

**December 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 December 20, 2023 *Louisiana Register*. Each *Louisiana Register* edition is published on the 20<sup>th</sup> of each month.

<b>Promulgating Agency</b>	<b>Title of Proposed Rule</b>	<b>Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses, or Nongovernmental Groups</b>
<b>Board of Architectural Examiners</b>	<b>Meetings</b>	The proposed rule change has no anticipated economic impact to directly affected persons, small businesses, or non-governmental groups. The board’s existing policy is and has been to make reasonable accommodations for any person with a disability so that they may participate fully in board meetings. The proposed change merely clarifies and codifies existing board policy.
<b>Division of Administration Office of the Commissioner</b>	<b>Public Meetings via Electronic Means</b>	Electronic meetings could potentially reduce expenses to directly affected persons, small businesses, or non-governmental groups by negating the need for travel to a board meeting.
<b>Patient’s Compensation Fund Oversight Board</b>	<b>Disability Accommodations</b>	The proposed rule is not expected to create costs and/or economic benefits to directly affected persons or non-governmental groups.
<b>Racing Commission</b>	<b>Association Annual Plan of Operation Report</b>	The proposed administrative rule is a technical change that specifies the due date of a Racing Associations’ Annual Plan of Operations Report from January 30 following the fiscal year end to date as specified by the Racing Commission in order to account for different associations’ fiscal year ends.
<b>Racing Commission</b>	<b>Disability Accommodations</b>	There is no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.
<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 2024 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 their assessments. Additionally, Small Businesses’ real and personal property is assessed in the same manner as for all other property owners.
<b>Department of Health</b>	<b>Ambulatory Surgical Centers Reimbursement Methodology</b>	This proposed rule amends the provisions governing the reimbursement methodology for ambulatory surgical centers (ASCs) in order to allow qualified ASCs to bill for services provided to Medicaid beneficiaries at the outpatient hospital rate and be reimbursed on the current Louisiana State University enhanced fee schedule. Implementation of this proposed rule will allow qualified ASCs to provide services to Medicaid beneficiaries with developmental disabilities or behavioral issues. It is anticipated that implementation of this proposed rule may increase expenditures in the Medicaid program by approximately \$244,736 for FY 23-24, \$1,354,206 for FY 24-25, and \$1,934,581 for FY 25-26.

Promulgating Agency	Title of Proposed Rule	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses, or Nongovernmental Groups
<b>Department of Health</b>	<b>Program of All-Inclusive Care for the Elderly Personal Care Attendant Services</b>	This proposed rule amends the provisions governing the Program of All Inclusive Care for the Elderly (PACE) in order to require that a PACE organization/provider have a personal care attendant (PCA) home and community-based services license in addition to the required adult day health care license if the organization/provider does not contract with a PCA agency. In addition, this proposed rule updates language in order to reflect current practices and terminology. It is anticipated that the implementation of this proposed rule will result in increased costs to PACE providers and have no costs to other small businesses in FY 23-24, FY 24-25, and FY 25-26, but will be beneficial by ensuring that the PACE program requirements are clearly and accurately reflected in the Louisiana Administrative Code.
<b>Department of Health</b>	<b>Forensic Supervised Transitional Residential and Aftercare Facilities Licensing Standards</b>	This proposed rule amends the provisions governing the licensing of forensic supervised transitional residential and aftercare (FSTRA) facilities in order to clarify requirements for the FSTRA facility's annual license renewal and to update requirements for the physical environment of an existing state owned or operated hospital, and also adopts provisions for granting waivers to building and construction guidelines or requirements for FSTRA facilities. It is anticipated that this proposed rule will have no fiscal impact to FSTRA facilities in FY 23-24, FY 24-25, and FY 25-26.
<b>Department of Health</b>	<b>Hospitals Licensing Standards</b>	This proposed rule amends the provisions governing the licensing of hospitals in order to add and update definitions, to update existing licensure requirements, and to adopt requirements for issuing statements of deficiency, licensure inactivation due to disasters or emergencies, mobile units, and burn center services. It is anticipated that implementation of this proposed rule may result in an indeterminable cost to hospitals in FY 23-24, FY 24-25, and FY 25-26, since there is no way to determine how many hospitals will be required to add exterior signage stating that the hospital does not provide emergency services.
<b>Department of Health</b>	<b>Americans with Disabilities Act (ADA) Accessibility</b>	The proposed rule may result in travel savings to certain individuals that can now participate in meetings virtually.
<b>Department of Insurance</b>	<b>Regulation 104—Corporate Governance Annual Disclosure</b>	The proposed amended rule will have no costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.
<b>Department of Insurance</b>	<b>Rule 13—Special Assessment to Pay the Cost of Investigation, Enforcement, and Prosecution of Insurance Fraud</b>	The proposed rule changes will benefit persons and entities seeking to identify which handbooks or guidelines are currently being incorporated by reference that serve as professional guidance for entities under the purview of LDI. These handbooks and guidelines will be available for public viewing in hardcopy form at the offices of the LDI and Office of State Register and online at the NAIC website.
<b>Uniform Construction Code Council</b>	<b>Uniform Construction Code</b>	The proposed rule changes will result in no impact to persons, small businesses or non-governmental groups.
<b>Uniform Construction Code Council</b>	<b>Uniform Construction Code</b>	The proposed rule changes will result in no impact to persons, small business or non-governmental groups.

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Department of Revenue	Election of Pass-Through Entities	<p>The impact on state revenue collections is indeterminable. LDR does not have the information necessary to estimate the impact. There are possible individual scenarios where overall state tax receipts will decrease and possible scenarios where overall state tax receipts will increase. Each situation is dependent on the estate or trust's tax situation and the entity actually making the election, which cannot be predicted.</p> <p>The proposed rule addresses the authorization for fiduciary entities who are members, partners, or shareholders of an entity that made the election to exclude any income or loss from that pass-through entity from their taxable income. Partnership provisions are already in current practice and would be of no effect since partnerships do not pay income tax.</p> <p>The rule also addresses the authorization of a prospective termination of pass-through entity status by application to LDR once per five years. The resulting impact on state tax revenue may be either negative or positive, and thus is indeterminable.</p> <p>With no local income tax, there is no impact to local governmental revenue as a result of this rule.</p>
Department of Revenue	Open Meetings via Electronic Means	<p>There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups. To the extent someone is able to attend a meeting via electronic means that might not otherwise be able to, an economic impact may result.</p>
Department of Transportation and Development	Boundary Surveys—Standards of Practice	<p>The proposed rule change has no estimated impact on costs and/or economic benefits to directly affected persons, small businesses or non-governmental groups. The proposed rule change does not change the definition of a right-of-way, but establishes guidelines for the Louisiana Department of Transportation and Development (DOTD) to follow when conducting DOTD right-of-way surveys.</p>
Wildlife and Fisheries Commission	Bear Hunting Areas, Seasons, Rules and Bag Limits	<p>The proposed rule change is expected to benefit hunters by providing sustainable opportunities to harvest black bears. It may offer additional potential income to landowners who receive tags, that may be sold to qualified Louisiana resident hunters who seek to pursue bears and to other landowners who lease lands to bear hunters. The proposed rule change may result in additional expenditures for lottery fees and hunting permits if the Louisiana legislature sets fees for bear hunting permits and establishes a lottery.</p>
Wildlife and Fisheries Commission	Open Meetings via Electronic Means	<p>The proposed rule change will benefit interested members of the public by offering opportunities to observe and participate in Commission meetings without incurring the expense, effort, and inconvenience of traveling to the meeting's site.</p>