

February 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 February 20, 2023 *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
Board of Veterinary Medicine	Petitions for Rule Modification	The proposed rule amendment has no impact on directly affected persons, small businesses, or non-governmental groups.
Department of Children and Family Services	TANF Star Academy Program	Implementation of this proposed Rule is not anticipated to have an economic cost or benefit to individuals, small businesses or non-governmental groups. This Rule adopts the Star Academy Program, which is anticipated to help alleviate poverty for those participating in the program.
Department of Children and Family Services	12-Month License—Child Residential Care Class B, Residential Homes (Type IV), Child Placing Agencies General Provisions, and Juvenile Detention	This Rule will have no impact on the estimated costs of any persons or non-governmental groups.
Board of Elementary and Secondary Education	Civics Assessment	The proposed Rule 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	School Nurses	The proposed Rule revisions will result in savings to nurses who must currently pay the \$25 fee to apply for initial certification and to renew certification every three or five years, depending on the level of certification held. School nurses will still complete licensure renewal requirements as dictated by the Louisiana State Board of Nursing.
Office of Student Financial Assistance	Scholarship/Grant Programs Mental Health Exception	There are no costs and/or economic benefits due to these proposed changes.
Department of Environmental Quality	RLS Criteria Pollutant Fee Increase	Costs to industry businesses impacted by these regulations vary widely. All non-governmental groups that pay criteria pollutant fees to DEQ will be directly affected by the proposed rule change, which includes industries such as petrochemical, manufacturing, and construction. Workload adjustments and/or additional paperwork should not be required, as the billing and invoicing structure has not changed, only the amounts billed.
Board of Nursing	Authorized Practice	The proposed revision will benefit the citizens of Louisiana by allowing CNPs, defined in Act 444 as authorized clinicians, to fully treat chronic or intractable pain and obesity by prescribing controlled substances and/or recommending medical/therapeutic marijuana based on the clinician's medical knowledge and judgment. The recommendation of medical/therapeutic marijuana promotes delivery of quality health care and benefits patients under the care of a CNP as recipients of quality care. It will also benefit the citizens of Louisiana by allowing all APRNs to recommend controlled substances that have been approved as safe and effective for the treatment of chronic pain and obesity to prescribe those substances. The proposed rule change will have no foreseeable costs to directly affected persons, small businesses, or non-governmental groups other than the cost of the medical marijuana to the patient or to their insurance providers.
Board of Pharmacy	Healthcare Workplace Violence Prevention	The proposed Rule amendment will benefit consumers and pharmacy personnel by requiring pharmacies to address and prevent workplace violence against healthcare personnel. There will be minimal cost to pharmacy owners to compose prevention and reporting plans and to provide signage.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Board of Pharmacy	Pharmacy Benefit Managers	The proposed Rule changes will reduce the regulatory burden on pharmacy benefit manager applicants by reducing the documents required with an initial permit application. The LBP estimates this change will impact 19 applications in the near future, as well as any additional future applications.
Board of Pharmacy	Prescriptions	<p>The proposed Rule changes in §2511 affect consumers by defining the patient’s authority to acquire a prescription drug or device, requiring pharmacies to transfer filled and unfilled prescriptions when requested by the patient, and allowing for prescription adaptation by the pharmacist. This documents the patient’s lawful authority to obtain the drug conveyed by the prescription and prevents the cancellation of the prescription unless required by law or rule or requested by the prescriber. This also allows a pharmacist to adapt certain elements of a prescription, unless prohibited by the prescriber, and to add information missing on the prescription if there is evidence to support the change.</p> <p>The proposed Rule changes in §2519 affect consumers and prescribers by prohibiting the pharmacy from requesting refill authorization from the prescriber in the absence of a request from the patient, his agent, or his caregiver, while allowing the pharmacy to offer their patient an auto-refill service to facilitate refill requests. This will result in a decrease in the number of refill requests submitted to prescribers without patient knowledge and could result in a reduction in healthcare waste from unwanted prescriptions being filled.</p>
Board of Pharmacy	Temporary Closure of Pharmacy	<p>The proposed Rule amendment will benefit consumers by addressing the prepared prescriptions affected by the temporary closure of a pharmacy pursuant to a state of emergency declared by the Governor or a need determined by the pharmacist-in-charge. The proposed Rule amendment allows for the storage of those prescriptions in a secure area and the delivery of those prescriptions to the patient, or an agent or caregiver of the patient, regardless of whether a pharmacist is on duty.</p> <p>The proposed Rule amendment will affect an indeterminate number of pharmacies who choose to establish a secure storage area within which the pharmacy may store prescriptions prepared for delivery to the patient, or his agent or caregiver. The cost of doing so will vary among pharmacies. The proposed Rule amendment will have an indeterminable impact on a licensee’s receipts or revenue by allowing the sale of prepared prescriptions during the temporary closure of a pharmacy pursuant to a state of emergency declared by the Governor or a need determined by the pharmacist-in-charge. The impact would vary due to the length of the temporary closure, the number of prescriptions sold during the temporary closure, and the price of those prescriptions sold.</p>
Department of Health	Home Health Program American Rescue Plan Act Funding	This proposed rule continues the provisions of the January 10, 2023 Emergency Rule, which adopted provisions in the Home Health Program in order to establish recruitment and retention payments for nurses that provide extended home health (EHH) services to beneficiaries under the age of 21 who are in a Medicaid waiver program. The proposed rule complies with the Department's administration and payment model that was approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) for funds provided under Section 9817 of the American Rescue Plan Act of 2021. This proposed rule provides an administrative fee to home health agencies to make recruitment and retention payments to nurses which ensures that pediatric Medicaid waiver participants continue to receive EHH services. Implementation of this proposed rule is anticipated to increase expenditures for home health services by approximately \$1,921,500 for FY 22-23 and \$5,767,500 for FY 23-24.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
<p align="center">Department of Health</p>	<p align="center">Home Health Program Authorizing Authority and Emergency Provisions</p>	<p>In compliance with Act 181 of the 2021 Regular Session of the Louisiana Legislature, this proposed rule amends the provisions governing the Home Health Program in order to add nurse practitioners, clinical nurse specialists, and physician assistants as healthcare providers authorized to order home health services and to repeal emergency provisions that are no longer applicable as a result of this change. In addition, this proposed rule modifies the locations in which home health services may be provided to be consistent with U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) requirements. This proposed rule will benefit Medicaid beneficiaries by ensuring access to home health services in more locations and reducing the waiting time to receive an order for home health services. It is anticipated that implementation of this proposed rule will not result in costs to home health providers in FY 22-23, FY 23-24, and FY 24-25, but will be beneficial by ensuring that additional healthcare providers are authorized to order services</p>
<p align="center">Department of Health</p>	<p align="center">Medicaid Eligibility Resource Disregards</p>	<p>This proposed rule continues the provisions of the January 1, 2023 Emergency Rule, which amended the provisions governing financial eligibility in the Medical Assistance Program in order to disregard unspent funds received by settlement class members in the case of Nancy Anderson, et al. v. Bob Dean Jr., et al., 24th Judicial District Court, Parish of Jefferson, No. 820-839 from resources. Implementation of this proposed rule will allow these Medicaid beneficiaries to continue receiving services since the unspent funds received as a class settlement member in the case of Nancy Anderson, et al. v. Bob Dean Jr., et al. will not be counted when their eligibility is determined.</p>
<p align="center">Department of Health</p>	<p align="center">Medical Transportation Program Non-Emergency Medical Transportation American Rescue Plan Act</p>	<p>This proposed rule continues the provisions of the January 20, 2023 Emergency Rule, which adopted provisions in the Medical Transportation Program in order to establish guidelines for the administration and distribution of funds provided under the American Rescue Plan Act of 2021 (ARPA) as bonus payments to eligible providers of non-emergency medical transportation (NEMT) services. These increased payments will ensure that eligible NEMT providers continue rendering services to Medicaid beneficiaries. Implementation of this proposed rule is anticipated to increase expenditures for NEMT services by approximately \$3,600,000 for FY 22-23 and \$2,700,000 for FY 23-24.</p>
<p align="center">Department of Health</p>	<p align="center">Personal Care Services Long Term Care</p>	<p>This proposed rule amends the provisions governing long term-personal care services (LT-PCS) in order to update and remove obsolete terminology to reflect the current assessment tool used to determine LT-PCS eligibility, and to ensure that consistent language is used throughout the administrative rule. It is anticipated that implementation of this proposed rule will not result in costs to LT-PCS providers in FY 22-23, FY 23-24, and FY 24-25, but will be beneficial by ensuring that the current LT-PCS provisions are accurately reflected in the Louisiana Administrative Code.</p>
<p align="center">Department of Insurance</p>	<p align="center">Regulation 128—Louisiana Timber and Agriculture Transportation Group Self-Insurance Funds</p>	<p>The proposed rule change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The rule promulgates Regulation 128 to comply with Acts 2022, No. 598, §1, of the Regular Session of the Louisiana Legislature, that enacted R.S. 3:4351.1 through 4351.16, authorizing the creation of the timber and agriculture transportation group self-insurance fund and giving the Department of Insurance regulatory authority over such fund.</p>

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Office of Motor Vehicles	Designation or Restrictions on Driver's Licenses and Identification Cards	There is no anticipated effect on revenue or economic benefit to persons or non-governmental groups as a result of the proposed rule changes.
Office of Motor Vehicles	Odometer Disclosure	The proposed rule does not have any effect on the estimated costs and/or economic benefits of affected persons or non-governmental groups. The requirements are applied uniformly statewide.
Department of Insurance	Regulation 127—The Hurricane Property Insurance Claim Alternate Dispute Resolution Program	The proposed rule applies to all property and casualty insurers of residential property situated in a geographical area that is included in a state of emergency declaration issued by the governor of Louisiana in response to a hurricane, named storm, or named windstorm event. The estimated costs and/or economic benefit of the Hurricane Property Insurance Claim Alternate Dispute Resolution Program to property and casualty insurers of residential property and their policyholders is indeterminable.
Department of Natural Resources	Pipeline Safety	There are no anticipated costs to directly affected persons or non-governmental groups. Operators and excavators are already required to comply with the Damage Prevention requirements of these regulations under LA RS 40:40:1749,11-27. Increased compliance could result in long term benefits to owner/operators in the form of reduced damages. There may be realized beneficial economic impacts to carbon dioxide transporters as geologic sequestration projects are now allowed for the transportation of carbon dioxide. In addition there may also be some beneficial economic impacts to natural gas transporters as changes remove the length restriction, increase pipe size and streamline the hearing process allowing for more timely processing of applications.
Department of Natural Resources	Use of Reclaimed Oilfield Waste (ROW) for Downhole Well Operations	The primary group impacted by these rule changes will be Exploration and Production (E&P) companies. There are no anticipated cost increases associated with the proposed rule change. The proposed rule change may result in cost savings for certain E&P companies with high levels of activity in the Haynesville Shale Area.
Department of Revenue	Voluntary Disclosure Agreements	The proposed rule will have minimal direct economic impact on directly affected persons, small businesses, or non-governmental groups. Affected businesses are employers who have been consistently misclassifying employees as independent contractors and who will avoid penalties and withholding tax liabilities for periods outside the lookback period to the extent the program allows. Additional paperwork will be required for employers applying for relief through the voluntary disclosure program, but the costs are not expected to be material.
Department of Wildlife and Fisheries	Marking System for Gill Nets, Trammel Nets, Hoop Nets, Slat Traps, and Wire Nets	The proposed rule change is expected to benefit anglers and commercial fishers who use gill nets or trammel nets in freshwater bodies. By removing the buoy, fishers are able to conceal their gear underwater more effectively which will reduce incidences of theft and the costs associated with replacing gear.
Plumbing Board	Plumbers—Introductory Information; Licenses	Several of the proposed Rule changes will increase potential income for small plumbing businesses. One proposed Rule change, requiring an adjustment to signage, will have a nominal cost to plumbing businesses.