

**November 2021**

**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, 2021 *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 Agriculture and Forestry</b>      | <b>Healthy Foods Retail Program</b>   | The proposed rules would result in economic benefits to businesses who participate in the program and, indirectly, to the communities where the businesses are located. Specifically, the Healthy Food Retail Program will directly benefit low- and moderate-income residents in areas of Louisiana by providing healthy food access, creating jobs, and revitalizing neighborhoods.  |
| <b>Department of Economic Development</b>          | <b>Louisiana Digital Media and Software Tax Credit Program</b>                      | Firms who are eligible for tax credits may realize a reduction in tax liabilities to the extent they qualify for the credit.   |
| <b>Department of Economic Development</b>          | <b>Musical and Theatrical Production Income Tax Credit Program</b>                  | Firms who are eligible for tax credits may realize a reduction in tax liabilities to the extent they qualify for the credit.   |
| <b>Department of Economic Development</b>          | <b>Ports of Louisiana Tax Credits</b>   | The Import Credit could cause a direct economic impact for companies newly eligible to participate in the program, however, even if the utilization of the credit increases, the program cost is limited to the annual program cap.  |
| <b>Board of Elementary and Secondary Education</b> | <b>BESE/8(g) Operations</b>   | The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.  |
| <b>Board of Elementary and Secondary Education</b> | <b>Bulletin 130—Evaluation and Assessment of Personnel</b>                          | Teachers and administrators initially rated as Ineffective may benefit from additional support from school administrators that are not required to conduct a second evaluation for certain personnel during the 2021-22 academic year. To the extent this results in improved performance evaluations, teachers and administrators could potentially receive a salary increase in the 2022-23 academic year.   |
| <b>Board of Elementary and Secondary Education</b> | <b>Bulletin 746—Louisiana Standards for State Certification of School Personnel</b> | The proposed revisions will benefit teachers by adopting new Praxis exams for middle school and high school. The new exams provide more time per question than the previous iterations. In addition, the proposed revisions will make it easier for teachers to advance their teaching certification, as required teaching experience can be earned in any subject area as opposed to the current rule which requires experience be in the educator’s area of certification. In addition, the proposed revisions will benefit teachers and educational leaders by allowing them to more easily obtain certain certifications. The proposed revisions will benefit nonpublic school teachers by allowing them to teach in public school without first obtaining a public school teaching certification, and by allowing them to obtain a mentor teacher ancillary certificate. Finally, the proposed revisions will benefit holders of family child care child development associate (CDA) credentials by allowing them to obtain an ancillary Early Childhood Certificate. |
| <b>Board of Regents</b>                            | <b>Higher Education Scholarship and Grant Programs</b>                              | Under the proposed changes, students that experienced difficulty in scheduling and taking an ACT exam to achieve a qualifying score to be eligible for a TOPS award will be allowed additional opportunities to take the exam. Many of these students will attend an in-state school to further their education and will remain in Louisiana upon completion of their education. This will provide Louisiana employers a better-educated workforce and may also attract out-of-state employers to Louisiana, thus providing additional better paying jobs.   |
| <b>Auctioneers Licensing Board</b>                 | <b>Auctioneers</b>  | The proposed rule will have no additional cost or economic benefit. The rule is simply a measure to further define the requirements already set by statute regarding online auctions.  |

| Promulgating Agency                                | Proposed Rule Title   | Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups  |
|--|---|--|
| <b>Board of Elementary and Secondary Education</b> | <b>High School Social Studies Assessment</b>                    | The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.  |
| <b>Board of Dentistry</b>                          | <b>General Provisions; Dentists; Fees and Costs</b>             | <p>The proposed change to §120 is meant to conform to the recently passed statutes by the Louisiana legislature and will benefit dependents of military personnel and of healthcare workers to make it easier for them to be issued a “permit pending normal license” in Louisiana that would expire within 30 days. This rule is not anticipated to materially change the number of licensees statewide and is estimated to impact four applicants per year.</p> <p>The proposed change to §306 will benefit dentists who receive their license by credentials to practice outside of Louisiana.</p> <p>The proposed change to §419 is also to conform to the recently passed statutes passed by the Louisiana legislature and will benefit a dental hygienist who would like to seek a retired voluntary hygiene license to provide care on a gratuitous basis for a fee of \$35.00. The Board estimates that there could be 3 to 5 dental hygienists per year that may would apply for the retired voluntary license.</p> |
| <b>Board of Pharmacy</b>                           | <b>Hemp Facility</b>  | The proposed rule changes will enable hemp handlers to qualify for a state controlled dangerous substance license and will reduce the cost associated with obtaining ISO/IEC 17025 accreditation for their laboratory by removing that requirement.  |
| <b>Board of Pharmacy</b>                           | <b>Medication Administration</b>                                | The proposed rule changes will maintain current requirements for education, training and continuing competency for pharmacy personnel administering medications, but will save their time and expense for submitting such records to the board.  |
| <b>Department of Health</b>                        | <b>Crisis Receiving Centers Licensing Standards</b>             | In compliance with the June 6, 2018 agreement between the Department of Health and the U.S. Department of Justice, this proposed rule amends the provisions governing crisis receiving centers (CRCs) to require CRCs to have separate wings and areas for voluntary and involuntary individuals and to create a licensure option for a voluntary-only CRC to only admit or receive individuals who are present on a voluntary basis. This proposed rule will be beneficial to CRC patients, since it separates individuals based on their admission status. It is anticipated that implementation of this proposed Rule will not result in any costs to crisis receiving centers in FY 21-22, FY 22-23, and FY 23-24, but will be beneficial by ensuring that licensure requirements for facilities that only admit voluntary patients are clearly and accurately promulgated in the Louisiana Administrative Code.   |
| <b>Department of Health</b>                        | <b>Facility Need Review Relocation of Nursing Facility Beds</b> | This proposed Rule amends the provisions governing the facility need review (FNR) process in order to revise the timeframes for a temporary relocation/transfer of a nursing facility’s Medicaid FNR approvals to another licensed, certified and operational nursing facility outside of the service area or parish while awaiting the completion of a replacement nursing facility building. It is anticipated that implementation of this proposed rule will not result in costs to nursing facility providers and will have no impact on small businesses in FY 21-22, FY 22-23 and FY 23-24, as the rule will not result in an increase in licensed nursing facility beds nor result in an increase in Medicaid facility need review approvals.   |

| Promulgating Agency                  | Proposed Rule Title   | Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups  |
|--------------------------------------|---|--|
| Department of Health                 | Nursing Facilities  | This proposed rule repeals the following rules which were promulgated prior to implementation of the Louisiana Administrative Code codification system: 1) Physician Recertification for Recipients in Skilled Nursing Facilities (SNFs) and Intermediate Care Facilities (ICFs); 2) Medical Assistance Program (MAP) - Long Term Care (LTC) Reimbursement Methodology Wage Clarification; 3) Medical Assistance Program (MAP) Pharmacist and Medical Records Practitioner Consultation for Long Term Care (LTC) Facilities; 4) Medical Assistance Program (MAP) - Temporary Management; and 5) Nursing Facility - Infectious Disease - Tuberculosis. The Department has determined that the provisions of these rules are obsolete and should be repealed. It is anticipated that implementation of this proposed rule will not result in costs or benefits to Medicaid providers or small businesses in FY 21-22, FY 22-23 and FY 23-24, since the current provisions governing these programs and services are already accurately reflected in the Louisiana Administrative Code. |
| Department of Health                 | Nursing Facilities Reimbursement Methodology Cost Reports                                 | This proposed Rule amends the provisions governing cost reports for nursing facilities in order to establish guidelines for submitting amended cost reports and to ensure that the appropriate cross-walk is used to calculate the provider's rate and floor calculations. It is anticipated that implementation of this proposed rule will not result in costs to nursing facilities for FY 21-22, FY 22-23, and FY 23-24, but will be beneficial by ensuring that the requirements for cost reports are clearly and accurately promulgated in the Louisiana Administrative Code.   |
| Department of Health                 | Registration of Foods, Drugs, Cosmetics and Prophylactic Devices                          | It is anticipated that this proposed rule will affect owners of businesses that sell products derived from hemp. The estimated costs or benefits are unknowable at this time; however, manufacturers and retailers of consumable hemp products are expected to experience an increase in income resulting from the increased sale of consumable hemp products.   |
| Office of Motor Vehicles             | Designations or Restrictions on Driver's Licenses and Identification Cards (              | It is anticipated that implementation of this proposed rule will not have economic cost or benefits to directly affected persons or non-governmental groups for FY 21-22, FY 22-23, and FY 23-24.  |
| Department of Wildlife and Fisheries | Alligators  | The average number of alligator skins sold for the years 2017, 2018, and 2019 was 423,613 skins. Average estimated sales of meat and skin were at least \$92.2 million or approximately \$218 per skin sold. Assuming that the 24,134 alligators not returned to the wild are sold at the 2017-2019 value, the value of the additional alligators that farmers might retain under the proposed rule change would be at least \$5.3 million.  |
| Department of Wildlife and Fisheries | General and Wildlife Management Area Hunting Rules and Regulations— Hunting Guide License | The proposed rule change is expected to increase revenues of the Louisiana Department of Wildlife and Fisheries from the payment of fees for hunting guide licenses by an indeterminate amount.  |