensure as a professional engineer shall be an individual who holds a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that do not conflict with the provisions of the licensure law, and which were of a standard not lower than that specified in the applicable licensure law in effect in Louisiana at the time such license was issued, who is of good character and reputation, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and if the state, territory, or possession, or the District of Columbia, in which he/she is licensed will accept the licenses issued by the board on a comity basis, and who was duly licensed as a professional engineer by the board.

B. - E. ...