

September 2019

Economic Impact Statements for Proposed Rules

The corresponding proposed rule to each of the statements below may be viewed in its entirety in the August 20, 2019 *Louisiana Register*. Each *Louisiana Register* edition is published on the 20th of each month and can be viewed here: <https://www.doa.la.gov/Pages/osr/reg/regs2019.aspx>

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of Agriculture and Forestry	Certification of Commercial Applicators	All certified pesticide applicators, with the exception of aerial mosquito pest control applicators, who have been found to be in violation of the Louisiana Pesticide Law or rules and regulations pertaining to drift, or has received a “warning letter” from the Department pertaining to a drift related incident will be directly affected by the proposed rule. These persons will be required to attend an off-target training course prior to making an application in the following calendar year. The course will cost the certified pesticide applicator \$25 and will be payable to the LSU AgCenter.
Department of Agriculture and Forestry	Number of Commission Meetings and Recordkeeping for Excessive Deduction	There will be no costs and/or economic benefits to directly affected persons or non-governmental groups. The proposed change to §103 codifies current law. Specifically, R.S. 3:4721 was recently amended to require that the commission meet three times per calendar year, but may meet more frequently upon the call of the chairman. The proposed rule change simply eliminates language that is inconsistent with current law and has no bearing on costs or economic benefits to directly affected persons. The proposed change to §141 clarifies language regarding one category of records that licensees must maintain, modifying it from, “excessive damage of 7.5%,” to language that more closely tracks the federal guidelines set forth in the U.S. Department of Agriculture’s Grain Inspection Handbook. The exact level for excessive damage specific to each type of grain is expressly set forth in the federal guidelines. The proposed rule change incorporates the federal guideline language by reference, as if expressly stated herein. This change has no financial effects as it merely modifies one of 15 categories of records that licensees are required to maintain and therefore has no impact on costs/benefits to directly affected persons.
Board of Elementary and Secondary Education	Bulletin 111—The Louisiana School, District, and State Accountability System—Urgent and Comprehensive Interventions	There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed policy revisions.
Board of Elementary and Secondary Education	Bulletin 118—Statewide Assessment Standards and Practices LEAP 2025—Science and Biology	There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed policy revisions.

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Board of Elementary and Secondary Education	Bulletin 139—Louisiana Child Care and Development Fund Programs CCAP Household Eligibility	Caregivers receiving CCAP payments for foster children in the caregiver’s custody may realize economic benefits as a result of the eligibility revisions. Individuals with children in the CCAP program may benefit in stable or lower child care payments to the extent the rate increases prevent providers from implementing higher co-payment amounts for parents.
Board of Elementary and Secondary Education	Bulletin 741—Louisiana Handbook for School Administrators—High School Crisis Management and Response Plans; Suicide Prevention; and Student Financial Management	There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed revisions.
Board of Elementary and Secondary Education	Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators—Suicide Prevention	There are no anticipated costs to non-public schools to expand the scope of annual in-service training in suicide prevention, as required under the proposed changes.
Board of Elementary and Secondary Education	Bulletin 746—Louisiana Standards for State Certification of School Personnel—Certifications and Endorsements	There are no estimated costs and/or economic benefits for directly affected persons or non-governmental groups as a result of the proposed revisions.
Board of Elementary and Secondary Education	Bulletin 746—Louisiana Standards for State Certification of School Personnel—Certifications and Endorsements	Individuals seeking alternate certification may benefit from the revisions which would make them eligible for conditional admission to, and completion of such programs. Changes to criminal history determinations may affect prospective employees but are indeterminable at this time.
Board of Elementary and Secondary Education	Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs Quality Rating Calculation	Individuals seeking to enroll in alternate teacher preparation programs may be impacted to the extent they satisfy updated requirements relative to admission into, and completion of alternate teacher preparation programs.
Department of Environmental Quality	Industrial Radiography	There will be an increase in costs for industrial radiography companies affected by this proposed action. At the request of the regulated companies, DEQ Radiation Section licensing staff will change the licensing process for industrial radiographer instructor status; DEQ will create and issue instructor certification cards instead of completing license amendments. The \$29 cost of each certification card will be borne by the company. Smaller companies may not realize a significant increase however, larger companies which employ a higher number of instructors could experience higher costs.
Department of Environmental Quality	MACT Determinations for Non-HON Sources	Owners or operators of process units at chemical manufacturing facilities that are subject to the Louisiana MACT Determination for Non-HON Sources or the Louisiana MACT Determination for Non-HON Sources with Consent Decree Enhancements will be directly affected by the proposed action. There will be no costs, including workload adjustments or additional paperwork, or economic benefits to affected entities as a result of the proposed codification of current practice.

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Department of Environmental Quality	Medical Event Reporting	While there will be a reduction in the level of reports submitted by medical facilities and practitioners, the rules further specify such events must be investigated, evaluated, documented and addressed internally. Since this requirement is already specified elsewhere in rule, it is not anticipated to have a material impact on affected entities.
Board of Dentistry	Anesthesia/Analgesia Administration	The proposed rule change will directly affect dentists, as they will only have to complete 14 hours of didactic instruction for a nitrous oxide sedation course rather than the 16 required hours needed in order for a dentist to receive a permit. In addition, the proposed rule change will require a dentist to demonstrate competency in nitrous oxide sedation techniques in 6 clinically-oriented experiences in order to receive a permit. For reference, demonstrating clinical competency in nitrous oxide sedation techniques is currently required of licensees prior to receiving a permit, but there is no minimum amount of clinical experiences required prior to permitting.
Board of Dentistry	Continuing Education Requirements	The proposed rule change provides an exception for dentists and dental hygienists who are renewing licensure for the first time. With the proposed rule change, such practitioners will not be required to obtain continuing education for their first renewal cycle, regardless of when the license was first obtained, but they will be required to complete the three-hour opioid management course and to maintain their CPR training. For reference, licensees currently renew every two years, with licensees whose surnames start with the letters A-L renewing in odd-numbered years and M-Z renewing in even-numbered years. As an example, the exception would apply when a licensee whose name begins with a letter in the A-L range first receives their license in an odd-numbered year must renew their license prior to the end of the year, even if they have held a license for only a few months. Licensees in this situation would be exempt from continuing education requirements, save the three-hour opioid management course and CPR training, for their first renewal.
Board of Dentistry	Continuing Education Requirements	The proposed rule change will benefit persons licensed by the LA State Board of Dentistry, as they will now be allowed to receive continuing education credits for completing courses approved or sponsored by the American Academy of Dental Hygiene (AADH).

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Board of Speech-Language Pathology and Audiology	Speech-Pathology and Audiology	<p>The proposed rule changes clarify and specify standards for application, and standard of practice for all licenses administered by the LBESP A.</p> <p>The proposed rule changes may benefit audiologists certified by the American Board of Audiology (ABA) by expediting the licensure process. ABA-certified audiologists may now be licensed in Louisiana by presenting their certification with proof of passing the national exam, in lieu of providing documentation of their clinical practicum hours and passage of the national certification exam, which is the current practice.</p> <p>The proposed rule changes remove a clinical practicum requirement of 1,820 hours for audiologists. The proposed rule changes clarify duties of speech-language pathology assistants and provisional speech-language pathology assistants, stating that they may only participate in parent conferences, individualized education program (IEP) meetings, case conferences, interdisciplinary team conferences, and research projects only when a supervising speech-language pathologist is present.</p> <p>The proposed rule changes remove the ability of the LBESPA to initiate a complaint against a practitioner of its own volition, which may result in fewer complaints against practitioners licensed by the board.</p>
Department of Health	Disproportionate Share Hospital Payments Major Medical Centers	<p>This proposed Rule adopts provisions to establish a qualification criteria and disproportionate share hospital (DSH) payment methodology for major medical centers located in the southeastern area of Louisiana. This rule will increase DSH payments for inpatient hospital services insuring that hospitals receiving these payments will remain financially viable and continue to provide these critical services. It is anticipated that implementation of this Rule will increase Medicaid programmatic expenditures by approximately \$20,668,074 for FY 19-20, \$21,329,452 for FY 20-21 and \$21,329,452 for FY 21-22.</p>
Department of Health	Home and Community-Based Services Waivers Residential Options Waiver	<p>This proposed Rule amends the provisions governing the Residential Options Waiver (ROW) in order to restore the minimum age for access to the ROW and delete the grandfather clause for participants under age 21, add the monitored in-home caregiving service, change units for specific services to a 15 minute rate and clarify and align provisions of the ROW with other OCDD home and community-based services waivers. Implementation of this proposed Rule will broaden and increase ROW participant access to needed support services. ROW providers will benefit from implementation of this proposed Rule since the alignment of rates streamlines billing and service approval processes across OCDD waivers. It is anticipated that costs will increase as a result of the ability, on a case-by-case basis, to pay over and above the individual cap limit for recipients the department determines may require extended service hours. It is anticipated that implementation of this Rule will increase Medicaid programmatic expenditures by approximately \$118,085 for FY 19-20, \$236,171 for FY 20-21 and \$236,171 for FY 21-22.</p>

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of Health	Inpatient Hospital Services Non-Rural, Non-State Hospitals Reimbursement Rate Adjustment	This proposed Rule, in compliance with House Concurrent Resolution 5 of the 2019 Regular Session of the Louisiana Legislature, amends the provisions governing the reimbursement methodology for inpatient hospital services in order to adjust the reimbursement rates. Inpatient hospital providers will benefit from implementation of this proposed Rule as it increases reimbursement rates. It is anticipated that implementation of this Rule will increase Medicaid programmatic expenditures by approximately \$13,156,724 for FY 19-20 \$31,576,137 for FY 20-21 and \$31,576,137 for FY 21-22.
Department of Health	Managed Care for Physical and Behavioral Health Reimbursement Methodology Kick and Lump Sum Payments	This proposed rule amends the provisions governing reimbursement to the managed care organizations (MCOs) participating in the Healthy Louisiana program to allow for expansion of the current kick payment methodology to include reimbursements for specific care events, services, and treatments in addition to obstetrical deliveries and for reimbursement of the MCO monthly capitation and kick payments in the aggregate on a lump sum basis when administratively necessary. Implementation of this proposed Rule will be beneficial to MCO members that have been diagnosed with, and are receiving treatment for conditions the department deems appropriate for kick payment reimbursement. It is anticipated that implementation of this proposed rule will not result in increased costs, as it seeks only to broaden the available payment methodologies for services whose costs are already incorporated into capitation rates. The proposed rule will be beneficial to MCOs by providing discrete, lump-sum, one-time payments to cover the costs of these specific treatments as outlined in the kick payment methodology.
Department of Health	Medicaid Eligibility Medicare Savings Programs	This proposed rule amends the provisions governing financial eligibility in the Medical Assistance Program in order to disregard all resources of aged, blind and disabled individuals in eligibility determinations for all Medicare Savings Programs (MSP), as provided for under Section 1902(r)(2) of the Social Security Act. Individuals that meet the criteria for MSP coverage will benefit from implementation of this proposed Rule since none of their resources will be considered in the eligibility determination process. It is anticipated that implementation of this proposed rule will result in programmatic costs to the Medicaid program of \$171,123 in FY 19-20, \$1,075,352 in FY 20-21 and \$2,070,720 in FY 21-22.

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Department of Health	Outpatient Hospital Services Non-Rural, Non-State Hospitals Reimbursement Rate Adjustment	This proposed Rule, in compliance with House Concurrent Resolution 5 of the 2019 Regular Session of the Louisiana Legislature, amends the provisions governing the reimbursement methodology for outpatient hospital services in order to adjust the reimbursement rates. Outpatient hospital providers will benefit from implementation of this proposed Rule as it increases reimbursement rates. It is anticipated that implementation of this Rule will increase Medicaid programmatic expenditures by approximately \$5,417,393 for FY 19-20 \$13,001,744 for FY 20-21 and \$13,001,744 for FY 21-22.
Department of Insurance	Regulation 107—Homeowner and Fire/Commercial Insurance Policy Disclosure Forms	The proposed rule changes will benefit consumers by revising homeowners' insurance policy forms to align with present practice. Furthermore, the proposed rule changes add disclosures to homeowners' insurance policy forms stating that insurers may reduce premiums if homeowners make certain improvements or modifications to the property such as adding storm shutters, modifying the roof design, and improving the roof covering.
Department of Public Safety and Corrections	Public Information Program and Media Access	There is no estimated cost and/or economic benefit to directly affected persons or non-governmental groups as a result of the proposed rule changes.
Department of Public Safety and Corrections	Credit toward Suspension Time or Condition of Reinstatement Time	The proposed rule will have no effect on costs to directly affected persons or non-governmental groups. Individuals may realize economic benefits if qualifying for the allowance of credit as they will not be subsequently required to get an ignition interlock hardship license once the individual's DWI conviction is reported to the Department.
Department of Public Safety and Corrections	Breath and Blood Alcohol Analysis Methods and Techniques	It is anticipated that implementation of this proposed rule will not have economic cost or benefits to directly affected persons or non-governmental groups for FY 19-20, FY 20-21, and FY 21-22.
Department of Public Safety and Corrections	Uniform Construction Code	The proposed rule changes will affect the construction industry and prospective owners of residential and commercial buildings. The department estimates that the proposed rule changes will limit or reduce initial construction costs while providing greater safety.

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Department of Revenue	Individual and Fiduciary Income Tax Filing Extensions	Currently, individuals are mandated to file the extension request electronically, but an exception is made for filing paper copies of the federal extension form. As the proposed rule merely increases the available options for requesting these extensions, no additional cost to individuals wanting to file on paper is anticipated. LDR does not have the information necessary to determine the additional costs to comply with the mandated electronic filing of fiduciary returns, but these costs are expected to be minimal, as online access and activity has largely become a business standard.
Department of Revenue	Mandatory Electronic Filing of Industrial Hemp-Derived CBD Tax Returns and Payment of Tax	LDR does not have the information necessary to determine the additional costs to comply with this change, but these costs are expected to be minimal, as online access and activity has largely become a business standard. To the extent non-compliance penalties are collected, affected taxpayers will incur penalty costs. LDR cannot estimate the additional penalty amount.
Department of Revenue	Small Town Health Professionals Credit	Physician assistants and optometrists applying for the credit will incur the additional paperwork of applying for the credit, which is not expected to be costly. Physician assistants receiving this credit are expected to experience tax savings of approximately \$65,000, and optometrists are expected to save approximately \$12,000 per year. No material impacts on receipts and/or income is expected as a result of this proposal Rule.
Department of Wildlife and Fisheries	Alligators	The proposed tag fee reduction is expected to benefit farmers or processors who produce or harvest wild or farm-raised alligators in Louisiana by reducing tag fee payments by approximately \$413,000 per year in 2020 and 2021. There were 56 alligator farms in Louisiana in 2018, including 23 that sold alligator hides. Commercial alligator hunters in 2018 numbered 2,773.
Department of Wildlife and Fisheries	Eagle Lake Crappie Length and Creel Regulations	The proposed rules change will have little or no impact on any persons or non-governmental groups. Though the proposed rule change is effectively a restriction of regulations on a portion of the lake, it is expected to affect a relatively moderate number of individuals and is unlikely to result in a significant decrease in recreational fishing activity among Louisiana resident anglers.
Department of Wildlife and Fisheries	Oysters—Leasing Policies and Procedures	The establishment of rules regarding the joint leasing of water bottoms subject to dual claims is expected to benefit private claimants who may earn rent from any water bottoms that may be leased. The availability of additional water bottoms for potential lease may also benefit commercial oyster harvesters by offering additional areas for production. According to the Louisiana Office of State Lands, there are 1,018,332 acres of leasable water bottoms, including approximately 100,000 acres that are designated as dually claimed water bottoms. The proposed rule change allowing the processing of desktop examinations of oyster lease applications is expected to benefit lease applicants by providing them a potentially less costly, less time-consuming alternative to private surveys.

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Department of Wildlife and Fisheries	Sharks and Sawfishes Harvest Regulations	The proposed rule change is not expected to have a substantial effect on Louisiana anglers because the species is infrequently encountered in state waters. According to LA Creel estimates, recreational landings of mako sharks were two in 2017, zero in 2018, and three in 2019.
Workforce Commission	Pain Medical Treatment Guidelines	The proposed rules update the medical guidelines for the treatment of injured workers. It is not anticipated that the proposed rules will result in a direct economic benefit. It is anticipated that the proposed rules will provide an indirect benefit to injured workers, employers, and insurers, by providing better medical treatment to injured workers, thus facilitating their recovery and return to work.