

October 2021

Economic Impact Statements for Proposed Rules

The corresponding proposed rule to each of the statements below may be viewed in its entirety in the October 20, 2021 *Louisiana Register*. Each *Louisiana Register* edition is published on the 20<sup>th</sup> 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	Medical Marijuana Program	For licensees, the proposed rule changes the costs paid to LDAF by removing the 7% gross sales while retaining the annual license and permit fees. The 7% of gross sales collection was reallocated to the Department of Revenue.
Board of Elementary and Secondary Education	Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel	The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.
Board of Elementary and Secondary Education	Bulletin 133—Scholarship Programs	<p>Any nonpublic school that is removed from eligibility will result in a corresponding decrease in state funds for each student attending the school on scholarship. The average annual scholarship is approximately \$6,200 and varies by school and grade level. The proposed revisions would require provisionally accredited approved schools to be removed from the program if they do not receive accreditation within four years of initial program approval, and for schools receiving a SCI below 50 for three consecutive years to be ineligible to participate in the program, beginning in the 2021-22 school year.</p> <p>Nonpublic schools may experience increased costs due to accreditation as a result of the proposed revision, however this will vary by accreditation organization and whether the school is currently accredited. For example, Cognia requires schools to pay an annual membership fee of \$1,200 in addition to a one-time engagement review fee which varies according to the length of the review and the size of the school, as well as covering all travel expenses for the review team.</p>
Board of Elementary and Secondary Education	Bulletin 137—Louisiana Early Learning Center Licensing Regulations	<p>The proposed revisions will benefit early learning centers by waiving the Departmental \$15 processing fee while COVID-19 recovery funds are available.</p> <p>The proposed revisions require all staff members on the premises of an early learning center and who are accessible to children to have current CPR and first aid certification, up from the current requirement of 50% of staff. To the extent early learning centers currently employ staff who do not hold CPR and first aid certification, the centers will experience increased costs, potentially significant on a statewide basis; however, such costs are indeterminable. Costs will vary by center based on the share of staff currently holding certification, staffing changes, and for recertification of staff. For illustrative purposes, an Adult and Pediatric CPR class offered by the Red Cross costs \$126 and is valid for two years.</p>
Board of Elementary and Secondary Education	Bulletin 139—Louisiana Child Care and Development Fund Programs	The proposed revisions will benefit licensed child care providers by waiving the Departmental \$15 processing fee while COVID-19 recovery funds are available. Also, the proposed revisions will assist families by waiving the CCAP copayment they would normally pay from COVID-19 recovery money as available.
Board of Elementary and Secondary Education	Bulletin 741—Louisiana Handbook for School Administrators	The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

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<b>Board of Elementary and Secondary Education</b>	<b>Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators African American History</b>	The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups. As of the 2020-21 school year, there were 21 public high schools offering African American History courses for 462 students; however, it is unknown how many nonpublic schools offer such courses. To the extent more nonpublic schools offer courses in African American History, it is anticipated that they will shift staff and resources from other social studies courses, therefore the proposed rule will not result in overall cost increases.
<b>Board of Elementary and Secondary Education</b>	<b>Bulletin 1566—Pupil Progression Policies and Procedures</b>	The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.
<b>Board of Elementary and Secondary Education</b>	<b>Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act</b>	The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.
<b>Board of Elementary and Secondary Education</b>	<b>High School Social Studies Assessment</b>	The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.
<b>Board of Dentistry</b>	<b>General Provisions; Dentists; Fees and Costs</b>	The proposed change to §120 is meant to conform to the recently passed statutes by the Louisiana legislature and will benefit dependents of military personnel and of healthcare workers to make it easier for them to be issued a “permit pending normal license” in Louisiana that would expire within 30 days. This rule is not anticipated to materially change the number of licensees statewide and is estimated to impact four applicants per year. The proposed change to §306 will benefit dentists who receive their license by credentials to practice outside of Louisiana. The proposed change to §419 is also to conform to the recently passed statutes passed by the Louisiana legislature and will benefit a dental hygienist who would like to seek a retired voluntary hygiene license to provide care on a gratuitous basis for a fee of \$35.00. The Board estimates that there could be 3 to 5 dental hygienists per year that may would apply for the retired voluntary license.
<b>Department of Health</b>	<b>Home and Community-Based Services Waivers—Children’s Choice Waiver Direct Support Worker Wages</b>	This proposed rule continues the provisions of the October 1, 2021 Emergency Rule which, in compliance with Act 119 and House Concurrent Resolution 127 of the 2021 Regular Session of the Louisiana Legislature amended the provisions governing reimbursement in the Children's Choice Waiver in order to establish a wage floor for direct support workers along with audit procedures, sanctions, and penalties. This proposed rule will be beneficial to Children's Choice Waiver participants by assuring that providers are adequately staffed with direct support workers. Small businesses and providers will benefit from implementation of this proposed rule as it is anticipated that it will increase payments to providers of Children's Choice Waiver services by \$2,944,884 for FY 21-22, \$4,417,326 for FY 22-23, and \$4,638,192 for FY 23-24.
<b>Department of Health</b>	<b>Home and Community-Based Services Waivers—New Opportunities Waiver Direct Support Worker Wages</b>	This proposed rule continues the provisions of the October 1, 2021 Emergency Rule which, in compliance with Act 119 and House Concurrent Resolution 127 of the 2021 Regular Session of the Louisiana Legislature, amended the provisions governing reimbursement in the New Opportunities Waiver (NOW) in order to establish a wage floor for direct support workers along with audit procedures, sanctions and penalties. This proposed rule will be beneficial to NOW participants by assuring that providers are adequately staffed with direct support workers.. Small businesses and providers will benefit from implementation of this proposed rule as it is anticipated that it will increase payments to providers of NOW services by approximately \$49,207,684 for FY 21-22, \$73,811,526 for FY 22-23, and \$73,811,526 for FY 23-24.

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<p><b>Department of Health</b></p>	<p><b>Home and Community-Based Services Waivers—Residential Options Waiver Direct Support Worker Wages</b></p>	<p>This proposed rule continues the provisions of the October 1, 2021 Emergency Rule which, in compliance with Act 119 and House Concurrent Resolution 127 of the 2021 Regular Session of the Louisiana Legislature, amended the provisions governing reimbursement in the Residential Options Waiver (ROW) in order to establish a wage floor for direct support workers along with audit procedures, sanctions and penalties. This proposed rule will be beneficial to ROW participants by assuring that providers are adequately staffed with direct support workers. Small businesses and providers will benefit from implementation of this proposed rule as it is anticipated that it will increase payments to providers of ROW services by approximately \$3,538,539 for FY 21-22, \$5,307,810 for FY 22-23, and \$5,573,200 for FY 23-24.</p>
<p><b>Department of Health</b></p>	<p><b>Home and Community-Based Services Waivers—Supports Waiver—Direct Support Worker Wages</b></p>	<p>This proposed rule continues the provisions of the October 1, 2021 Emergency Rule which, in compliance with Act 119 and House Concurrent Resolution 127 of the 2021 Regular Session of the Louisiana Legislature, amended the provisions governing reimbursement in the Supports Waiver in order to establish a wage floor for direct support workers along with audit procedures, sanctions and penalties. This proposed rule will be beneficial to Supports Waiver participants by assuring that providers are adequately staffed with direct support workers. Small businesses and providers will benefit from the implementation of this proposed rule as it is anticipated that it will increase payments to providers of Supports Waiver services by approximately \$377,208 for FY 21-22, \$565,812 for FY 22-23, and \$565,812 for FY 23-24.</p>
<p><b>Gaming Control Board</b></p>	<p><b>Sports Wagering</b></p>	<p>The proposed rule will result in an unknown impact on costs and economic benefits to licensed operators of sports wagering. Authorizing sports wagering will impact consumer behavior in an unknown manner. Whether this behavior will result in costs or economic benefits to licensed operators of sports wagering is unknown. To the extent the proposed rule may increase gaming activity, economic benefits may increase at the statewide or local level. To the degree that the proposed rule change shifts gaming behavior, existing gaming locations may realize indeterminable costs or economic benefits.</p>
<p><b>Department of State</b></p>	<p><b>Remote Online Notarization</b></p>	<p>The adoption of this proposed rule will increase costs only for notaries wishing to perform remote online notary services by \$20. Legislative discussions on ACT 254 considered that RON vendors will charge for their services with market forces keeping rates reasonable. The cost of a digital certificate used to sign and prevent modification of documents produced via RON was also considered. RON benefits notaries by saving travel time and fuel and document handling expenses. More notarizations might occur daily as a result of RON thus increasing their revenue stream. RON can increase the health and safety of notaries by reducing in-person exposure and appearances in homes of strangers in unfamiliar neighborhoods. Other businesses, besides RON vendors, who wish to utilize the optional API to integrate notary searches into their applications will have \$500 per year in cost. Businesses can still search manually on our website for notaries or download a database of all notaries for free. As discussed during ACT 254 deliberations, small businesses and non-governmental organizations will benefit from RON by being able to use notaries not physically located near them, saving travel time and scheduling difficulties. They may also benefit by not having to have a notary employed by them or available during all business hours. Businesses wishing to utilize RON must have internet access and might have an additional cost to purchase increased bandwidth. RON vendors were consulted in the drafting of the rule and the requirements placed on them are consistent with those required by other states.</p>

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<b>Department of Wildlife and Fisheries</b>	<b>Domesticated Aquatic Organisms</b>	The proposed rule change is anticipated to result in a minor aggregate expenditure increase statewide on persons or businesses holding the associated permits.
<b>Department of Wildlife and Fisheries</b>	<b>Menhaden Season</b>	The proposed rule change is expected to reduce the receipts or income for commercial fishers and processors involved in the commercial harvest and processing of menhaden. The proposed rule change could accordingly reduce menhaden harvests by 0.2 percent to 4.2 percent or \$0.1 to \$2.9 million in dockside value. The reduction in landings would incur additional losses in value added among menhaden processors that cannot be assessed with the available information.