

April 2023

Economic Impact Statements for Proposed Rules

The corresponding proposed rule to each of the statements below may be viewed in its entirety in the April 20, 2023 *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 |
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| Board of Ethics | Food and Drink Limit | The proposed action will affect all public employees and public servants by setting a standard monetary limit on the receipt of food and drink. |
| Board of Elementary and Secondary Education | Biocontaminants, Hazardous Materials, and Procedural Requirements for Documentation | The proposed rule revisions will not result in costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups. The practices included in these revisions are included in federal requirements and should already be followed by family child care providers, in-home childcare providers, and public school and BESE approved non-public school child care centers |
| Board of Elementary and Secondary Education | Bulletin 1508—Pupil Appraisal Handbook Interventions and Screenings | There is no anticipated impact to small businesses or non-governmental groups as a result of the proposed rule revisions. Students experiencing vision impairment may receive additional supports as a result of this measure, and school or system-level personnel may experience additional workload related to conducting screenings and participating in training. This impact is indeterminable but likely to be minimal. |
| Department of Environmental Quality | Voluntary Environmental Self-Audit Regulations | Participation in the environmental self-audit program is voluntary. The applicant must complete a request and pay a minimum fee of \$1,500. The total fee will be based on the actual costs necessary to review the self-audit, which will be highly dependent on the size and complexity of the audit. The environmental self-audit program allows the regulated community to identify and correct compliance issues. This type of program offers incentives such as mitigated penalties for eligible participants. |
| Office of Group Benefits | Bariatric Surgery Services | There will be no additional costs or economic benefits to the existing or future OGB health plan members of OGB or agencies participating in OGB programs as a result of the proposed amendments to LAC 32:III.107 – <i>Schedule of Benefits</i> , LAC 32:V.205 – <i>Schedule of Benefits</i> , LAC 32:V.305 – <i>Schedule of Benefits</i> , and LAC 32:V.505 – <i>Schedule of Benefits</i> . |
| Motor Vehicle Commission | Availability of Vehicles | The proposed rule change would increase the pool of used vehicles that a vehicle dealer may advertise for sale. This creates the possibility of additional sales and profits to the dealer and increases the number of used motor vehicles available to the consumer at any dealer by allowing the dealers to take full advantage of the emerging online retail marketplace. |
| Board of Pharmacy | DATA-Waiver Registration Elimination | The proposed rule change will benefit consumers by increasing access to medication approved for detoxification treatment or maintenance treatment for those in need. The proposed rule change will benefit prescribers and pharmacies by reducing the documentation required on prescriptions for those drugs. |

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| Board of Pharmacy | Marijuana Pharmacy | <p>The proposed rule change in Section 2451, which was a result of Act 491 (2022RS), will benefit consumers by requiring home delivery to patients in each zip code at least once per month, resulting in increased access to care. There will be a cost to marijuana pharmacies to provide delivery services, the amount of which is indeterminable.</p> <p>The proposed rule changes benefit marijuana pharmacies by reducing the number of regulations to align with ordinary community pharmacy permit requirements more closely. The reduction in regulations, specifically security requirements, should provide an economic benefit for marijuana pharmacies, particularly for new permits.</p> <p>The proposed rule changes also address recent legislative changes, including changing the licensing of contractors who cultivate, extract, process, produce, and transport therapeutic marijuana to LDH.</p> |
| Board of Pharmacy | Pharmacy Change of Ownership | <p>The proposed rule changes to §1135 will benefit pharmacies undergoing a change in ownership by eliminating the need for a new pharmacy permit in most circumstances. Eliminating the need to apply for a permit due to a change of ownership will save the pharmacy \$550 in application fees.</p> |
| Board of Pharmacy | Staffing Ratios | <p>The proposed rule changes benefit the public, pharmacies, and pharmacy personnel by allowing flexible staffing of pharmacy interns, certified pharmacy technicians, and pharmacy technician candidates which could result in better staffing of pharmacies, a higher level of care for patients, and a better work environment for pharmacy staff.</p> |
| Department of Health | Adult Dentures Program Reimbursement | <p>This proposed rule continues the provisions of the March 10, 2023 Emergency Rule, which amended the provisions governing adult denture services to align the reimbursement rates to the Louisiana Medicaid fee schedule in order to maintain or enhance funding to dental providers. Louisiana Medicaid currently utilizes the Full Medicaid Pricing program in order to establish dental rates and provide additional funds to dental providers. The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) has ended this program, resulting in a potential loss of reimbursement to dental providers. Providers will benefit from this proposed rule since they will continue to receive Medicaid reimbursement for the provision of adult denture services. This proposed rule will ensure that Medicaid beneficiaries continue to have access to adult denture services. It is anticipated that this proposed rule will increase expenditures in the Medicaid program by approximately \$8,870,620 for FY 23-24 and \$8,870,620 for FY 24-25.</p> |
| Department of Health | Early and Periodic Screening, Diagnosis and Treatment Dental Services | <p>This proposed rule continues the provisions of the March 10, 2023 Emergency Rule, which amended the provisions governing dental services in the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program to align the reimbursement rates to the Louisiana Medicaid fee schedule in order to maintain or enhance funding to dental providers. Louisiana Medicaid currently utilizes the Full Medicaid Pricing program in order to establish dental rates and provide additional funds to dental providers. The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) has ended this program, resulting in a potential loss of reimbursement to dental providers. Providers will benefit from this proposed rule since they will continue to receive Medicaid reimbursement for the provision of EPSDT dental services. This proposed rule will ensure that Medicaid beneficiaries continue to have access to EPSDT dental services. It is anticipated that this proposed rule will increase expenditures in the Medicaid program by approximately \$47,182,437 for FY 23-24 and \$47,182,437 for FY 24-25.</p> |

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| Department of Health | Federally Qualified Health Centers Alternative Payment Methodology | This proposed rule amends the provisions governing reimbursement for federally qualified health centers (FQHCs) in order to establish an alternative payment methodology to pay an add-on amount of \$30 per encounter in addition to the prospective payment system (PPS) rate on file for the date of service. This proposed rule will ensure that Medicaid beneficiaries will continue to have access to FQHC services. FQHCs will benefit from implementation of this proposed rule as it is anticipated to increase payments to these providers by approximately \$26,091,630 for FY 23-24 and \$31,917,240 for FY 24-25. |
| Department of Health | Healthcare Facility Sanctions | This proposed rule amends the provisions governing healthcare facility sanctions in order to establish duties and requirements addressing workplace violence, in compliance with Act 461 of the 2022 Regular Session of the Louisiana Legislature, and to add and update definitions. Employees of healthcare facilities will benefit from the protection against workplace violence resulting from this proposed rule. It is anticipated that implementation of this proposed rule may result in costs to healthcare facilities in FY 22-23, FY 23-24, and FY 24-25, if they are sanctioned due to non-compliance with the regulations; however, there is no way to determine the number of facilities that may be impacted nor the potential costs to them. |
| Department of Health | Healthy Louisiana and Coordinated System of Care Waiver Behavioral Health Directed Payments | This proposed rule adopts provisions in the Healthy Louisiana and Coordinated System of Care Waiver governing directed payments for fee schedule and value-based payment arrangement for providers of behavioral health and home and community-based services (HCBS) and the grievance and appeal process for these providers. Implementation of this proposed rule will benefit qualifying behavioral health and HCBS providers, as it is anticipated to increase payments for these services by approximately \$29,000,000 for FY 23-24. Since the directed payment models must be approved by CMS every year, at this time, the Department is only authorized to make these payments through June 2024. |
| Department of Health | Hospice Services Payment Methodology | This proposed rule amends the provisions governing reimbursement for hospice services in order to comply with the directive from the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) that requires the Department to update the level of detail provided in the Medicaid State Plan for the hospice payment methodology. This proposed rule ensures that the current payment methodology is accurately reflected in the Louisiana Administrative Code and aligns with the CMS-required State Plan changes. Implementation of this proposed rule is not anticipated to have any costs to hospice providers for FY 22-23, FY 23-24, and FY 24-25. |
| Department of Health | Hospital Licensing Standards Rural Emergency Hospitals | This proposed rule continues the provisions of the March 7, 2023 Emergency Rule, which amended the provisions governing the licensing of hospitals in order to add an exemption to the primarily engaged requirements for rural emergency hospitals and adopt provisions for their designation and certification in order to allow rural hospitals with less than 50 beds to temporarily convert to rural emergency hospitals. It is anticipated that implementation of this proposed rule will result in a cost of \$25 to any hospital that converts to a rural emergency hospital, however, conversion will benefit the hospital by making it eligible for enhanced Medicare reimbursement. There is no enhanced Medicaid reimbursement as a result of this proposed rule. |
| Department of Health | Inpatient Hospital Services Medicare Part A Claims for Medicaid Eligible Beneficiaries | This proposed rule repeals inpatient hospital services rules, which were promulgated prior to implementation of the Louisiana Administrative Code codification system, in order to codify the provisions governing reimbursement for Medicare Part A claims for inpatient hospital services. It is anticipated that implementation of this proposed rule will not result in costs to Medicaid providers in FY 22-23, FY 23-24, and FY 24-25, but will be beneficial by ensuring these provisions are appropriately promulgated in a codified format in the Louisiana Administrative Code. |

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| Department of Health | Medicaid Eligibility Act 421 Children’s Medicaid Option | This proposed rule amends the provisions governing Medicaid eligibility groups and programs in order to remove the requirement that an applicant be ineligible for other Medicaid services before being considered for the Act 421 Children's Medicaid Option and to revise language regarding level of care. This proposed rule will ensure that Medicaid applicants do not have to be considered for a buy-in program prior to consideration for Act 421 Children's Medicaid Option. It is anticipated that implementation of this proposed rule will not result in costs or benefits to Medicaid providers or small businesses. It is anticipated that this proposed rule will result in an indeterminable cost to the Medicaid program in FY 22-23, FY 23-24, and FY 24-25, since there is no way to determine how many individuals, if any, will qualify under different Medicaid programs under the proposed changes. |
| Department of Health | Medicaid Eligibility Disregard of Accumulated Resources | This proposed rule amends the provisions governing financial eligibility for the Medical Assistance Program (Medicaid) in order to disregard resources accumulated by beneficiaries from March 18, 2020 through March 31, 2023 that, but for the continuous enrollment provision at Section 60008(b)(3) of the Families First Coronavirus Act, would have been paid toward the cost of a beneficiary's home and community-based services waiver or institutional services. These resources will continue to be disregarded through the twelfth month following the first full redetermination of the beneficiary's eligibility conducted after March 31, 2023. Implementation of this proposed rule will allow these beneficiaries time to reduce resources accumulated during the continuous coverage period and maintain Medicaid eligibility. Providers will benefit from implementation of this proposed rule because they will continue to receive Medicaid reimbursement for services provided to individuals that would no longer be eligible if these resources were considered. This proposed rule will result in an indeterminable cost to the Medicaid program for FY 22-23, FY 23-24, and FY 24-25. |
| Bureau of Emergency Medical Services | Emergency Medical Services Professionals | Individuals seeking to become a certified ambulance operator will incur a fee of \$10 associated with the certification. |
| Office of Motor Vehicles | Auto Title Companies | The proposed amendment does not have any effect on the estimated costs and/or economic benefit of affected persons or non-governmental groups. The proposed amendment reflects current practices. |
| Department of Transportation and Development | Intermodal Transportation | The proposed changes should have no costs or economic benefits that will directly affect any individual, small business, or non-governmental groups. |
| Department of Transportation and Development | Louisiana Port Construction and Development Priority Program | The proposed changes should have no impact on state or local government units on revenue collections. Public Ports in the State would use updated data from the U.S. Department of Labor for their applications to the Port Construction and Development Priority Program. |
| Department of Transportation and Development | Toll Exemptions—Grand Isle School System Employees | The estimated economic benefit for employees of the Grand Isle School System is anticipated to be \$225 in FYs 2023-2027 and \$250 starting in FY 2028. |

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| <p align="center">Department of Transportation and Development</p> | <p align="center">Toll Exemptions—Roads and Bridges</p> | <p>The owner of the bus or schools, school districts or boards, or third parties that own and/or operate school buses for schools will be affected by the proposed action. These parties would benefit from the rule, as they would not have to pay tolls on roads and bridges when transporting students to and from school within the confines of the legislation/proposed rule.</p> |
| <p align="center">Department of Wildlife and Fisheries</p> | <p align="center">Seismic Exploration</p> | <p>The proposed rule change is expected to benefit the public by improving the public notification process for potential seismic exploration projects.</p> <p>The proposed changes in bonding requirements and liability insurance may increase costs for firms that provide seismic exploration services. Bond fees and insurance premiums may vary depending on the characteristics of the project and the performance history and financial status of the permittee.</p> <p>The proposed rule change will have a small economic impact on seismic exploration applicants who may be required to hold additional public meetings when a seismic exploration project poses potential impacts on multiple parishes.</p> |