

May 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 May 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
Board of Elementary and Secondary Education	Foreign Language and Math Credits	No cost and/or economic benefit to directly affected persons, small business, or non-governmental groups is anticipated as a result of this rule change.
Board of Elementary and Secondary Education	Mentor Teacher Waiver	Mentor teachers receive a stipend of \$2,000 for serving as the assigned mentor of record, responsible for supporting an undergraduate or post-baccalaureate resident teacher in level 4 of the MFP formula. Teachers who may not otherwise qualify to serve as mentor teachers may be qualified to serve under the proposed revision, thereby resulting in eligibility to receive the mentor stipend. The extent to which additional mentors will be required is indeterminable. Currently, 2,679 credentialed mentors exist statewide, and while the 2022-2023 need for mentors is estimated at 1,209, availability based on grade level, subject area, and geographic location of the resident teachers is unknown, necessitating the continuation of the waiver.
Department of Environmental Quality	Standards Governing Landfills	The proposed rule change may cause additional burden to landfill operators to record and maintain leachate collection systems. The department anticipates the economic impact to landfill operators to be minimal.
Board of Dentistry	Dentists; Continuing Education Requirements	Dentists who take a licensing examination immediately after graduation from dental school but do not apply for a license immediately because they are doing a residency may now avoid the possibility of having to retake the examination after their residency because the licensing examination will now be valid for five years instead of just three.
Board of Optometry	Continuing Education	The proposed rule change will increase access to CE for licensed optometrists in Louisiana. This revision may also result in lower costs by providing additional options to optometrists for CE courses. This will ultimately benefit the public and eye care patients in Louisiana.
Department of Health	Early and Periodic Screening, Diagnosis and Treatment School-Based Health Services	This proposed rule amends the provisions governing school-based health services in the Early and Periodic, Screening and Diagnosis and Treatment (EPSDT) Program in order to reflect the current reimbursement methodology, include criteria for determining medical necessity, and modify service exclusion to match the 2019 program expansion provisions, which will align the administrative rule with the corresponding State Plan amendment approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). Implementation of this proposed rule is not anticipated to have any costs to school-based services providers for FY 22-23, FY 23-24, and FY 24-25, but will be beneficial by ensuring that the current program requirements are accurately promulgated in the Louisiana Administrative Code.
Department of Health	Home Health Program Reimbursement Rate Increase	This proposed rule continues the provisions of the April 3, 2023 Emergency Rule, which amended the provisions governing reimbursement in the Home Health program to increase the rates for all home health services and base reimbursement on the Louisiana Medicaid fee schedule in order to align the reimbursement methodology with current practice. This proposed rule will assist Medicaid beneficiaries in receiving all home health hours that are authorized because the more competitive rates should enable agencies to recruit more nurses. Home health providers and small businesses will benefit from implementation of this proposed rule as it is anticipated to increase payments to these providers by approximately \$2,558,513 for FY 22-23, \$10,234,052 for FY 23-24, and \$10,234,052 for FY 24-25.

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 Well Baby and Transplant Payments	The proposed rule amends LAC 50:V.Chapter 9 to remove obsolete non-rural, non-state hospital provisions and to repeal uncodified inpatient hospital services rules governing Medicaid transplant services and well baby care reimbursement in order to promulgate these provisions in a codified format for inclusion in the <i>Louisiana Administrative Code</i> . It is anticipated that implementation of this proposed rule will not result in costs to Medicaid providers or small businesses in FY 22-23, FY 23-24, and FY 24-25, but will be beneficial by ensuring that the provisions governing these services are accurately promulgated in the <i>Louisiana Administrative Code</i> .
Department of Health	Medicaid Eligibility Twelve-Month Continuous Eligibility	This proposed rule amends the provisions governing eligibility for the Medical Assistance Program in order to align the exclusions to the 12-month continuous eligibility coverage period for children in the administrative rule with the Medicaid and Children’s Health Insurance Program (CHIP) State Plans approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). The administrative rule currently includes exclusion categories that were submitted to CMS for approval in a State Plan amendment that was ultimately withdrawn after it was determined that the provisions did not align with the continuous eligibility federal regulations. This proposed rule removes the list of exceptions withdrawn from CMS consideration from the Louisiana Administrative Code (LAC). Implementation of this proposed rule is not anticipated to result in costs or benefits to providers or small businesses and will not result in a fiscal impact in FY 22-23, FY 23-24, and FY 24-25, since this is a technical revision to ensure that the language in the LAC does not conflict with federal regulations and the CMS-approved Medicaid and CHIP State Plans.
Department of Health	Pharmacy Benefits Management Program--Reimbursement for Clotting Factor	This proposed rule amends the provisions governing the methods of payment in the Pharmacy Benefits Management Program in order to: 1) change the reimbursement methodology for clotting factor products to a state generated actual acquisition cost (AAC) ingredient cost and a unit based professional dispensing fee; and 2) limit clotting factor products to pharmacy claims only, in compliance with U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) requirements. Implementation of this proposed rule is anticipated to result in decreased Medicaid reimbursement for clotting factor products and may have an adverse impact on pharmacy providers and small businesses if the reimbursement methodology change reduces payments to these providers. It is anticipated that this proposed rule will decrease expenditures in the Medicaid program by approximately \$8,500,000 for FY 23-24 and \$8,500,000 for FY 24-25.
Department of Health	Emergency Medical Services Professionals	Individuals seeking to become a certified ambulance operator will incur a fee of \$10 associated with the certification.
Office of Public Health	Commission for the Deaf	There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.
Office of Public Health	Participant Eligibility	There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non governmental groups.
Department of Insurance	Regulation 112—Adoption of NAIC Handbooks, Guidelines, Forms, and Instructions	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.
Department of Natural Resources	Leasing State Lands and Water Bottoms for the Exploration, Development and Production of Wind Energy	There are no expected costs or economic benefits to directly affected persons, small businesses or non-governmental groups.

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Office of Motor Vehicles	Odometer Disclosure	The proposed rule does not have any effect on the estimated costs and/or economic benefits of affected persons or non-governmental groups. The requirements are applied uniformly statewide.
Board of Trustees of the Louisiana State Employees' Retirement System	DROP Program	Implementation of the proposed change will allow retirees to delay receiving required minimum distributions from their retirement account by a year, which may result in the retiree having a lower income tax liability during that period.
Department of Wildlife and Fisheries	Fox/Coyote Hunting Preserve, Purchase and Sale of Live Foxes and Coyotes, Permitting Year-Round Coyote Trapping	The proposed rule change requiring the humane treatment of animals and the euthanization of sick animals may result in a minor increase in operating costs for some fox and coyote operations. The proposed changes altering the type of traps allowed for coyotes may increase costs for trappers who do not already possess traps that meet the changed parameters.
Department of Wildlife and Fisheries	Participation in the Deer Management Assistance Program	The proposed rule change may reduce fee payments made by DMAP enrollees in the vicinity of the currently detected CWD cases by \$450 to \$900 per year.