

May 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 May 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 |
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| Department of Agricultural and Forestry | Boll Weevil—Maintenance and Inspection Fee | The proposed rule change will affect cotton producers in Louisiana by reducing the cotton inspection fee from \$1 (from \$5 to \$4 per acre). |
| Department of Agricultural and Forestry | Sweet Potato Certification Standards | The proposed rule change is not anticipated to create any costs, but may help prevent the spread of GRKN to other parts of the state by applying a zero tolerance standard for its presence in certified sweet potato seed. |
| Department of Children and Family Services | State Central Registry and Child Protective Services Administrative Appeal | There may be an economic cost to individuals included in the SCR given that it will limit their opportunity to find employment in the childcare industry. However, they have the right to appeal any investigative findings before it would impact their employability. |
| Board of Elementary and Secondary Education | Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel Personnel Evaluations | There will be no estimated cost and/or economic benefit to directly affected persons or non-governmental groups. |
| Board of Elementary and Secondary Education | Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators Operation and Administration; Certification of Personnel; Student Services; Suicide Prevention; and Course Credit for Private Piano and Studio Strings Lessons | There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups. |

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| Board of Elementary and Secondary Education | Bulletin 746—Louisiana Standards for State Certification of School Personnel Certifications—Eligibility; Endorsements; and Suspension, Denial, and Revocation | The proposed policy revisions will permit ancillary counselor certification for an individual with a master's degree from a regionally-accredited college or university approved by the Council for Accreditation of Counseling and Related Educational Program (CACREP). Holders of such a degree will benefit from the proposed revision. Teachers who have been rated ineffective will be impacted by the proposed changes relative to reissuance of a suspended teaching certificate. Local governing authorities may now submit an appeal for a waiver of the effectiveness standards in addition to an evidence-based justification. However, the number of teachers impacted is not estimated to be material. In 2016-2017 less than 1% of all teachers evaluated were rated ineffective. Of those, 55% improved their ratings in the following year. |
| Board of Elementary and Secondary Education | Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Program Teacher Preparation Performance Profile Implementation Timeline | There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of these revisions. |
| Office of Student Financial Assistance | Scholarship/Grant Programs TOPS Exceptions | The proposed changes will reduce the time period for disposition of some student exception requests. |
| Office of Student Financial Assistance | START Saving Program | The proposed rule changes will increase the earnings of START account holders by providing additional interest earnings. The proposed rule changes adopt interest rates for deposits and earnings enhancements for the year ending December 31, 2018 as a result of START account holders earning a higher interest rate than in the previous year. As determined by the State Treasurer, the interest rate earned for the 2018 calendar year by the Louisiana Education Tuition and Savings Fund was 1.75%, and by the Savings Enhancements Fund was 1.75%. These additional investment earnings are the property of the account owners. |
| Department of Environmental Quality | Incorporating Test Results | All owners or operators of facilities that require an air permit will be directly affected by the proposed action. However, because the proposed action only serves to establish the due date for the application already required by General Condition I (if emissions are determined to be greater than the permit allows), there will be no costs, including workload adjustments or additional paperwork, or economic benefits as a result of the proposed rule. |

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| Department of Environmental Quality | Regulatory Permit for Boilers and Process Heaters | <p>There are no anticipated costs to directly affected persons or non-governmental groups. R.S. 30:2054(B)(9)(b)(vii) requires an applicant seeking a regulatory permit to “submit a written notification ... in lieu of submission of a permit application.” However, this notification form will be specifically tailored to the source addressed by the regulatory permit (i.e., boilers and process heaters) and used in place of the traditional, more generic permit application documents. Therefore, there will be no increase in costs to applicants seeking coverage under this regulatory permit.</p> <p>Use of a notification form specifically tailored to boilers and process heaters should also facilitate the department’s review of such documents. Thus, a final decision on proposed projects should be reached more expeditiously, possibly resulting in economic benefits to applicants.</p> |
| Department of Environmental Quality | Regulatory Permit for Cooling Towers | <p>There are no anticipated costs to directly affected persons or non-governmental groups. R.S. 30:2054(B)(9)(b)(vii) requires an applicant seeking a regulatory permit to “submit a written notification ... in lieu of submission of a permit application.” However, this notification form will be specifically tailored to the source addressed by the regulatory permit (i.e., cooling towers) and used in place of the traditional, more generic permit application documents. Therefore, there will be no increase in costs to applicants seeking coverage under this regulatory permit.</p> <p>Use of a notification form specifically tailored to cooling towers should also facilitate the department’s review of such documents. Thus, a final decision on proposed projects should be reached more expeditiously, possibly resulting in economic benefits to applicants.</p> |
| Board of Pardons | Clemency and Parole | There is no estimated cost and/or economic benefit to directly affected persons or non-governmental groups as a result of the proposed rule changes. |
| Office of State Uniform Payroll | Payroll Deduction | There is no anticipated cost or benefit to affected persons or non-governmental groups. |
| Board of Medical Examiners | Definitions, Requirements and Clarification | The proposed rule changes benefit practitioners licensed by the LPC Board by clarifying, revising, and removing existing definitions, as well as including new definitions, regarding present practices of the board. Specifically, the proposed rule changes add, remove, and revise definitions regarding supervision of provisional LMFTs, application and licensure of LMFTs. As a result, persons regulated by the LPC Board will have access to the most current practices regarding the regulation of LMFTs and Provisional LMFTs in the proposed rule changes. |

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| Board of Nursing | Advanced Practice Registered Nurses | <p>The proposed rule changes require advanced practice registered nurses (APRNs) prescribing controlled substances (CDS) and who possess or will possess a CDS license to complete a one-time, 3-hour continuing education course on controlled dangerous substances, which will result in additional costs to APRNs. Furthermore, APRNs must notify the LA State Board of Nursing of the completion of the continuing education requirement in order to renew their licenses.</p> <p>Failure to comply with the new continuing education requirement will result in lapsing of the license. To avoid the accidental lapsing of licenses, the proposed rules changes require the completion of the continuing education upon initial application and request for controlled substance privileges.</p> <p>The proposed rule changes regarding continuing education will benefit APRNs by educating them on current standards of practice that assist them in remaining compliant with the laws and rules related to the practice of nursing. Practicing in a prudent manner promotes delivery of quality health care and averts disciplinary action against licensees and most importantly benefits patients under the care of an APRN as recipients of quality care.</p> <p>Furthermore, the proposed rule changes include an exemption from the CDS continuing education requirement for APRNs who attest to not prescribing CDS medications during their previous licensure period upon license renewal. To the extent such APRNs prescribe a CDS during practice of their current license period, they will be required to complete the continuing education requirement prior to their next license renewal.</p> |
| Department of Health | Home and Community-Based Services Waivers—Provider Requirements | <p>This proposed rule amends the general provisions governing home and community-based services (HCBS) waivers in order to require HCBS providers to verify employee Social Security numbers, and to clarify and ensure that these provisions are appropriately promulgated in the Louisiana Administrative Code. Implementation of this proposed rule may impact providers that fail to verify Social Security numbers of current and new employees, if payments are withheld as a result of non-compliance with this requirement. It is anticipated that implementation of this proposed rule will not result in costs to providers of home and community-based waiver services in FY 18-19, FY 19-20 and FY 20-21, but will be beneficial by providing clear and concise participation requirements.</p> |

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| Physical Therapy Board | Licensing and Certification | <p>The Compact State Fee represents no additional costs or savings for persons domiciled out-of-state but presently licensed in Louisiana, as it carries the same cost as a 2-year license renewal (See Part II). However, to the extent practitioners domiciled in Compact States outside of Louisiana that did not previously hold a license to practice seek a Compact Privilege to Practice in Louisiana, it will result in a cost increase of \$280 every 2-years. All licensees participating the Compact will be required to comply with the continuing education requirements of their home state license.</p> <p>The proposed rules will result in a \$250 per-request increase for persons seeking a formatted mailing list from the LPTB. However, in the event persons request an unformatted mailing list through a public records request, they will be able to obtain the list for no charge.</p> <p>The proposed rule change removing the requirement for practitioners to submit certificates of completion for dry needling courses to the LPTB will result in a cost savings for those practitioners. However, these practitioners must now keep records of their course completion instead of the LPTB.</p> <p>The proposed rule changes allow supervising PTs to supervise up to two PTAs, rather than the previous maximum of one.</p> |
| Department of Insurance | Regulation 112—Adoption of NAIC Handbooks, Guidelines, Forms and Instructions | <p>The proposed Rule changes will benefit persons and entities seeking to know which handbooks or guidelines are currently being incorporated by reference to serve as professional guidance for entities under the purview of the LA Dept. of Insurance (LDI). These handbooks and guidelines will be available for public viewing in hardcopy form at the offices of the LDI and Office of State Register and online at the NAIC website.</p> |
| Department of Natural Resources | Statewide Order No. 29-B | <p>There are no anticipated costs to directly affected persons or non-governmental groups. Operators of producing wells are currently required to dispose of Exploration and Production Waste (E and P Waste) depending upon waste type. The proposed rule change clarifies that the waste type previously used for residuals in large marine tanks such as marine supply vessel permanent cargo tanks, closed-top and open barges remains the same.</p> |