

June 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 June 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
Department of Agriculture and Forestry	Horticulture Programs Nursery Stock Dealers	The proposed rule change will not result in any additional costs to professional or occupational license holders as they are no longer being issued a horticulture service license but instead issued a landscape horticulturist license.
Department of Health	Experimental Procedures Routine Care for Beneficiaries in Clinical Trials	This proposed rule amends the provisions governing experimental procedures in order to align the provisions governing routine care for beneficiaries in clinical trials with federal requirements specified in the American Rescue Plan Act. The proposed rule does not change existing policy, but it ensures that the terminology and specifications in the Louisiana Administrative Code are in alignment with requirements of the Social Security Act. It is anticipated that implementation of this proposed rule will not result in costs to providers in FY 21-22, FY 22-23, and FY 23-24 but will be beneficial by ensuring that the language in the administrative rule aligns with federal law.
Department of Health	Home Health Program Durable Medical Equipment Enteral Formula Reimbursement	The proposed rule amends the provisions governing reimbursement for durable medical equipment in the Home Health Program in order to revise the methodology used to set the rates for Enteral Formulas and allow reimbursement for these products under the standard procedure codes on the Louisiana Medicaid fee schedule. The proposed rule will allow reimbursement for these products under specific categories on the fee schedule and align Louisiana Medicaid's reimbursement with other states and Medicare. Implementation of this proposed rule will allow beneficiaries greater access to a wider selection of these products to meet their medical needs. Providers will also benefit since it streamlines the prior authorization process and increases access to products for their patients. It is anticipated that implementation of this proposed rule will result in an indeterminable net impact on expenditures in the Medicaid program for FY 21-22, FY 22-23, and FY 23-24, since individual products will be grouped and paid under categories.
Department of Health	Home Health Program Emergency Provisions	This proposed rule adopts provisions in the Home Health Program in order to temporarily allow non-physician practitioners to order and review home health services in the event of a federal or state declared disaster or emergency. Beneficiaries and providers will benefit from implementation of this proposed rule as it ensures continuity of care and timely access to services by allowing other medical professionals to order and review home health orders in the event of a shortfall in physician availability during a declared disaster or emergency. It is anticipated that implementation of this proposed rule will not result in costs to home health providers in FY 21-22, FY 22-23, and FY 23-24.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of Health	Hospice Services Emergency Services and Inpatient Care	This proposed rule amends the provisions governing hospice services in order to: 1) temporarily waive the provision requiring daily visits by the hospice provider to all clients under the age of 21 and allow telemedicine visits as an alternative in the event of a federal or state declared emergency or disaster; and 2) clarify that the five-day limit for inpatient care is applied to respite care only. Implementation of this proposed rule will benefit hospice beneficiaries by ensuring continuity of care during federal or state declared emergencies or disasters and removing unintended barriers to receiving palliative care timely. It is anticipated that implementation of this proposed rule will not result in costs to hospice providers in FY 21-22, FY 22-23, and FY 23-24, but will be beneficial by adding flexibility to waive the daily visit requirement and/or allow telemedicine during declared emergencies or disasters.
Department of Health	Intermediate Care Facilities for Persons with Intellectual Disabilities Complex Care Reimbursements	This proposed rule amends the provisions governing reimbursement to private non-state intermediate care facilities for persons with intellectual disabilities (ICFs/IID) in order to revise and streamline the process by which ICFs/IID can request add-on rates for medically qualified beneficiaries receiving above routine care and whose staffing levels exceed the required minimum. Implementation of this proposed rule will benefit qualified ICF/IID residents by ensuring improved quality of care for medically fragile beneficiaries. It is anticipated that implementation of this proposed rule will not result in costs to ICFs/IID in FY 21-22, FY 22-23, and FY 23-24, but will be beneficial by ensuring a shorter turnaround time and easier access to add-on rates for medically complex beneficiaries.
Department of Health	Public Health Immunization Requirements	The proposed rule is not anticipated to have an economic impact.
Department of Insurance	Regulation 42—Group Self-Insurance Funds	The proposed rule change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The rule revisions amend Regulation 42. LDI is amending Regulation 42 to update statutory references and revise language to align with current law.
Department of Insurance	Regulation 84—Recognition and Selection of the Applicable CSO Mortality Table in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits	The proposed rule is not anticipated to result in any costs to directly affected persons, small businesses or non-governmental groups. The rule is amended to prescribe policies issued on or after January 1, 2020 to use mortality tables from the Valuation Manuals most recently adopted by NAIC.
Department of Insurance	Regulation 100—Coverage of Prescription Drugs through a Drug Formulary	The proposed rule change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The amendments add notice requirements a health insurance issuer must follow when implementing a modification of certain drug coverages.
Board of Home Inspectors	Licensure and Standards of Practice	The proposed rule changes will require continuing education providers to offer at least 8 in classroom hours per year of continuing education. The amount of such increase in economic benefit and cost will vary by provider and is indeterminable.
Racing Commission	Claiming Rule	The proposed administrative rule is anticipated to impact owners of horses up for claim. The actions on this rule is more restrictive to owners of horses up for claim than the current rules in that a claim will be voided if the horse dies during the claiming race or if the horse is euthanized following the race due to an injury sustained during the claiming race as determined by the official veterinarian. The prospective claimant would be given more discretion to void a claim of a horse that the official veterinarian declares injured within an hour after the claiming race is run or that tests positive for equine infections as specified in the rules. The owners of horses whose claims are voided according to this rule will take on the cost and responsibility of those horses rather than the claimant. Also, the proposed administrative rule establishes standards for purse-to-claim price ratios, which will limit the amount of purse money payouts from a claiming race to owners based on the stated ratio to claimed prices of their competing horses.

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Racing Commission	Horses Suspended Concurrent with Trainer	Owners will be impacted by the proposed administrative rule in that it imposes concurrent suspensions from racing for horses in the charge of trainers with revoked or currently suspended licenses.
Racing Commission	Use of Riding Crop in Thoroughbred Races	Jockeys, association riders, pony riders, and assistant starters will be impacted by the proposed administrative rule in that it allows for penalties of fines and suspensions associated with not following the proper use of riding crop in thoroughbred racing as defined in the rule at the discretion of the Stewards.
Office of Financial Institutions	Virtual Currency Business Activity	OFI anticipates the costs associated with implementation and regulation will be reasonable to directly affected persons, small businesses, or non-governmental groups resulting from the proposed rule. However, the economic benefits to directly affected persons, small business, or non-governmental groups could be substantial through the expansion of virtual currency business activity in the State of Louisiana.
Department of Natural Resources	Class III (Solution-Mining) Injection Wells	This rule change includes consistency changes and minor updates to reflect changes in operational best practices for the operators of salt cavern solution-mining wells. Some of these changes may result in additional costs to these operators. Any increase will be based on the particular status of their site and salt cavern(s), so quantification of any incremental increase in costs is indeterminable. In pre-discussions with salt cavern operators, companies did not indicate that there would be any substantial increase in expenditures in order to comply with the proposed changes to the rule. Operators may expend additional resources to comply with enhanced timelines for some technical tests. These resources will generally be paid to technical and engineering companies that provide services to Louisiana salt cavern operators.
Department of Natural Resources	Class V Storage Wells in Solution-Mined Salt Dome Cavities	Both individuals and non-governmental groups are predicted to incur positive economic benefits from this program. These projects will require leasing or purchase of the salt minerals that will be mined in order to store these non-hydrocarbon gasses. Additionally, the storage of hydrogen, helium, ammonia, and compressed air can be utilized to implement renewable or low-carbon energy projects, and hydrogen storage in particular will be used in conjunction with carbon sequestration for blue hydrogen projects in the state.
Department of Natural Resources	Hydrocarbon Storage Wells in Salt Dome Cavities	This rule change includes consistency changes and minor updates to reflect changes in operational best practices for the operators of salt cavern storage wells. Some of these changes may result in additional costs to these operators. Any increase will be based on the particular status of their site and salt cavern(s), so quantification of any incremental increase in costs is indeterminable. In pre-discussions with salt cavern operators, companies did not indicate that there would be any substantial increase in expenditures in order to comply with the proposed changes to the rule. Operators may expend additional resources to comply with enhanced timelines for some technical tests. These resources will generally be paid to technical and engineering companies that provide services to Louisiana salt cavern operators.
Department of Public Safety and Corrections	Hazardous Material Information Development, Preparedness, and Response Act	There are no direct costs or economic benefits estimated with regard to the proposed rule changes. The proposed rule changes will make definitions provided in the rule consistent with definitions in statute.
Office of Student Financial Assistance	Scholarship/Grant Programs COVID-19 Exceptions	The proposed rulemaking will benefit students impacted by the COVID-19 health emergency by providing them TOPS funding to enable them to pursue postsecondary education and thus gain educational benefits and access to higher paying jobs.

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Office of Student Financial Assistance	START Saving Program	The proposed rule changes adopt actual interest rates for deposits and earnings enhancements for the year ending December 31, 2021. As determined by the State Treasurer, the interest rate earned for the 2021 calendar year by the Louisiana Education Tuition and Savings Fund was 0.97%, and by the Savings Enhancements Fund was 1.84%. These interest rates are less than the actual rates realized in the previous year and are the property of the account owners.
Board of Regents	Proprietary Schools Licensure Forms	The proposed rule change will have no estimated effect on costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.
Professional Engineering and Land Surveying Board	Engineering and Land Surveying	The proposed rule change will have no estimated impact on costs and/or economic benefits to directly affected small businesses or non-governmental groups. The proposed rule change codifies an alternative path to licensure for certain individuals as authorized in La. R.S. 37:1751.
Municipal Employees' Retirement System	Administration of the Retirement System	The proposed rule will have no costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.
Department of Wildlife and Fisheries	Domesticated Aquatic Organisms	The proposed rule change is anticipated to have a positive effect on persons or businesses involved in aquacultural production of brown trout and oysters. The proposed addition of the brown trout to the Domestic Aquatic Organism List is expected to benefit aquaculture facilities by increasing the types of fish that they may produce. The proposed addition of oysters to the Domestic Aquaculture Organism List and the establishment of the Molluscan Shellfish Aquaculture Permit is expected to benefit aquaculture facilities, including alternative oyster culture producers that would like to produce oysters at any stage of development.
Department of Wildlife and Fisheries	Passive Hooked Fishing Gear Regulations	<p>The proposed rule change is expected to benefit anglers, waterfowl hunters, and other boat operators and passengers who participate in waters where passive fishing devices are being used. The prohibition on metal objects driven into water bottoms and shoreline objects is expected to remove potential physical hazards to persons operating or riding in vessels on water bodies across the state. The prohibition on leaving gear deployed while not in use is intended to remove potential hazards, increase safety, and reduce harm to fish and wildlife.</p> <p>The proposed rule change may negatively affect some fishers who use passive fishing devices, especially those who have installed devices attached to metal objects. The limitation on the number of hooks per device may reduce harvests for fishers whose devices currently feature more than 50 hooks. The requirement to check devices daily and the requirement to remove devices that are not actively being used may increase labor requirements and thus operating costs for some fishers. The number of fishers who may be affected by these proposed restrictions cannot be assessed with the available information.</p> <p>The proposed requirement to attach waterproof tags to passive fishing devices may result in a minor increase in costs for fishers.</p>