

November 2022

Economic Impact Statements for Proposed Rules

The corresponding proposed rule to each of the statements below may be viewed in its entirety in the November 20, 2022 *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
Department of Agriculture and Forestry	Chronic Wasting Disease	In certain circumstances, such as the establishment of a CWD surveillance zone by LDAF, licensed deer farmers may realize increased costs. Successfully controlling the transmission of CWD will result in positive economic benefits for deer farmers and hunters statewide. There are no anticipated additional costs or economic benefits to other affected persons, small businesses, or non-governmental groups as a result of the proposed rule changes.
Department of Agriculture and Forestry	Trichomoniasis	The proposed rule changes are not anticipated to increase or decrease costs to the market.
Department of Children and Family Services	Criminal History Records Checks for Access to Federal Tax Information	There are no estimated costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.
Board of Elementary and Secondary Education	BESE/8(g) Operations	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 111—The Louisiana School, District, and State Accountability System—Alternative Education	There are no estimated costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule revisions.
Board of Elementary and Secondary Education	Bulletin 119—Louisiana School Transportation Specifications and Procedures	The proposed rule revisions may result in additional compensation for school bus owner/operators. This will depend on whether school districts with current supplemental payment systems in place continue offering those systems in addition to the increased compensation outlined in the revised statute.
Board of Elementary and Secondary Education	Bulletin 741—Louisiana Handbook for School Administrators	There are no estimated costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule revisions.
Board of Elementary and Secondary Education	Bulletin 1566—Pupil Progression Policies and Procedures	The earnings of teachers, school bus operators, and other school personnel who choose to participate in summer programming will increase as a result of this measure. Tutoring vendors may see an increase in contracted services as a result of this measure.
Board of Elementary and Secondary Education	Administration of Educational Programs	Teacher preparation programs will need to structure existing course requirements to include the required training on dyslexia and ensure that a faculty member is qualified to provide such instruction. Some preparation providers already employ faculty members with the required training. The cost of providing additional training will vary based on the needs and decisions of the preparation provider. There will be a benefit to vendors if schools opt to enter contracts to develop training courses on treating students with seizure disorders or to develop a sudden cardiac arrest education program.
Board of Elementary and Secondary Education	Teacher Preparation Program Entry	Aspiring teachers who lack the required grade point average for entry to teacher preparation programs will have the opportunity to pursue education as a profession.
Board of Architectural Examiners	Individuals Registered in Other States and Dependents of Healthcare Professionals	By providing an alternate path to licensure to practice architecture in Louisiana, the proposed rules may provide an economic benefit to those dependents of healthcare professionals who successfully apply for licensure under this alternate path. Although the board recognizes that those benefits to a particular applicant may be substantial, the board has insufficient information and is unable to quantify those benefits.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses, or Nongovernmental Groups
Office of Financial Institutions	Virtual Currency Business Activity	OFI anticipates the costs associated with implementation and regulation will be reasonable to directly affected persons, small businesses, or non-governmental groups resulting from the proposed rule. However, the economic benefits to directly affected persons, small business, or non-governmental groups could be substantial through the expansion of virtual currency business activity in the state of Louisiana.
Emergency Response Network	LERN Destination Protocol:TRAUMA	There are no estimated costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups. The proposed rule is simply a codification of protocols authorized by La. R.S. 9:2798.5A.
Board of Examiners of Psychologists	Code of Ethics for Licensed Specialists	The proposed rule change is not anticipated to result in costs and/or economic benefits to any person or non-governmental groups.
Board of Examiners of Psychologists	Continuing Education, Exemptions and Fees	The proposed rule changes benefit LSBEP licensees, as they clarify requirements and qualifying courses for continuing education requirements. The proposed rule changes create a new emeritus status for licensees, which may benefit retired licensees to the extent they maintain an active license but do not practice. Persons holding an emeritus license would realize a savings of \$300 annually in the aforementioned case, and would be able to revert to an active license if desired after meeting continuing education requirements and paying all associated fees. The proposed rule changes may benefit entities that host continuing professional development events, as they may now submit their materials for an optional LSBEP review and endorsement as a qualifying continuing education event for LSBEP licensees to be used in advertisements. However, entities seeking such endorsement must submit a \$100 fee for initial review and a \$25 fee for subsequent course reviews. The proposed convenience fee will be assessed to any individual who opts to pay via credit card for fees assessed by the LSBEP. No additional fees are required for payment by check or money order.
Board of Examiners of Psychologists	Registration of Assistant to a Psychologist	The proposed rule changes will impact LSBEP Licensed Psychologists and their ATAP's who are engaged in the provision of psychological services to clients, as they create a requirement for registration and renewal of ATAP's with related fees. The proposed rule changes align with statewide, and most nationally accepted standards by requiring minimum standards, including criminal background checks, on assistants engaged in direct client contact with the most vulnerable populations. The proposed rule changes will benefit Licensed Psychologists by reducing their risks associated with hiring unqualified individuals to work with vulnerable populations, through registration and minimum requirements evaluated by the Board.
Board of Examiners of Psychologists	Training, Credentials and Scope of Practice for Neuropsychology Specialty Designation and Provisional Licensure	The proposed rule changes will benefit LSBEP applicants for licensure, as they clarify training and education requirements currently offered by doctoral training programs thereby removing unnecessary and outdated obstacles to licensure and practice that would stifle economic opportunity and growth. The proposed rule changes will benefit Licensed Psychologists by aligning with nationally accepted standards and creating mobility and ease of individuals moving to Louisiana. The proposed rule changes may result in costs to Licensed Psychologists who elect to engage in the provision of services via telecommunications to ensure HIPPA/HITECH compliant services, these costs are not unlike expenses incurred when establishing a secure practice in a physical location. Furthermore, such costs may be offset by eliminating expenses for travel, real estate, and an opportunity to reach a larger client base. Additionally, consumers of psychological services will benefit from greater accessibility to services, especially individuals living in rural areas with limited access to care.

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Department of Health	<p align="center">Early and Periodic Screening, Diagnosis and Treatment Personal Care Services—Personal Care Workers Wage Enhancement</p>	<p>This proposed rule amends the provisions governing reimbursement for personal care services (PCS) provided to beneficiaries in the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program in order to remove outdated language regarding a wage enhancement that is not applicable to the current EPSDT-PCS program. It is anticipated that implementation of this proposed rule will not result in costs to EPSDT-PCS providers in FY 22-23, FY 23-24, and FY 24-25, but will be beneficial by ensuring that language that is no longer relevant and is not a part of the current EPSDT-PCS program is removed from the Louisiana Administrative Code.</p>
Department of Health	<p align="center">Healthcare Services Provider Fees Hospital Fee Assessments</p>	<p>This proposed rule continues the provisions of the September 21, 2022 Emergency Rule, which amended the provisions governing healthcare services provider fees in order to revise the assessment methodology for hospital services providers, in compliance with the Louisiana Legislature concurrent resolution and pursuant to Article VII, Section 10.13 of the Constitution of Louisiana. In addition, the proposed rule adds requirements relative to hospital directed payments to the criteria for the levy and collection of the annual hospital stabilization assessment and to the provisions governing delinquent and/or unpaid fees. Implementation of this proposed rule is anticipated to increase federal and statutory dedicated revenue collections by approximately \$1,189,704,511 for FY 22-23 and \$0 for FY 23-24 and FY 24-25, as a result of the hospital stabilization assessment fee.</p>
Department of Health	<p align="center">Health Care Facility Sanctions</p>	<p>This proposed rule amends the provisions governing health care facility sanctions in order to establish duties and requirements addressing workplace violence and to add and update definitions, in compliance with Act 461 of the 2022 Regular Session of the Louisiana Legislature. Employees of health care facilities will benefit from the protection against workplace violence resulting from this proposed rule. It is anticipated that implementation of this proposed rule may result in costs to health care facilities in FY 22-23, FY 23-24, and FY 24-25, if they are sanctioned due to non-compliance with the regulations; however, there is no way to determine the number of facilities that may be impacted nor the potential costs to them.</p>
Department of Health	<p align="center">Inpatient Hospital Services—Urban Metropolitan Statistical Area Facility—New Orleans Area</p>	<p>This proposed rule continues the provisions of the October 5, 2022 Emergency Rule which adopted provisions to establish the criteria for an acute care hospital to qualify as an urban metropolitan statistical area (MSA) facility—New Orleans area and the reimbursement methodology for the provision of inpatient services. This proposed rule will benefit Medicaid beneficiaries by ensuring continued access to a New Orleans area urban MSA facility. Implementation of this proposed rule is anticipated to increase Medicaid payments to a qualifying hospital by approximately \$3,791,786 for FY 22-23, \$5,055,714 for FY 23-24, and \$5,055,714 for FY 24-25, which will assist the hospital in achieving financial viability and continuing operations so vital healthcare services remain available.</p>
Department of Health	<p align="center">Managed Care for Physical and Behavioral Health Hospital Directed Payments</p>	<p>This proposed rule continues the provisions of the September 21, 2022 Emergency Rule, which adopted provisions governing directed payments to qualifying hospitals that participate in the Healthy Louisiana Program and contract with the Medicaid managed care organizations (MCOs) to provide inpatient and outpatient services to MCO enrollees. Implementation of this proposed rule will be beneficial to qualifying hospitals, as it is anticipated to increase payments for hospital services by approximately \$2,642,750,639 for FY 22-23 and \$0 for FY 23-24 and FY 24-25. Since the directed payment models must be approved by CMS every year, at this time, the Department is only authorized to make these payments through June 2023.</p>

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Department of Health	Outpatient Hospital Services—Urban Metropolitan Statistical Area Facility—New Orleans Area	This proposed rule continues the provisions of the October 5, 2022 Emergency Rule, which adopted provisions to establish the criteria for an acute care hospital to qualify as an urban metropolitan statistical area (MSA) facility-New Orleans area and the reimbursement methodology for the provision of outpatient services. This proposed rule will benefit Medicaid beneficiaries by ensuring continued access to a New Orleans area urban MSA facility. This proposed rule is anticipated to increase Medicaid payments to a qualifying hospital by approximately \$4,796,007 for FY 22-23, \$6,394,676 for FY 23-24, and \$6,394,676 for FY 24-25, which will assist the hospital in achieving financial viability and continuing operations so vital healthcare services remain available.
Department of Insurance	Regulation 125—Insure Louisiana Incentive Program	The proposed rule is anticipated to benefit Louisiana property owners with the current crisis in the availability and affordability of residential and commercial property insurance. The proposed rule outlines rules and regulations of the Insure Louisiana Incentive Program which was enacted by the legislature for the purpose of economic development and stability in Louisiana. The program encourages additional property insurers to participate in the voluntary property insurance market in Louisiana.
Department of Revenue	Articles and Products Made of Tobacco and Tobacco Substitutes	The proposed rule will have minimal direct economic impact on affected persons, small businesses, or non-governmental groups. The affected businesses are tobacco taxpayers who sell smokeless tobacco. The proposed rule codifies existing department internal policy.
Professional Engineering and Land Surveying Board	Incidental Practice and Work Experience	The proposed rule change will have no estimated impact on costs and/or economic benefits to directly affected persons, small businesses or non-governmental groups.
Department of Wildlife and Fisheries	Menhaden Season	The proposed rule change may be expected to increase expenditures by menhaden harvesting operators involved in purse seine abandonment incidents for repairing damages related to the release of gear and fish into Louisiana waters. The operators might also be expected to incur increased expenditures on fines and civil restitution payments related to these incidents.
Department of Wildlife and Fisheries	Licenses and Fees Inconsistent with Licensing Framework Established in Law	The proposed elimination of the non-resident preserve hunting license may result in a cumulative increase in license expenditures of \$23,000 to \$85,000 for non-resident hunters who pursue pen-raised game birds on private lands in Louisiana, depending on the types of substitute licenses these non-resident hunters choose to acquire. An increase toward the lower end of this range might be more likely than an increase toward the upper end. It may also cause a drop in the number of non-resident hunters pursuing pen-raised game birds on private lands and, consequently, a decrease in revenue among hunting preserve operations.
Department of Wildlife and Fisheries	Spotted Seatrout Management Measures	The proposed rule change may result in a decrease in angler activity and spending and thus a decline in income among businesses that serve saltwater anglers as a result of the seatrout harvest reduction.