

February 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 February 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  |
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| Department of Economic Development          | <b>Horticulture and Quarantine Programs Citrus Greening and Citrus Canker Disease Quarantine</b>                       | Firms who are eligible for film tax credits may realize a reduction in tax liabilities to the extent they qualify for the credit and are able to receive additional credits to the extent other firms do not utilize the entirety of their initial film tax credit allocation.   |
| Board of Elementary and Secondary Education | <b>Bulletin 126—Charter Schools</b>  | The proposed revisions will not result in costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.   |
| Board of Elementary and Secondary Education | <b>Bulletin 127—LEAP Connect Assessment, Louisiana Connectors for Students with Significant Cognitive Disabilities</b> | The proposed revisions will benefit English Learners with significant cognitive disabilities by providing Connectors (standards) to be used in an alternate assessment of English Language Proficiency. This assessment will benefit school- and district-level teams as they support these students in learning English language knowledge and skills.  |
| Board of Elementary and Secondary Education | <b>Bulletin 139—Louisiana Early Childhood Care and Development Fund Programs</b>                                       | <p>The proposed revisions will benefit child care providers who receive increased CCAP payments. In addition, families will benefit from expanded access to child care. However, to the extent that the proposed revisions reduce the number of children served by the program, some child care providers may experience reduced income if qualified families are unable to enroll their children in the program. Families may also face negative economic impacts in comparison to participating families if they are waitlisted due to limited CCAP funding.</p> <p>The proposed revisions increase the yearly CCAP payment rates per child from approximately \$8,500 to approximately \$12,500. Child care providers would receive an additional \$4,000 per year on average for each CCAP-enrolled child currently in their care. Child care providers will receive an average \$12,500 per year for each new child that enrolls due to the expanded eligibility. CCAP requires enrolled families to pay a copayment determined through a sliding fee scale based on household size and income. Currently, copayments can be waived and paid instead with federal COVID-19 relief funding. When this funding is no longer available, the overall cost of copayments to households will depend on the size and income of those households and is indeterminable.</p> |
| Board of Elementary and Secondary Education | <b>Bulletin 140—Louisiana Early Childhood Care and Education Network</b>   | <p>The proposed revisions will result in additional costs to nonprofit organizations serving as Early Childhood Community Network lead agencies to conduct twice-annual CLASS observations for participating child care providers. Community Network lead agencies typically pay \$100-\$300 per observation. The cost will depend on the number of participating providers and is indeterminable.</p> <p>The proposed revisions will benefit participating family child care providers by making them eligible for SRTC tax credits. The amount of these tax credits will depend upon the SRTC structure developed by the LDE for participating family child care providers.</p> <p>The proposed revisions will require participating family child care providers to obtain an Early Childhood Ancillary Certificate issued by the Board of Elementary and Secondary Education (BESE).</p>  |
| Board of Elementary and Secondary Education | <b>Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators</b>                                 | The proposed revisions will not result in costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups. No costs are anticipated for nonpublic schools, as completion of the training is to be accomplished on a day when other types of in-service training are conducted.   |

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| <b>Board of Elementary and Secondary Education</b>         | <b>Bulletin 741—Louisiana Handbook for School Administrators</b>   | The proposed revisions will benefit military-connected students and families, as they will be able to register for school by remote means. In addition, “Purple Star Schools” will benefit military-connected students and families by providing additional resources and assistance.   |
| <b>Board of Elementary and Secondary Education</b>         | <b>Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel—Personnel Evaluation</b> | The proposed revisions will not result in costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.  |
| <b>Board of Elementary and Secondary Education</b>         | <b>Bulletin 746—Louisiana Standards for State Certification of School Personnel</b>                        | The proposed revisions will facilitate issuance of certification for educators completing a traditional or alternative teacher preparation program. These certified educators will be able to contribute to the teacher workforce in Louisiana.   |
| <b>Board of Elementary and Secondary Education</b>         | <b>Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs</b>       | The proposed revisions will facilitate issuance of certification for educators completing a traditional or alternative teacher preparation program. These certified educators will be able to contribute to the teacher workforce in Louisiana.   |
| <b>Office of Student Financial Assistance</b>              | <b>Scholarship/Grant Programs COVID-19 Exceptions</b>  | A small number of students may qualify for a higher TOPS award level.   |
| <b>Department of Environmental Quality</b>                 | <b>Fee Increase—Act No. 405 of the 2021 Regular Legislative Session</b>                                    | Costs to industry businesses impacted by these regulations vary widely. Fees were increased to better align with DEQ’s costs to regulate and oversee each program. Some fees were also added for services that DEQ previously was not assessing fees for.   |
| <b>Board of Examiners of Certified Shorthand Reporters</b> | <b>Continuing Education</b>  | The proposed rule will affect certified shorthand reporters by allowing those persons who complete pro bono work for credit of continuing education. The new exception will provide additional opportunities to earn continuing education credits.  |
| <b>Capital Area Groundwater Conservation Commission</b>    | <b>Independent Remote Monitoring System and Pumpage Fees</b>   | <p>The 58 users, including municipalities and industries in Ascension, East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge and West Feliciana parishes, which are subject to the current \$20 per million gallons of groundwater pumped, will be charged an additional \$45 per million gallons of groundwater pumped with the proposed pumpage fee increase. Users may experience an increase or decrease of monthly payment to the Capital Area Groundwater Conservation District based on the data received from the Commission’s independent remote monitoring system.</p> <p>It is estimated that the average household’s water bill would be slightly increased. If the current monthly bill to the average household is approximately 8 cents, then the increase would be approximately 18 cents per month. This cost reflects the actual cost of the water as charged by the District. Thus, the local governments would not be affected by the increase since it could be a “pass-through” to the consumers.</p> |

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| <b>Capital Area Ground Water Conservation Commission</b>                    | <b>Limitations and Prohibitions on Water Pumping</b> | There are no estimated costs and/or economic benefits to directly affected persons, small business, or non-governmental groups anticipated from this rule.   |
| <b>Commission on Law Enforcement and Administration of Criminal Justice</b> | <b>General Subgrant Guidelines</b>                   | It is estimated that implementation of the proposed rules will have little or no effect on directly affected persons or non-governmental groups.   |
| <b>Office of Group Benefits</b>   | <b>Employee Benefits</b>                             | <p>The proposed change to LAC 32:I.317 is anticipated to impact various OGB enrollees and dependents who meet specific criteria.</p> <p>An OGB enrollee who experiences the birth of a child or the gain of a spouse through marriage qualifies for a special enrollment period (as a result of these qualifying life events or “QLEs”), during which time the enrollee may add the dependent to their insurance coverage. OGB’s QLE guidelines for the birth of a child or the gain of a spouse through marriage provide that the effective date of coverage for the new dependent be the same date as the QLE. The addition of the new dependent to the enrollee’s coverage results in a change in the enrollee’s coverage classification, which will result in a change in the amount of monthly premiums billed.</p> <p>Those OGB enrollees who meet the criteria mentioned above and who experience the following changes in coverage classification will be impacted by the proposed changes to LAC 32:I.317:</p> <ul style="list-style-type: none"> <li>• from “enrollee only” coverage to “enrollee + child(ren)” coverage;</li> <li>• from “enrollee only” coverage to “enrollee + spouse” coverage;</li> <li>• from “enrollee only” coverage to “family” coverage;</li> <li>• from “enrollee + child(ren)” coverage to “family” coverage; and</li> <li>• from “enrollee + spouse” coverage to “family” coverage.</li> </ul> <p>As a result of the proposed change to LAC 32:I.317, such OGB enrollees will have the resulting additional premium amount prorated for the number of days remaining in the first month of coverage following the effective date of such coverage.</p> <p>The cost to those individual enrollees impacted by the proposed change to LAC 32:I.317 cannot be estimated, as it depends upon the enrollees’ plan selection, employer contribution level, existing coverage classification, and employment status.</p> |
| <b>Board of Pharmacy</b>  | <b>Fees</b>  | The proposed rule fee increases will generate approximately \$932,800 per fiscal year for LBP from fees paid by persons and businesses credentialed by the Board.  |
| <b>Board of Pharmacy</b>  | <b>Raw Marijuana Products</b>                        | The proposed rule changes will authorize producers of marijuana products to include raw marijuana products among the items they may distribute to marijuana pharmacies. The marijuana pharmacies may sell raw marijuana products pursuant to recommendations, subject to certain dispensing limitations. The addition of new products and dosage forms may increase sales transactions in pharmacies, however, additional product selection may lead to substitutional rather than additive sales. This rule does not directly influence existing recommendation volume by prescribers.  |

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| Department of Health                        | Behavioral Health Service Providers Licensing Standards | In compliance with Act 328 of the 2020 Regular Session of the Louisiana Legislature and Acts 372 and 433 of the 2021 Regular Session of the Louisiana Legislature, this proposed rule amends the provisions governing the licensing of behavioral health service providers in order to: 1) provide further definitions and provisions related to the geographic service area, 2) update the licensure and staff requirements, 3) update admission, transfer and discharge requirements, and 4) add provisions governing mobile services, mental health intensive outpatient programs, and onsite access to medication assisted treatment. Implementation of this proposed rule will impact behavioral health providers that elect to offer behavioral health services via mobile units, since any costs with regard to the mobile unit will be incurred by the provider. Since behavioral health providers may choose whether or not to utilize mobile units, it is not possible to estimate the potential impact on these providers in FY 21-22, FY 22-23 and FY 23-24; however, those that pursue this option will benefit from the guidance the rule provides for offering services via a mobile unit. |
| Department of Health                        | Nursing Facilities Licensing Standards                  | This proposed rule amends the provisions governing the licensing of nursing facilities in order to allow a facility to request one six-month extension of a two year license inactivation following the issuance of an executive order or proclamation of an emergency or disaster. It is anticipated that implementation of this proposed rule will not result in costs to nursing facility providers in FY 21-22, FY 22-23 and FY 23-24, but will be beneficial to facilities requiring additional time to reopen following a declared emergency or disaster.   |
| Department of Public Safety and Corrections | Offender Incentive Pay and Other Wage Compensation      | Offenders who receive an increase in their hourly pay will experience economic benefits; however, some offenders will experience an economic loss due to the decrease in their hourly pay as a result of the proposed rules. Other offenders will have the opportunity to receive incentive pay with the creation of new categories.  |
| Department of Revenue                       | Income: Withholding Tax                                 | Although LDR cannot determine the additional costs incurred by these service recipients to comply with this change, any costs are expected to be minimal, as online access and activity has largely become a business standard. These filers may incur costs to the extent that additional fees are charged by tax preparers or tax preparation software companies.   |
| Plumbing Board                              | Continuing Professional Education Programs              | The proposed rule will benefit CPE providers by reducing the cost for providers to prepare manuals as well as reduce the timeframe for providers to obtain the materials to conduct classes.  |