

March 2023

**Economic Impact Statements for Proposed Rules**

The corresponding proposed rule to each of the statements below may be viewed in its entirety in the March 20, 2023 *Louisiana Register*. Each *Louisiana Register* edition is published on the 20<sup>th</sup> of each month.

<b>Promulgating Agency</b>	<b>Proposed Rule Title</b>	<b>Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups</b>
<b>Department of Children and Family Services</b>	<b>State Central Registry</b>	There may be an economic cost to individuals included in the SCR given that it will limit their opportunity to find employment or volunteer. However, they have the right to appeal any investigative findings before it would impact their employability.
<b>Board of Ethics</b>	<b>Exemption Disclosure Statement</b>	The proposed rule will require directly affected persons to file a disclosure form with the Board of Ethics.
<b>Board of Ethics</b>	<b>Late Filings</b>	The proposed action could result in directly affected persons having to pay late filing fees to the extent suspended fees are imposed or reassessed.
<b>Board of Ethics</b>	<b>Spousal Income Disclosure Statement</b>	The proposed rule will require directly affected persons to file a disclosure form with the Board of Ethics.
<b>Department of Economic Development</b>	<b>Small Business Innovation Recruitment Fund Program</b>	The program will directly benefit out of state businesses that are recipients of federal Phase II SBIR or Small Business Technology Transfer (STTR) grants who receive awards from the Louisiana Small Business Innovation Recruitment Fund Program, by providing them with additional grant funding from the State as a result of relocation to the state of Louisiana. These businesses will be subject to additional application and compliance requirements, but these requirements should not be significant and should be outweighed by the benefits received. There is also an expectation that small businesses near the relocation would benefit from additional sales and services to those employed by the business.
<b>Racing Commission</b>	<b>Horses Disqualified for a Foul</b>	The proposed administrative rule may result in an indeterminable economic benefit to licensed racetracks in Louisiana by allowing them to fill more horse races with less restrictive coupling rules, which may help increase pari-mutuel wagering activity at their properties. The proposed administrative rule may result in an indeterminable economic benefit to licensed owners, who would be able to enter their horses to compete in more races for possible purse winnings.
<b>Racing Commission</b>	<b>Owner's Entry of More Than One Horse</b>	The proposed administrative rule may result in an indeterminable economic benefit to licensed racetracks in Louisiana by allowing them to fill more horse races with less restrictive coupling rules, which may help increase pari-mutuel wagering activity at their properties. The proposed administrative rule may result in an indeterminable economic benefit to licensed owners, who would be able to enter their horses to compete in more races for possible purse winnings.
<b>Board of Optometry Examiners</b>	<b>Continuing Education</b>	The proposed change to LAC 46:LI.301 will increase access to CE for licensed optometrists in Louisiana. For example, the number of approved course hours for Therapeutic Pharmaceutical Agents (TPA) CE requirements in Louisiana is expected to increase from under 75 to over 1,200 in most years. This revision will also result in lower costs due to removing the restrictions on interactive/synchronous distance learning and an increased number of options available to optometrists for continuing education courses. This will ultimately benefit the public and eye care patients in Louisiana. The proposed changes will have an indeterminable impact on income to currently approved providers of CE, such as the Optometry Association of Louisiana. These providers will face increased competition from other providers which may have a negative impact on income. However, they will also be able to offer remote CE, potentially increasing their income.

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Department of Health	Dental Benefits Prepaid Ambulatory Health Plan Participation Requirements	This proposed rule amends the provisions governing the dental benefits prepaid ambulatory health plan in order to remove language that allows for a retainage of funds from the per member, per month capitation payment to the dental benefit plan manager (DBPM) as surety for performance under the contract, since funds are withheld under the current DBPM contract for specific penalties. It is anticipated that implementation of this proposed rule will not result in costs to DBPMs in FY 22-23, FY 23-24, and FY 24-25, but will be beneficial by ensuring that the administrative rule aligns with the current DBPM contract requirements.
Department of Health	Home and Community-Based Services Waivers Community Choices Waiver Resource Assessment and Allocation Process	The proposed rule amends the provisions governing the resource assessment and allocation process in the Community Choices Waiver (CCW) in order to update the language to reflect the current version of the international resident assessment instrument (interRAI) tool used by the Office of Aging and Adult Services (OAAS) to determine nursing facility level of care for OAAS programs. It is anticipated that implementation of this proposed rule will not result in costs to CCW providers in FY 22-23, FY 23-24, and FY 24-25, but will be beneficial by ensuring that the current requirements for interRAI assessments are promulgated in the Louisiana Administrative Code.
Department of Health	Hospital Licensing Standards	This proposed rule continues the provisions of the February 20, 2023 Emergency Rule, which amended the provisions governing the licensing of hospitals in order to update the process for granting waivers to building and construction guidelines or requirements and grants a secondary option related to the clinical operation of hospitals. It is anticipated that implementation of this proposed rule will not result in costs to hospitals in FY 22-23, FY 23-24, and FY 24-25, but will be beneficial by ensuring that the requirements for granting waivers are accurately reflected in the Louisiana Administrative Code.
Department of Health	Professional Services Program Tobacco Cessation Counseling	This proposed rule adopts provisions in the Professional Services Program in order to expand coverage for tobacco cessation counseling services to all Medicaid beneficiaries. Currently, coverage for these services is limited to pregnant women. This proposed rule will ensure that all Medicaid beneficiaries have access to tobacco cessation counseling which may lead to decreased tobacco utilization and spending on tobacco products. Implementation of this proposed rule is anticipated to increase payments to providers by approximately \$245,163 for FY 22-23, \$1,417,044 for FY 23-24, and \$1,870,498 for FY 24-25, since tobacco cessation counseling will now be covered for all beneficiaries.
Licensed Professional Counselors Board of Examiners	Academic Requirements for MFT Licensure or Provisional Licensure	<p>The proposed rule changes the minimum standards for provisional licensure applicants as governed by the LPC Board. The changes allow the direct client contact hours to remain consistent with the current standards proposed by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE).</p> <p>The LPC Board rules currently provide explicit requirements for the number of practicum or internship hours that must be completed as part of the academic requirements to obtain a license. Specifically, the rules require 500 direct client contact hours, of which 250 must be with couples or families. Additionally, the rules require 100 hours of face-to-face supervision.</p> <p>The proposed changes to these rules will eliminate these explicit requirements and instead require that any practicum or internship completed by the license applicant must be equivalent to the standards established by COAMFTE. According to the current COAMFTE standards, this would reduce the required number of direct client contact hours from 500 to 300, and the required number of hours with couples or families from 250 to 100.</p> <p>The changes to the mental health counseling internship and practicum align with standards published by COAMFTE. Currently, most accredited universities offer counseling programs that meet or exceed COAMFTE standards.</p>

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<b>Licensed Professional Counselors Board of Examiners</b>	<b>Name Change Fee Removal</b>	The proposed rules are not expected to create costs and/or economic benefits for any directly affected persons, small businesses or non-governmental groups.
<b>Department of Insurance</b>	<b>Regulation 125—Insure Louisiana Incentive Program</b>	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.
<b>Department of Natural Resources</b>	<b>Pipeline Safety</b>	The group directly affected by these rule changes will be regulated pipeline operators and underground natural gas storage operators. All proposed changes are to adhere with existing federal regulations that took effect between November 2021 and June 2022. There should be no added economic impact from the state adoption of these federal rules. To the extent an operator is not currently in compliance with the regulations, they will incur costs until compliant. Any costs to bring equipment into compliance are borne by the operator.
<b>Corrections Services</b>	<b>Offender Visitation</b>	There is no estimated cost and/or economic benefit to directly affected persons or non-governmental groups.
<b>Office of Motor Vehicles</b>	<b>Public Tag Agents</b>	The proposed rule does not have any effect on the estimated costs and/or economic benefits of affected persons or non-governmental groups. The proposed rule reflects current practices. The requirements are applied uniformly statewide.
<b>Uniform Construction Code Council</b>	<b>Uniform Construction Code Energy Codes</b>	The proposed rule change will result in indeterminable net savings and costs in commercial and residential construction costs. The initial costs will vary for owners and contractors due to the proximity to bodies of water and coastal communities. While maximizing safety and resiliency as a result of the permitted use of the required freeboard in the adopted national standards, the overall savings should overcome the initial investment costs. This resiliency should help attract insurance companies thus increasing the availability and lowering the premiums to consumers.
<b>Uniform Construction Code Council</b>	<b>Uniform Construction Code Freeboard Requirements</b>	The proposed rule change will result in indeterminable net savings in commercial and residential construction costs and/or operating and maintenance costs for owners and contractors, while maximizing safety and energy efficiency, as a result of the permitted use of new technologies and a revision of building standards for which high-efficiency systems must be installed.
<b>Office of Transportation and Development</b>	<b>Combination or Double Tandem Load Permit</b>	Generally, applicants for the permit will incur a \$3,000 fee for the permit application, and be required to invest any other costs necessary to ensure their equipment meets regulatory requirements. There are also the potential costs for applicants, associated with obtaining permission (i.e. written approval) to travel on local routes from local parishes or municipalities. Proponents of the legislation indicate that truck drivers, small carriers, and non-governmental groups focused on environmental, business-related, and road safety will benefit from the proposed rule. In addition, proponents anticipate there will be a reduction in port and road congestion, an increase in efficiency, increased driver pay, and decreased emissions. Further, they assert that small businesses, such as small carriers, will be able to compete with large carriers for drivers resulting in increased revenue from shippers. The department cannot determine whether the proposed rule change will have an economic benefit on truck drivers, small carriers, and non-governmental groups until the permit goes into effect.