

## January 2020

### Economic Impact Statements for Proposed Rules

The corresponding proposed rule to each of the statements below may be viewed in its entirety in the January 20, 2020 *Louisiana Register*. Each *Louisiana Register* edition is published on the 20<sup>th</sup> of each month and can be viewed here: <https://www.doa.la.gov/Pages/osr/reg/regs2020.aspx>

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
<p style="text-align: center;"><b>Department of Agriculture and Forestry</b></p>	<p style="text-align: center;"><b>Examinations, Administration, Sod Quality and Classification Form</b></p>	<p>Any applicant found to be cheating on an examination for licensure as an arborist, landscape horticulturist, landscape irrigation contractor, retail florist, utility arborist, landscape architect, or wholesale florist would be directly affected by the proposed rule. Any applicant found to be cheating shall not be allowed to take or re-take any examination for three years. As a result, the proposed rule may impact an applicant found to be cheating by restricting or delaying licensure in any of the aforementioned professions.</p> <p>Anyone who holds a landscape horticulturist license, landscape architect license, or nursery grower permit would be directly affected by the proposed rule that repeals the requirement of providing a form indicating the type and class of sod to consumers at the time of sale. As a result, the proposed rule is anticipated to result in a reduction in additional paperwork.</p>
<p style="text-align: center;"><b>Department of Agriculture and Forestry</b></p>	<p style="text-align: center;"><b>Structural Pest Control</b></p>	<p>The proposed rule change is not anticipated to result in any costs or economic benefits to directly affected persons or non-governmental groups. The examination requirement for certification of fumigation technicians was never implemented; therefore, no one in the state is licensed as a certified fumigation technician.</p>
<p style="text-align: center;"><b>Department of Children and Family Services</b></p>	<p style="text-align: center;"><b>Federal Background Checks</b></p>	<p>Owners, operators, managers, employees, contractors, and volunteers in Residential Homes, Class B facilities that currently do not have a federal background check on file will incur a cost of \$39.25 associated with the cost of the background check.</p>
<p style="text-align: center;"><b>Department of Children and Family Services</b></p>	<p style="text-align: center;"><b>State Central Registry—Child Residential Care, Class B</b></p>	<p>Owners, operators, managers, employees, contractors, and volunteers in Residential Homes, Class B facilities that currently do not have a federal background check on file will incur a cost of \$39.25 associated with the cost of the background check.</p>

<b>Promulgating Agency</b>	<b>Proposed Rule Title</b>	<b>Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups</b>
<b>Board of Elementary and Secondary Education</b>	<b>Bulletin 140—Louisiana Early Childhood Care and Education Network Academic Approval; Accountability; and Coordinated Enrollment</b>	There may be an increase in revenue for Type III early learning centers which qualify for allocations out of the “Louisiana Early Childhood Education Fund.” The fund is designed to match non-state, non-federal funds that expand the number of early childhood care and education quality slots for families who are eligible for the Child Care Assistance Program that have at least one classroom with children age fifteen months or younger. Families who gain an early childhood care and education quality slot as a result of a newly-funded project will benefit from the proposed revisions.
<b>Board of Elementary and Secondary Education</b>	<b>Bulletin 741—Louisiana Handbook for School Administrators—Curriculum and Instruction TOPS University Diploma</b>	Currently there are no schools offering the proposed Cambridge Assessment International Education coursework. The University of Cambridge indicated enrollments are not expected until the 2020-2021 school year. At that time, high school students may benefit from the option of using such coursework to meet graduation requirements.
<b>Board of Elementary and Secondary Education</b>	<b>Bulletin 746—Louisiana Standards for State Certification of School Personnel—Certifications and Endorsements</b>	Individuals pursuing the Educational Leadership Certificate (EDL1) will benefit, as the Louisiana Leadership Assessment Series (LLAS) provides an additional pathway to certification.
<b>Commission on Law Enforcement and Administration of Criminal Justice</b>	<b>Peace Officer Training</b>	The proposed rule may create economic benefits for POST certified individuals. The additional training standard adds a provision to ensure that the basic training curriculum for peace officers is periodically updated to reflect best practices.
<b>Board of Medical Examiners</b>	<b>Physician Practice; Marijuana for Therapeutic Use by Patients Suffering From a Debilitating Medical Condition</b>	It is not anticipated that the proposed rule changes will significantly affect the workload and/or income of physicians who may diagnose or patients who may be treated with TM for a debilitating medical condition. Patients who may be recommended TM for a DMC may benefit, as the proposed rule changes ease access to TM.
<b>Board of Social Work Examiners</b>	<b>LMSWs Seeking LCSW Credential</b>	The proposed rule changes benefit licensed master social workers (LMSWs) seeking licensure as licensed clinical social workers (LCSWs), as well as their supervising LCSWs, as it clarifies the supervision process, as well as record-keeping requirements. Furthermore, the proposed rule changes allow LMSWs seeking licensure to partake in group supervision and to receive supervision through electronic means. LMSWs receiving supervision through electronic means will likely realize reduced travel costs as a result. Furthermore, LMSWs undergoing group supervision may be charged less than LMSWs under individual supervision to the extent supervising LCSWs charge fees for supervising activities. However, the extent of these savings is unknown as there are no standard amounts for supervisory fees.

<b>Promulgating Agency</b>	<b>Proposed Rule Title</b>	<b>Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups</b>
<b>Tax Commission</b>	<b>Ad Valorem Taxation</b>	The effects of these new rules on assessments of individual items of equivalent real and personal property will generally be higher in the aggregate in 2020 compared to the last year of actual data. Specific assessments of real and personal property will depend on the age and condition of the property subject to assessment. Taxpayers will be impacted based on the changes to the valuation guidelines for assessments as listed in Section II. The magnitude will depend on the taxable property for which they are liable. Regardless of the guidelines adopted by the Tax Commission, all taxpayers continue to have the right to appeal the assessments.
<b>Department of Health</b>	<b>Behavioral Health Service Providers Licensing Standards</b>	The proposed Rule amends the provisions governing the licensing standards for behavioral health service (BHS) providers in order to provide further definitions and provisions related to geographic service area and to update the facility need approval definition to align with current practice regarding the requirement for a letter of approval from the Facility Need Review Committee for applicants who seek to provide psychosocial rehabilitation or community psychiatric support and treatment services. Implementation of this proposed Rule will be beneficial to BHS providers by ensuring that the requirements for licensure are reflected accurately in the Louisiana Administrative Code. It is anticipated that the implementation of this proposed rule will have no costs or economic benefits to behavioral health service providers or small business in FY 19-20, FYU 20-21 and FY 21-22.
<b>Department of Health</b>	<b>Medicaid Eligibility—Transfers of Assets</b>	In compliance with U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) requirements, this proposed rule amends the provisions governing transfers of assets in the Medical Assistance Program to allow for the imposition of a penalty period for individuals applying for, or receiving, home and community-based services (HCBS) who transfer assets for less than fair market value. Under the provisions of this proposed Rule, the penalty period will begin the date on which the individual is eligible for Medicaid and would "otherwise be receiving" HCBS. Individuals seeking or receiving HCBS waiver services will be impacted by the implementation of this proposed Rule, since previous CMS guidance required that the penalty period begin when the individual is eligible for Medicaid and "receiving" services. This proposed Rule eliminates a barrier for these individuals, which will result in more of them being determined eligible for these services; however, the proposed Rule does not increase the number of available HCBS waiver slots. Any fiscal impact will depend on the availability of additional HCBS waiver slots in subsequent years. It is anticipated that implementation of this proposed Rule will not result in costs or economic benefits to HCBS providers or small businesses in FY 19-20, FY 20-21, and FY 21-22.

<b>Promulgating Agency</b>	<b>Proposed Rule Title</b>	<b>Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups</b>
<b>Emergency Response Network Board</b>	<b>Stroke Center Recognition</b>	There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups. The rule updates the requirements for a facility to receive recognition as a stroke center. Participation in this recognition is voluntary, and no hospital is required to participate.
<b>Office for Citizens with Developmental Disabilities</b>	<b>Certified Medication Attendants Qualifications</b>	Health care providers will benefit because they will have access to a larger pool of applicants for CMA positions.
<b>Office of Public Health</b>	<b>Louisiana Immunization Network/LINKS</b>	Privately-owned or operated facilities that administer vaccinations will experience an increased workload associated with documenting vaccines into LINKS. Additionally, if they have not done so already, each privately-owned or operated facility providing vaccinations will need to apply for access to LINKS and receive training on how to use the system. OPH provides LINKS access and training to facilities at no charge.
<b>Department of Insurance</b>	<b>Regulation 30—Certificates of Insurance Coverage</b>	The proposed rule change will not affect costs or economic benefits to directly affected persons or non-government groups. The rule change clarifies that a certification of insurance or documents purporting to be certificates of insurance coverage may not alter, amend or extend the coverage provided by the referenced insurance policy.
<b>Department of Natural Resources</b>	<b>Statewide Order No. 29-B—Disposal of E and P Waste by Slurry Fracture Injection</b>	There are no anticipated cost increases associated with the proposed amendment and all required documentation will be provided on existing paperwork. The primary group impacted by these rule changes will be Commercial E&P Waste Disposal Facilities and Transfer Stations.
<b>Department of Natural Resources</b>	<b>Statewide Order No. 29-B—Monitoring Requirements for Commercial Class II Injection Wells</b>	The proposed rule change may have an economic benefit to certain families with children with an intellectual or developmental disability. This rule removes the provision that families can only access IFS funding after it has been determined that all other sources of financial support have been exhausted. Therefore, more people may qualify for assistance from the program.
<b>Office of State Police</b>	<b>Explosives</b>	With the current 72-hour requirement, explosives companies do not have time to wait for drug screening results before submitting applications to DPS. The proposed rule change may result in decreased costs to companies that receive results of failed drug screens prior to submitting completed applications and paying the requisite fee to DPS.

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<p align="center"><b>Department of Wildlife and Fisheries</b></p>	<p align="center"><b>2020-2022 General and Wildlife Management Hunting Seasons and Regulations</b></p>	<p>The proposed rule change may have minimal economic impact on persons and non-governmental entities.</p> <p>The proposed rule change may impose additional costs on certain shooters who utilize LDWF shooting ranges by requiring them to use non-toxic shot in shotgun shells in place of less expensive lead shot.</p> <p>The proposed rule change is expected to result in an increase in the benefits accruing to hunters who hunt in certain parishes; young turkey hunters, primitive firearms-using and modern firearms-using deer hunters, physically and visually impaired hunters, deer hunters, dove hunters, and recreational crawfish harvesters in certain WMAs.</p> <p>The proposed rule change is expected to result in a decrease in the benefits accruing to hunters who pursue turkeys on certain WMAs and parishes; afternoon dove hunters during opening weekend in certain WMAs; morning fishers during teal season on certain WMAs; and hunters during occasions of high water on portions of the Pearl River WMA.</p>
<p align="center"><b>Department of Wildlife and Fisheries</b></p>	<p align="center"><b>Deer Management Assistant Program (DMAP)</b></p>	<p>The proposed rule change allowing 10-day extensions to squirrel season will offer additional squirrel hunting opportunities to hunters who have access to Tier 1 DMAP lands.</p> <p>The change altering the description of the maximum number of allowed additional deer hunting days is not expected to have an effect on hunters with access to Tier 1 DMAP lands.</p>
<p align="center"><b>Department of Wildlife and Fisheries</b></p>	<p align="center"><b>Queen Bess Island Wildlife Refuge</b></p>	<p>The proposed rule change may have some negative effect on anglers who may lose access to the island and nearby waters.</p>
<p align="center"><b>Department of Wildlife and Fisheries</b></p>	<p align="center"><b>Reef Fish—Harvest Regulations</b></p>	<p>The proposed rule change is expected to have little effect on persons involved in the recreational harvest of red snapper. In recent years, by action of the Louisiana Wildlife and Fisheries Commission, the opening of red snapper season has actually occurred on the day identified in the proposed rule change (the Friday before Memorial Day) and not on the date identified in regulations (the Saturday before Palm Sunday.) The closing of the season in recent years has occurred when the harvest quota had been reached rather than on October 1.</p>