

September 2022

Economic Impact Statements for Proposed Rules

The corresponding proposed rule to each of the statements below may be viewed in its entirety in the September 20, 2022 *Louisiana Register*. Each *Louisiana Register* edition is published on the 20th of each month.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses, or Nongovernmental Groups
Office of Student Financial Assistance	Education Savings Account Rollover	START account holders will have additional flexibility in providing funding for allowed educational expenses for account beneficiaries.
Office of Student Financial Assistance	Scholarship/Grant Programs 2022 Legislation	Under the proposed changes, students that experienced difficulty in qualifying for a TOPS award due to the impact of Hurricane Ida will be allowed additional opportunities to qualify. Many of these students will attend an in-state school to further their education and will remain in Louisiana upon completion of their education. In addition, the Geaux Teach Program will help alleviate the certified teacher shortage in the state by providing more opportunities for prospective teachers to attain certification. This will provide Louisiana employers a better-educated workforce and may also attract out-of-state employers to Louisiana thus providing additional better paying jobs.
Department of Environmental Quality	Solid Waste Regulations	The proposed rule change will not result in increased costs to anyone purchasing a tire. The change would allow for Solid Waste Type III operators to landfill Disposable Tire Material. This rule change would provide an additional revenue stream should the operators take advantage of it. Operators may experience a one-time cost for the purchase of equipment to process and dispose waste tires.
Board of Pardons	Parole	There is no estimated cost and/or economic benefit to directly affected persons or non-governmental groups as a result of the proposed rule change.
Office of Broadband Development and Connectivity	Granting Unserved Municipalities Broadband Opportunities (GUMBO)	For cost considerations, the proposed rule is anticipated to create optional, minor costs for directly affected persons, small businesses, or non-governmental groups. This would take the form of broadband service packages offered by private providers to prospective broadband recipients provided the opportunity to subscribe to broadband service. Recent national averages for broadband subscriptions range from \$50 to \$75 per month. The possible economic benefits to directly affected persons, small businesses, or non-governmental groups is substantial, yet indeterminable. Increased broadband access has the potential to transform smaller, rural communities consisting of persons, small businesses, or non-governmental groups, through increased economic output, namely in the form of enhanced employment opportunities, higher wages, business development, improved access to healthcare, and educational opportunities.
Behavior Analyst Board	Continuing Education	The proposed rule amendment changes the renewal deadline date to a time of year that does not create a financial hardship. The proposed rule amendment changes the deadline to complete continuing education hours to coincide with the new renewal deadline and eliminates two categories of professional development previously accepted.

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Behavior Analyst Board	Ethical Standards	The proposed rule amendment changes §1001 by updating to the current Professional and Ethical Compliance Code and does not create a financial hardship or economic benefit.
Behavior Analyst Board	Licensing and Administrative Fees	The proposed rule amendment changes the renewal deadline date to a time of year that does not create a financial hardship. The proposed changes to the renewal deadline also creates a one time, one and one-half year renewal period for licenses and certificates at a discounted renewal fee thereby allowing six additional months of continued registration without a fee. After a cycle has been completed to accommodate this gap, license and certificate renewal fees will be reduced by half.
Behavior Analyst Board	Renewal Requirements	This proposed rule continues the provisions of the July 15, 2022 Emergency Rule which amended the provisions governing applied behavior analysis-based (ABA) therapy services in order to remove non-conventional place of service limitations to ensure ABA services can be delivered in a community setting. This proposed rule will be beneficial by improving access to services for ABA beneficiaries and allowing providers to deliver these services in settings that were previously not approved. It is anticipated that implementation of this proposed rule will not result in costs to ABA providers for FY 22-23, FY 23-24, and FY 24-25, since the units of service approved in the beneficiary's behavior treatment plan and the rates for these services are not being changed.
Board of Medical Examiners	Bridge Year Graduate Physician Program	It is not anticipated that the proposed rule regarding the creation and regulation of a bridge year graduate physician certificate will in and of itself have a material effect on costs and/or economic benefit directly to affected persons, small businesses, or non-governmental groups. Use of the certificates to practice medicine pursuant to the bridge year graduate physician program will result in economic benefits to the participating physicians.
Board of Medical Examiners	License in Good Standing	It is not anticipated that the proposed amendment will have any economic benefit to directly affected persons, small businesses, or non-governmental groups and/or have any material effect on costs, paperwork or workload of physicians or other health care providers licensed by the LSBME, nor on receipts and/or income of licensees, small businesses, or non-governmental groups.
Board of Medical Examiners	Marijuana for Therapeutic Use by Patients Suffering From a Debilitating Medical Condition	The only anticipated material effect for physicians licensed by the LSBME will be to reduce the physicians' costs, paperwork or workload vis a vis the LSBME as they will no longer have to pay LSBME for a registration to recommend marijuana to patients. It is not anticipated that the proposed amendments will have a material effect on costs, paperwork or workload of other health care providers licensed by the LSBME, nor on receipts and/or income of licensees, small businesses, or non-governmental groups.
Board of Medical Examiners	Rules of Procedure; Adjudication	It is not anticipated that the proposed amendment will have any economic benefit to directly affected persons, small businesses, or non-governmental groups and/or have any material effect on costs, paperwork or workload of physicians or other health care providers licensed by the LSBME, nor on receipts and/or income of licensees, small businesses, or non-governmental groups.

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Department of Health	Rule 9—Prelicensing Education	The proposed rule change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The rule revision repeals Rule 9 due to the passage of Act 273 of the 2022 Regular Legislative Session.
Department of Health	Early and Periodic Screening, Diagnosis and Treatment--Health Services EarlySteps Reimbursement Rate Increase	In compliance with Act 199 of the 2022 Regular Session of the Louisiana Legislature, this proposed rule continues the provisions of the July 31, 2022 Emergency Rule, which increased reimbursement rates for certain Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services rendered to infants and toddlers in the EarlySteps Program. The increased reimbursement resulting from this proposed rule will ensure that EPSDT providers continue rendering services to EarlySteps beneficiaries in the Medicaid Program. Implementation of this proposed rule is anticipated to increase payments for EarlySteps services by approximately \$6,325,652 for FY 22-23, \$6,553,376 for FY 23-24, and \$6,789,297 for FY 24-25.
Department of Health	Home and Community-Based Services Waivers--Adult Day Health Care Waiver Direct Support Worker Wages and Bonus Payments	This proposed rule continues the provisions of the July 31, 2022 Emergency Rule, which established a wage floor and workforce retention bonus payments in the Adult Day Health Care (ADHC) Waiver for direct support workers at ADHC centers, along with audit procedures and sanctions. The proposed rule complies with HCR 127 of the 2021 Regular Session of the Louisiana Legislature and with CMS requirements for the use of bonus payments under Section 9817 of the American Rescue Plan Act of 2021. These increased payments will ensure that ADHC providers continue rendering services to waiver participants in the Medicaid Program. Implementation of this proposed rule is anticipated to increase expenditures for ADHC waiver services by approximately \$409,500 for FY 22-23 and \$157,500 for FY 23-24.
Department of Health	Home and Community-Based Services Waivers--Children's Choice Waiver Direct Service Worker Wages and Bonus Payments	This proposed rule continues the provisions of the July 31, 2022 Emergency Rule, which established workforce retention bonus payments in the Children's Choice Waiver for direct service workers and support coordination providers, along with audit procedures and sanctions. The use of bonus payments has been authorized by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) under Section 9817 of the American Rescue Plan Act of 2021. These increased payments will ensure that the Children's Choice Waiver providers continue rendering services to waiver participants in the Medicaid Program. Implementation of this proposed rule is anticipated to increase expenditures for Children's Choice Waiver services by approximately \$4,972,968 for FY 22-23 and \$1,912,680 for FY 23-24.
Department of Health	Home and Community-Based Services Waivers Community Choices Waiver Direct Support/Service Worker Wages and Bonus Payments	This proposed rule continues the provisions of the July 31, 2022 Emergency Rule, which established a wage floor and workforce retention bonus payments in the Community Choices Waiver (CCW) for direct support workers and personal assistance service providers, along with audit procedures and sanctions. The proposed rule complies with HCR 127 of the 2021 Regular Session of the Louisiana Legislature and with CMS requirements for the use of bonus payments under Section 9817 of the American Rescue Plan Act of 2021. These increased payments will ensure that CCW providers continue rendering services to waiver participants in the Medicaid Program. Implementation of this proposed rule is anticipated to increase expenditures for CCW services by approximately \$18,519,072 for FY 22-23 and \$7,122,720 for FY 23-24.

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<p align="center">Department of Health</p>	<p align="center">Home and Community-Based Services Waivers--New Opportunities Waiver Direct Service Worker Wages and Bonus Payments</p>	<p>This proposed rule continues the provisions of the July 31, 2022 Emergency Rule, which established workforce retention bonus payments in the New Opportunities Waiver (NOW) for direct service workers along with audit procedures and sanctions. The use of bonus payments has been authorized by the U.S. Department of Health and Human Services Centers for Medicare and Medicaid Services (CMS) under Section 9817 of the American Rescue Plan Act of 2021. These increased payments will ensure that NOW providers continue rendering services to waiver participants in the Medicaid Program. Implementation of this proposed rule is anticipated to increase expenditures for NOW services by approximately \$56,079,816 in FY 22-23 and \$21,569,160 in FY 23-24.</p>
<p align="center">Department of Health</p>	<p align="center">Home and Community-Based Services Waivers--Residential Options Waiver Direct Service Worker Wages and Bonus Payments</p>	<p>This proposed rule continues the provisions of the July 31, 2022 Emergency Rule, which established workforce retention bonus payments in the Residential Options Waiver (ROW) for direct service workers and support coordination providers, along with audit procedures and sanctions. The use of bonus payments has been authorized by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) under Section 9817 of the American Rescue Plan Act of 2021. These increased payments will ensure that ROW providers continue rendering services to waiver participants in the Medicaid Program. Implementation of this proposed rule is anticipated to increase expenditures for ROW services by approximately \$3,601,026 for FY 22-23 and \$1,385,010 for FY 23-24.</p>
<p align="center">Department of Health</p>	<p align="center">Home and Community-Based Services Waivers--Support Coordination Workforce Retention Bonus Payments</p>	<p>This proposed rule continues the provisions of the July 31, 2022 Emergency Rule, which established workforce retention bonus payments for support coordination agencies providing services to home and community-based (HCBS) waiver participants, along with audit procedures and sanctions. The use of bonus payments has been authorized by the U.S. Department of Health and Human Services Centers for Medicare and Medicaid Services (CMS) under Section 9817 of the American Rescue Plan Act of 2021. These increased payments will ensure that providers continue rendering support coordination services to HCBS waiver participants in the Medicaid Program. Implementation of this proposed rule is anticipated to increase expenditures for support coordination services by approximately \$557,700 in FY 22-23 and \$214,500 in FY 23-24.</p>
<p align="center">Department of Health</p>	<p align="center">Home and Community-Based Services Waivers--Supports Waiver Direct Service Worker Wages and Bonus Payments</p>	<p>This proposed rule continues the provisions of the July 31, 2022 Emergency Rule, which established workforce retention bonus payments in the Supports Waiver (SW) for direct service workers and support coordination providers, along with audit procedures and sanctions. The use of bonus payments has been authorized by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) under Section 9817 of the American Rescue Plan Act of 2021. These increased payments will ensure that SW providers continue rendering services to waiver participants in the Medicaid Program. Implementation of this proposed rule is anticipated to increase expenditures for SW services by approximately \$1,457,752 for FY 22-23 and \$560,670 for FY 23-24.</p>
<p align="center">Department of Health</p>	<p align="center">Intermediate Care Facilities for Persons with Intellectual Disabilities Dedicated Program Funding Pool Payments</p>	<p>In compliance with Act 199 of the 2022 Regular Session of the Louisiana Legislature, this proposed rule continues the provisions of the July 31, 2022 Emergency Rule, which amended the reimbursement methodology for non-state, non-public intermediate care facilities for persons with intellectual disabilities (ICFs/IID) in order to allow a one-time, lump sum payment from the dedicated program funding pool. This proposed rule will enable qualifying ICFs/IID that receive enhanced reimbursement via these one-time, lump sum payments to continue to provide necessary services to Medicaid beneficiaries. It is anticipated that implementation of this proposed rule will result in increased expenditures for ICF/IID services of approximately \$27,974,178 for FY 22-23.</p>

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Department of Health	Pediatric Day Health Care Licensing Standards	In compliance with Act 619 of the 2022 Regular Session of the Louisiana Legislature, the proposed rule amends the provisions governing the licensing of pediatric day health care (PDHC) facilities in order to add requirements for the installation and operation of cameras at the licensed premises that record both audio and video. In addition, this proposed rule establishes requirements for the inactivation of a PDHC facility's license due to non-declared emergencies. The proposed rule will be beneficial to children served and their families by providing transparency and the ability to monitor the delivery of services. It is anticipated that implementation of this proposed rule will result in indeterminable costs to PDHC providers and small businesses in FY 22-23, FY 23-24, and FY 24-25, for installation and maintenance of the cameras.
Department of Health	Pediatric Day Health Care Program Reimbursement Rate Increase	In compliance with Act 199 of the 2022 Regular Session of the Louisiana Legislature, this proposed rule continues the provisions of the August 8, 2022 Emergency Rule, which increased daily, hourly, and transportation reimbursement rates for pediatric day health care (PDHC) centers. These increased payments will ensure that PDHC providers continue rendering services to beneficiaries in the Medicaid Program. Implementation of this proposed rule is anticipated to increase expenditures for PDHC services by approximately \$5,252,932 for FY 22-23, \$5,410,520 for FY 23-24, and \$5,572,836 for FY 24-25.
Department of Health	Personal Care Services—Long Term Direct Service Worker Wages and Bonus Payments	This proposed rule continues the provisions of the July 31, 2022 Emergency Rule, which established a wage floor and workforce retention bonus payments for direct service workers that provide long term-personal care services (LT-PCS), along with audit procedures and sanctions. The proposed rule complies with HCR 127 of the 2021 Regular Session of the Louisiana Legislature and with CMS requirements for the use of bonus payments under Section 9817 of the American Rescue Plan Act of 2021. These increased payments will ensure that LT-PCS providers continue rendering services to beneficiaries in the Medicaid Program. Implementation of this proposed rule is anticipated to increase expenditures for LT-PCS services by approximately \$32,408,376 in FY 22-23 and \$12,464,760 in FY 23-24.
Department of Health	Pharmacy Benefits Management Program--Copayment and Maximum Quantity	In compliance with Act 708 of the 2022 Regular Session of the Louisiana Legislature, this proposed rule amends the provisions governing the Pharmacy Benefits Management Program in order to allow for a six-month supply of contraceptives. In addition, it allows a 90-day supply of maintenance medications, and exempts pharmacy services provided during a federal public health emergency (PHE) from copayment requirements. This proposed rule will ensure that beneficiaries have sufficient quantities of prescription medications and eliminate copayments during a federal PHE. Providers of pharmacy services may be adversely impacted if the proposed rule results in additional inventory cost, inventory tax, and decreased reimbursement due to decreased dispensing fees. Implementation of this proposed rule is anticipated to reduce expenditures in the Medicaid Program by approximately \$160,440 for FY 22-23, \$320,880 for FY 23-24, and \$320,880 FY 24-25.
Department of Health	Targeted Case Management Reimbursement Methodology EarlySteps Reimbursement Rate Increase	In compliance with Act 199 of the 2022 Regular Session of the Louisiana Legislature, this proposed rule continues the provisions of the July 31, 2022 Emergency Rule, which amended the targeted case management (TCM) provisions in order to increase reimbursement and utilize a flat rate reimbursement methodology for services in the EarlySteps Program. The increased reimbursement resulting from this proposed rule will ensure that TCM providers continue rendering services to EarlySteps beneficiaries in the Medicaid Program. Implementation of this proposed rule is anticipated to increase payments for EarlySteps TCM services by approximately \$2,428,945 for FY 22-23, \$2,516,387 for FY 23-24, and \$2,606,977 for FY 24-25.

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Department of Health	Targeted Case Management Reimbursement Methodology Workforce Retention Bonus Payments	This proposed rule continues the provisions of the July 31, 2022 Emergency Rule which established workforce retention bonus payments for targeted case management (TCM) provided to the early and periodic screening, diagnosis and treatment (EPSDT) population and New Opportunities Waiver (NOW) participants, along with audit procedures and sanctions. The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments under Section 9817 of the American Rescue Plan Act of 2021. These increased payments will ensure that TCM providers continue rendering services to EPSDT beneficiaries and NOW participants in the Medicaid Program. Implementation of this proposed rule is anticipated to increase expenditures for TCM services by approximately \$815,100 for FY 22-23 and \$313,500 for FY 23-24.
Office of Public Health	List of Conditions that Shall Deem an Unborn Child “Medically Futile”	The proposed rule is not anticipated to result in costs to or have economic impacts on directly affected persons, small businesses, or non-governmental groups.
Office of Public Health	Medical Marijuana Regulation	The proposed rule is not anticipated to result in costs to or have economic impacts on directly affected persons, small businesses, or non-governmental groups. This rule sets up the regulatory framework within LDH for medical marijuana, which LDAF previously regulated. Under LDAF, producers paid for lab testing and background checks. This is anticipated to remain the same under LDH.
Office of Public Health	Registration of Foods, Drugs, Cosmetics and Prophylactic Devices—Hemp Products	It is anticipated that this proposed rule may have an economic cost to businesses associated with growing, processing, or selling consumable hemp products. To the extent that a business’ existing product contains above the permissible amount of pesticide residues, microbiological contaminants, and residual solvent for consumable hemp products, then the product cannot be sold in Louisiana. Additionally, there may be costs associated with updating product labels to meet the revised labeling requirements.
Department of Revenue	Election of Pass-Through Entities	No material aggregate impacts on costs or economic benefits are anticipated for affected personal, small business or non-governmental groups due to this proposed rule change. The rate reductions and federal income tax (FIT) deduction would be in effect even in the absence of this proposed rule but are considered in conjunction with Act 396 for purposes of this impact statement.
Department of Transportation and Development	Weights and Standards	The proposed changes are not anticipated to create cost impacts or economic benefits to directly affected persons, small businesses, or non-governmental groups.
Department of Wildlife and Fisheries	Commercial Menhaden Reporting Requirements	The proposed rule changes may have a positive effect on stakeholders in Louisiana’s commercial and recreational fisheries by facilitating the collection, analysis, and dissemination of information about commercial fishing activities in the menhaden industry. The sampling procedure described in the proposed rule change may increase the cost of complying with reporting requirements. Commercial vessels will be required to record the fork lengths of 15 fish from each set: five from the beginning, five from the middle, and five from the end of each set. Estimates of the expected increases in labor and reporting costs are unavailable. The requirement to submit monthly menhaden harvest reports electronically may impose additional costs on commercial fishing vessels that do not currently have the means to record and transmit data in that form. Any increase in costs will depend on how many vessels will need to purchase computer equipment. Estimates of the number of vessels with or without computers is unknown.
Workforce Commission	Background Check for Access to Federal Tax Information	No material impacts on costs or economic benefits are anticipated for affected personal or non-governmental groups due to this proposed rule change. No private agencies are used in the processing of background checks or fingerprinting by LWC.
Workforce Commission	Hearing Rules—Required Form to Track Written Reasons for Contempt	The proposed rule has no material economic cost or benefit to stakeholders or small businesses.