

April 2019

Economic Impact Statements for Proposed Rules

The corresponding proposed rule to each of the statements below may be viewed in its entirety in the April 20, 2019 *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/regs2019.aspx>

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Board of Ethics	Food and Drink Limit	The proposed action will affect all public employees and public servants by setting a standard monetary limit on the receipt of food and drink.
Board of Elementary and Secondary Education	Bulletin 139—Louisiana Child Care and Development Fund Programs CCAP Household Eligibility	Families which experience homelessness may benefit from the proposed changes which will allow them to qualify for CCAP more than once in a lifetime and to continue receiving benefits during a phase down period, avoiding the loss of child care subsidies. The extent of these impacts is indeterminable at this time.
Board of Elementary and Secondary Education	Bulletin 745—Louisiana Teaching Authorizations of School Personnel—Teaching Authorizations Issuance, Denial, and Reinstatement	Families which experience homelessness may benefit from the proposed changes which will allow them to qualify for CCAP more than once in a lifetime and to continue receiving benefits during a phase down period, avoiding the loss of child care subsidies. The extent of these impacts is indeterminable at this time.
Board of Elementary and Secondary Education	Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs Quality Rating Calculation	Non-university providers who participate in teacher preparation programs are subject to the same accountability and interventions as public universities and may experience similar impacts. Individuals seeking to enroll in teacher preparation programs may be impacted to the extent providers are limited in their ability to accept new students, thereby reducing educational options. Alternatively, poor performance profiles could impact enrollment decisions of those individuals.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Board of Medical Examiners	Physician Licensure and Certification; Fellowship Training Permit	<p>The proposed rule changes benefit physicians by outlining requirements and allowing for training that is not accredited by the American Council on Graduate Medical Education (ACGME) of the American Medical Association, the American Osteopathic Association (AOA) or the Commission on Dental Accreditation (CODA) of the American Dental Association. The proposed permit is anticipated to be beneficial to physicians who may receive such training, and the medical institutions that offer such programs, by facilitating medical education, training, and retraining of fellows in emerging medical fields for which there is no current pathway to ACGME, AOA or CODA accreditation. It is also anticipated that the additional training received by such physicians will improve the quality of healthcare delivery in Louisiana.</p> <p>In order to be eligible for a permit the applicant must have completed an accredited residency training program in the same specialty as the fellowship, possess all qualifications for licensure, submit an application to the board and pay the applicable \$100 permit fee. The permit holder may only practice medicine or receive medical education or training within the training program. The duration of the permit is for 12 months, may be renewed one time with an accompanying fee of \$100, and is subject to revocation for violation of the Medical Practice Act or the LSBME's rules.</p>
Board of Medical Examiners	Physician Practice; Marijuana for Therapeutic Use by Patients Suffering from a Debilitating Medical Condition	<p>The proposed rule changes expand the list of DMCs and provide associated definitions consistent with Acts 496 and 708 of the 2018 Regular Session,. These changes will expand this form of therapy to patients diagnosed with additional qualifying medical conditions.</p> <p>The proposed changes (expansion of the list of DMCs, elimination of patient limit and timing of return visits, clarification of the rule on ownership or investment interest, application of the chronic pain rules to the treatment of chronic pain with this form of therapy, expansion of the definition of "bona-fide physician-patient relationship to permit exams at locations other than a physician's physical practice location and clarifying the mode of transmission of TM recommendations) are also anticipated to provide greater patient access and physician capacity for patients with a TM qualifying DMC and better insure regulatory compliance. It is unknown whether or to what extent the proposed changes will affect the workload and/or income of physicians who may diagnose their patients with a DMC for which TM may be recommended.</p>

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Board of Medical Examiners	Physician Practice; Telemedicine	<p>The proposed rule change may benefit Louisiana citizens while vacationing or temporarily outside of Louisiana who may continue to receive care from their Louisiana licensed physicians. The change may also benefit Louisiana licensed physicians by allowing them to provide continuity of care to their Louisiana patients who may be temporarily out of state. Given that Louisiana medical licensure cannot authorize a physician to practice medicine beyond the borders of this state, Louisiana physicians seeking to accommodate their patients in this manner will need to verify their lawful authority to do so with the medical licensing authorities of the state in which their patient is located. The LSBME cannot estimate this cost or addition to a physician's workload.</p>
Board of Nursing	Application Fee for Compact Licensure	<p>The proposed rule changes will increase SGR collections for the LSBN by an indeterminable amount beginning in FY 20 and in subsequent fiscal years. The proposed rule changes add a one-time \$50 fee for registered nurses (RNs) regulated by the LA State Board of Nursing (LSBN) licensed prior to June 30, 2019, who elect to convert their license to practice from a single-state license to a multi-state license under the auspices of the Nurse Licensure Compact (NLC) for RNs. The LSBN will begin processing license conversions in FY 20. For reference, RNs licensed on or after July 1, 2019, will receive multi-state licensure during the process of their normal licensure, which limits the number of persons who may convert their license from a single-state to a multi-state.</p> <p>For reference, LSBN currently has 66,534 active RNs. Based on information gathered from other compact states, the LSBN anticipates that 5% of licensees will elect to convert their single state license to the multi-state license in the first year, resulting in 3,327 applications to be processed. To the extent this occurs, the LSBN will realize an aggregate one-time SGR increase of \$166,350 in FY 20. However, because the number of licensees who will seek license conversion is unknown, the exact FY 20 revenue increase is indeterminable. Furthermore, to the extent additional RNs holding single-state licenses seek conversion to multi-state licensure in FY 21 or after, the LSBN will realize an additional \$50 per licensee.</p>

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Board of Nursing	Undergraduate Clinical Courses	<p>The proposed rule change may benefit prospective nursing students who are seeking to apply for undergraduate nursing courses but falsify or omit certain information on their applications. The current rules deny enrollment/progression in clinical courses and the ability to resubmit an application for a minimum of five years if students falsify or omit information on their applications. The proposed rule changes amend the timeline for which a student may be prohibited from reapplying from a minimum of five years to up to five years and will allow staff and the LSBN discretion in adjudicating each application. This allows for the situation to be evaluated and a fair decision rendered according to the severity of the infraction(s). Furthermore, a technical change in Chapter 33, Section 3324 C. is deemed necessary to give the LSBN the flexibility to render a decision that is not aligned with a permanent action(s).</p>
Board of Pharmacy	Marijuana Pharmacies	<p>The proposed rule changes affect marijuana product producers, as they will no longer be limited in the amount of tetrahydrocannabinol (THC) per dose or per package; they will be able to produce marijuana products appropriate for the qualifying medical conditions in Louisiana. Additionally, the proposed rule changes modify advertising restrictions on marijuana pharmacies, allowing them to disseminate educational information regarding marijuana products. Furthermore, the proposed rule changes require marijuana product producers to register product identification codes with the LBP. Lastly, the proposed rule changes revise labeling requirements describing the directions for use of a dispensed marijuana product, removing the requirement that they be limited to the information in a physician's recommendation.</p> <p>The proposed rule changes affect physicians who recommend medical marijuana and their patients, as well as dispensers of medical marijuana, by deleting provisions associated with emergency dispensing of medical marijuana. Furthermore, the proposed rule changes amend recordkeeping requirements for pharmacists associated with recommendations of medical marijuana, requiring they bear the recommending physician's name, the patient's name, and the authorized condition for which medical marijuana is recommended.</p>
Department of Health	Early and Periodic Screening, Diagnosis and Treatment—Personal Care Services	<p>This proposed rule amends the provisions governing personal care services (PCS) in the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program in order to clarify these provisions and update requirements relative to utilization of an electronic visit verification system, billable units, and delivery of PCS. This proposed rule may impact EPSDT PCS providers since it requires them to use a department-approved electronic visit verification system. It is anticipated that implementation of this proposed rule will result in an indeterminable programmatic fiscal impact for the provision of EPSDT PCS services in FY 18-19, FY 19-20 and FY 20-21, but will be beneficial by clarifying the providers that are able to render these services and providing clear and accurate participation requirements.</p>

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of Health	Hospital Licensing Standards	This proposed Rule amends the provisions governing the licensing of hospitals in order to clarify the requirements that licensed hospitals shall: 1) be primarily engaged in providing inpatient care and services to inpatients, and 2) ensure that dietary services provided through a contract with a food delivery service meet the same standards as hospitals that provide in-house dietary services to patients. The proposed rule may impact hospitals that may have to make adjustments in order to comply with these licensing requirements and/or ensure continued access to inpatient care. It is anticipated that the implementation of this proposed rule will not result in economic costs to hospital providers for FY 18-19, FY 19-20 and FY 20-21, but will be beneficial by providing accurate, clearly identified licensing requirements.
Department of Health	Pharmacy Benefits Management Program State Supplemental Rebate Agreement Program	This proposed rule amends the provisions governing the Pharmacy Benefits Management Program in order to remove the requirement for participation in The Optimal PDL Solution (TOP\$) State Supplemental Rebate Agreement Program and allow for non-specific state supplemental rebate agreements. It is anticipated that implementation of this proposed rule will not result in programmatic costs or benefits to pharmacy providers in FY 18-19, FY 19-20 and FY 20-21.
Department of Insurance	Regulation 113—Registration of Catastrophe Claims Adjusters	The proposed rules will benefit insurers by codifying the registration process for catastrophe adjusters, including how catastrophe or emergency adjusters may be utilized by insurers in the event of emergencies declared by the governor of Louisiana or for any other event that the Commissioner of Insurance has determined to have caused widespread property damage or loss. The proposed rules align with present practice and statute. Included in the proposed rules is a process to allow insurers to request that the commissioner authorize the use of catastrophe adjusters by making a written request to the commissioner. Furthermore, the proposed rules limit catastrophe adjusters' timeframe to operate to 180 days with up to one 90-day extension upon request.
Department of Revenue	Mandatory Electronic Filing of Tobacco Tax Returns and Payment of Tax	LDR does not have the information necessary to determine the additional costs to comply with this change, but these costs are expected to be minimal, as online access and activity has largely become a business standard. A total of less than 200 taxpayers statewide are affected by this proposed rule, and the majority of these taxpayers already remit the tax by electronic funds transfer. To the extent non-compliance penalties are collected, affected taxpayers will incur penalty costs. LDR cannot estimate the additional penalty amount.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Board of Trustees of the Louisiana State Employees' Retirement System	Actuarial Equivalent and Ballots, Count, Tabulation, Posting, Oath of Office	There are no estimated costs and/or economic benefits that should affect any persons or nongovernmental group as a result of the proposed rule change.
Board of Trustees of the Louisiana State Employees' Retirement System	Participation in Group Trusts	There will be no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.