

December 2020

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, 2020 *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/regs2020.aspx>

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
<p>Department of Agriculture and Forestry</p>	<p>Examinations, Certifications, Licensing, and Fees</p>	<p>The proposed rule will increase the cost from \$25 to \$50 for applicants taking the commercial pesticide applicator, RUP salesperson, and agricultural consultant examinations at the Louisiana Department of Agriculture and Forestry (LDAF) headquarters in Baton Rouge. Also, applicants for private pesticide applicator will have a new examination fee of \$50.</p> <p>The proposed rule may benefit applicants who fail to receive a passing score by removing re-testing waiting periods and limits on taking examinations. Louisiana is the only state with restrictions on the time intervals between testing and limitations on the amount of re-testing permitted per year for the private applicator, commercial applicator, and salesperson examinations. These changes are being made to align with the current practices of other states and the industry.</p>
<p>Department of Agriculture and Forestry</p>	<p>Industrial Hemp</p>	<p>There is an anticipated cost to directly affected persons and non-governmental groups as a result of the proposed amendments to LAC 7:XIII.1317. Participants applying for, and not receiving approval for an industrial hemp license will be affected to the extent of the \$250 non-refundable application fee. Applicants that are approved for licensure will not be affected by the proposed rule amendment. There are no anticipated costs or benefits to affected persons or non-governmental groups as a result of the proposed amendments to LAC 7:XIII.1303, 1305, 1307, 1309, 1311, 1315, 1319, 1321, 1323, 1325, 1327, 1329, and 1335.</p>
<p>Department of Children and Family Services</p>	<p>Jobs for America's Graduates Louisiana</p>	<p>Implementation of this proposed rule change is not anticipated to have a cost or direct economic benefit to small businesses or non-governmental groups.</p>
<p>Department of Children and Family Services</p>	<p>Child Placing Provisions</p>	<p>This proposed Rule may have an economic impact on some groups. The rule change provides that child placement agencies that only maintain electronic records must have electronic records available on site at all times, which may necessitate the purchase of additional computer equipment or software. Additionally, the rule change provides more exceptions to foster/adoptive children sharing a bedroom, which may result in an economic benefit to foster/adoptive parents given that they may not be required to increase the number of bedrooms in their home.</p>
<p>Board of Elementary and Secondary Education</p>	<p>Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel</p>	<p>Teachers and administrators initially rated as Ineffective may benefit from additional support from school administrators that are not required to conduct a second evaluation for certain personnel during the 2020-21 academic year. To the extent this results in improved performance evaluations, teachers and administrators could potentially receive a salary increase in the 2021-22 academic year.</p>

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Board of Elementary and Secondary Education	Bulletin 131—Alternative Education Schools/Programs Standards	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.
Office of State Fire Marshal	Fire-Resistant Material Applicators	The proposed rules will allow an individual to acquire a fire-resistant materials applicator certificate of registration from the Office of State Fire Marshal if they meet the registration and certification requirements. There is no cost for the fire-resistant materials applicator certificate of registration. Individuals may realize economic benefits in the form of compensation for performing the services of fire-resistant materials application from customers, but this economic impact is undeterminable. Individuals wishing to work as a fire-resistant materials applicator will be required to meet all registration and certification requirements, which may create costs and/or workload impact for these individuals.
Licensing Board for Contractors	Licensure and Exemption of Exam for Individuals with Military Training and Experience, Military Spouses and Dependents	A benefit will accrue to military personnel, spouses or dependents resulting in quicker licensure where equivalent licensure, training, experience exists.
Department of Health	Dental Benefits Prepaid Ambulatory Health Plan--Payment Methodology	This proposed Rule amends the provisions governing the payment methodology for the dental benefits prepaid ambulatory health plan in order to allow the state to reimburse monthly capitation payments to the dental benefits plan manager (DBPM) in the aggregate on a lump sum basis when necessary, and to require DBPMs to submit medical loss ratio (MLR) data to the state and issue a refund if minimum standards are not met. Implementation of this proposed Rule ensures that the dental provisions in the Louisiana Administrative Code accurately reflect the current MLR practice which is required by law. It is anticipated that implementation of this proposed rule will not result in an increase or decrease in payments to dental benefits prepaid ambulatory health plans in FY 20-21, FY 21-22 and FY 22-23, but will be beneficial by permitting aggregate lump sum payments of the monthly capitation rates.
Department of Health	Intermediate Care Facilities for Persons with Intellectual Disabilities Reimbursement Methodology	This proposed rule, in compliance with Act 1 of the 2020 First Extraordinary Session of the Louisiana Legislature, continues the provisions of the Emergency Rule adopted on August 25, 2020 which amended the provisions governing reimbursement for non-state intermediate care facilities for persons with intellectual disabilities (ICFs/IID) to increase reimbursement rates for facilities that downsized from over 100 beds to less than 35 beds prior to December 31, 2010, without the benefit of a cooperative endeavor agreement. This proposed Rule will be beneficial to recipients whose families may be experiencing difficulty caring for them by ensuring the continuation of service options and allowing them to continue receiving appropriate care in the appropriate settings. Qualifying ICFs/IID will benefit from implementation of this proposed Rule as it increases reimbursement rates. It is anticipated that implementation of this proposed Rule will increase expenditures for ICFs/IID by approximately \$1,083,628 for FY 20-21, \$1,184,204 for FY 21-22, and \$1,184,204 for FY 22-23.
Department of Health	Medical Transportation Program Non-Emergency Medical Transportation	This proposed rule amends the provisions governing provider enrollment in the non-emergency medical transportation (NEMT) program in order to increase the minimum liability insurance for providers of transportation to out-of-state medical or behavioral health services to comply with federal requirements for interstate NEMT travel. It is anticipated that implementation of this proposed rule will result in increased costs to NEMT providers in FY 20-21, FY 21-22 and FY 22-23 due to the increase in the required level of insurance for out-of-state transports.

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Department of Health	Nursing Facilities—Non-Emergency Transportation for Medical Appointments	This proposed rule amends the standards for payment for nursing facilities in order to clarify the provisions governing non-emergency transportation for medical appointments. Providers will be impacted by implementation of this proposed Rule since it adds language to the Louisiana Administrative Code which requires nursing facilities to contact the appropriate managed care organization or fee-for-service transportation representative and submit the necessary documentation when arranging non-emergency ambulance transportation for medical appointments for recipients. It is anticipated that implementation of this proposed Rule will not result in any increase or decrease in payments to providers in FY 20-21, 21-22, and 22-23 but will be beneficial by ensuring that the provisions are clearly and accurately promulgated in the Louisiana Administrative Code.
Department of Health	Council on the Purchase of Goods and Services of Individuals with Disabilities	The proposed rule change will likely result in more organizations being classified as supported employment providers. Supported employment providers are exempt from the state of Louisiana's competitive bid process, which provides the economic benefit of being given preference for state contracts. Additionally, to the extent there is greater access to employment for individuals with disabilities, these individuals and their families may enjoy the economic benefit of additional income.
Louisiana Lottery Corporation	On-Line and Instant Lottery Games	Retailers are projected to earn approximately 5.63% on the sale of lottery products, or \$807,634 in the first year and \$1.7 million annually in subsequent years. Lottery players as a group are projected to exhibit changes to their overall lottery ticket purchases ranging from no net change to additional net total purchases of \$12.6 million for Fast Play in the first year to \$21.9 million in subsequent years and additional net purchases of \$1.7 million for Pick 5 in the first year and \$7.9 million and \$9.2 million, respectively, for the next two years.
Liquefied Petroleum Gas Commission	Class I-E Permit	The adoption of the proposed rule will benefit businesses and residences that need propane during emergencies and/or disasters. During emergencies and/or disasters, if current propane businesses are inoperable, the proposed rule allows permitting of non-resident propane businesses to deliver propane to businesses and residents that are needed to power generators or transient housing.
Office of the State Fire Marshal	Transporter License/Modular Homes	The proposed rule change will increase revenue collections for LA Manufactured Housing Commission. The Commission estimates there are approximately 30 transporter businesses in the state. The license fee is \$125 annually. Therefore, there is an estimated increase in revenue of \$3,750 annually (\$125 license fee x 30 estimated transporter). Also, the proposed rule allows the LA Manufactured Housing Commission to double penalty amounts, up to \$5,000 per violation, if the commission determines the violation was by a repeat offender. The number of civil penalties that may occur in a given year is unknown, therefore the associated revenue increase is indeterminable. The proposed rule changes are not anticipated to effect local governmental units.
Professional Engineering and Land Surveying Board	Accredited Land Surveying Curriculum, Military Members/Spouses/Dependents and Continuing Professional Development	The proposed rule change may expedite employment opportunities, ability to compete, income, prestige, credentials, marketability, etc. for those individuals who may now be able to become licensed as professional engineers or professional land surveyors based on possession of a current and valid occupational license in another state. The scope of any such benefit is indeterminable, as the number of qualifying individuals is speculative and unknown.

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<p>Board of Trustees of the Louisiana State Employees' Retirement System</p>	<p>Mandatory Submission of Monthly Salaries and Contributions Reports, Contributions Corrections, Prior Years Certifications/Corrections of Member Data and (RET) Annual Salary Files</p>	<p>There is no measurable quantifiable impact of the proposed rules. However, to the extent that the rules are geared toward enhancing employer reporting of member salaries, it is possible that members will benefit from such enhancements, though to what extent cannot be quantified. Since TRSL is a governmental 401(a) retirement plan serving mostly public employees, there is no measurable impact on small businesses or non-governmental groups.</p>
<p>Department of Wildlife and Fisheries</p>	<p>Yo-Yo and Trotline Regulations</p>	<p>The small number of recreational fishers who currently use trotlines with more than 50 hooks and those who fish with yo-yo and trigger devices attached to artificial objects in Lake Bruin may be negatively affected by the proposed rule change.</p> <p>The proposed rule change is expected to have a positive effect on anglers, boaters, and other person who use Lake Bruin by increased aesthetic value and decreased potential for navigation hazards and incidental boat damage from contact with items placed in the lake to attach yo-yos and trigger devices.</p>