

May 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 May 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	Prescribed Burner Certification	There are no anticipated additional costs or economic benefits to affected small businesses, or non-governmental groups as a result of the proposed rules.
Board of Elementary and Secondary Education	BESE/8(g) Operations Advisory Councils	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	BESE/8(g) Operations Student Transfer Appeals	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 106—Agriculture Education Content Standards Curriculum Framework—Advisory Councils	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—Advisory Councils	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 140—Louisiana Early Childhood Care and Education Network Advisory Councils	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 140—Louisiana Early Childhood Care and Education Network Ready Start Network	Ready Start Networks work to expand access to high-quality childcare options within community networks. Greater access to childcare will benefit employers and employees of local businesses.
Board of Elementary and Secondary Education	Bulletin 741—Louisiana Handbook for School Administrators Advisory Councils	The program will require adherence to the application procedures which will involve submission of paperwork by the applicants. However, recipients will benefit by obtaining access to capital made available to them through the program.
Board of Elementary and Secondary Education	Bulletin 118—Statewide Assessment Standards and Practices	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 741—Louisiana Handbook for School Administrators—Literary Skills and Assessment	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 741—Louisiana Handbook for School Administrators—Dual Enrollment	Families of students choosing to participate in these courses may experience additional costs associated with taking these classes, which may vary from \$100 to \$400 depending on the school system and course provider.
Board of Elementary and Secondary Education	Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators—Dual Enrollment	Nonpublic schools may experience costs should they choose to offer dual enrollment psychology courses to students instead of, or in addition to funding a faculty member to teach advanced placement psychology. Families of students choosing to participate in these courses may experience additional costs associated with taking these classes, which may vary from \$100 to \$400 depending on the school system and course provider.

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Board of Elementary and Secondary Education	Bulletin 746—Louisiana Standards for State Certification of School Personnel	The proposed revisions will not have an effect on revenue collections of local governmental units. All changes to teaching certifications carry a \$25 fee. The Louisiana Department of Education (LDE) will receive revenues of \$25 for each teacher who applies to add the geometry endorsement to their certification.
Board of Elementary and Secondary Education	Bulletin 746—Louisiana Standards for State Certification of School Personnel—Mentor Teacher Certification	The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.
Board of Dentistry	Disciplinary Action Expungement; Continuing Education Requirements	<p>The proposed rule change for expungements of advertising violations will directly affect any dentist who had an advertising decree in the past. The rule previously only allowed dentists to apply for a first-time advertising violation after three years, provided the dentist fulfilled the other requirements set forth in LAC 46:XXXIII.322. The rule change will now allow dentists to apply for expungement of advertising violations after five years, provided the dentist has fulfilled the other requirements set forth in LAC 46:XXXIII.322.</p> <p>The proposed rule change will benefit any persons seeking a retired volunteer dental license who practices not more than 250 hours a year as they will now be exempt from continuing education requirements except for the completion of a cardiopulmonary resuscitation course. The proposed rule change will also set forth that any dentist who holds an anesthesia permit and seeks a retired volunteer dental license, the continuing education requirements set forth in §1611 (H) and the completion of a cardiopulmonary resuscitation course will be required.</p>
Board of Speech-Language Pathology and Audiology	Speech-Pathology and Audiology	<p>The proposed rule changes clarify and specify standards for application, and standard of practice for all licenses administered by the LBESPA.</p> <p>The proposed rule changes may benefit audiologists certified by the American Board of Audiology (ABA) by expediting the licensure process. ABA-certified audiologists may now be licensed in Louisiana by presenting their certification with proof of passing the national exam, in lieu of providing documentation of their clinical practicum hours and passage of the national certification exam, which is the current practice. At time of writing, the American Speech Language Hearing Association (ASHA) certification is usually required by employers to practice and may continue to be regardless of these rules' acknowledgment of ABA certification parity.</p> <p>The proposed rule changes remove a clinical practicum requirement of 1,820 hours of audiologists. The proposed rule changes clarify duties of speech-language pathology assistants and provisional speech-language pathology assistants, stating that they may only participate in parent conferences, individualized education program (IEP) meetings, case conferences, interdisciplinary team conferences, and research projects only when a supervising speech-language pathologist is present. This rule is anticipated to affect less than 300 individuals in total, with 2020 estimates of 219 speech-language pathology assistants and 29 provisional speech-language pathology assistants.</p> <p>The proposed rule changes remove the ability of the LBESPA to initiate a complaint against a practitioner of its own volition, which may result in fewer complaints against practitioners licensed by the board.</p>
Department of Health	Adult Day Health Care—Licensing Standards Admissions	The proposed rule amends the provisions governing the licensing of adult day health care (ADHC) providers in order to update the assessment tool used to determine nursing facility level of care eligibility for ADHC admissions. It is anticipated that implementation of this proposed rule will not result in costs to ADHC providers or small businesses in FY 21-22, FY 22-23, and FY 23-24, but will be beneficial by ensuring that the administrative rule accurately reflects the assessment tool currently utilized for level of care determinations.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of Health	Ambulatory Surgical Centers Licensing Standards	This proposed rule amends the provisions governing the licensing of ambulatory surgical centers (ASCs) in order to update the requirements for transfer agreements from ASCs to licensed hospitals in the event of an emergency that requires hospital admission. It is anticipated that implementation of this proposed rule will not result in costs to ASCs and will have no impact on small businesses in FY 21-22, FY 22-23 and FY 23-24, but will be beneficial by clarifying procedures for the transfer of patients that require emergency care beyond the capabilities of the ASC.
Department of Health	Free-Standing Birth Centers Licensing Standards	In compliance with Act 332 of the 2019 Regular Session of the Louisiana Legislature, this proposed rule repeals the existing LAC 48:I.Chapter 67 governing the licensing of hospitals in its entirety as these provisions are incorporated elsewhere in the Louisiana Administrative Code and replaces it with provisions governing the licensing of free-standing birth centers. This proposed rule will benefit patients by providing for the safety, health, welfare, and well-being of persons receiving these services. It is anticipated that implementation of this proposed rule will have economic cost for free-standing birth centers; however, the costs are indeterminable since there is no way to establish how many facilities will apply for licensure.
Department of Health	Intermediate Care Facilities for Persons with Intellectual Disabilities Temporary Reimbursement for Private Facilities	This proposed rule continues the provisions of the April 1, 2022 emergency rule which amended the provisions governing temporary reimbursement for private non-state intermediate care facilities for persons with intellectual disabilities (ICFs/IID) in order to include a direct care add-on for increased cost related to retaining and hiring direct care staff and to establish a minimum hourly wage for direct care workers. The proposed rule will be beneficial to ICFs/IID as it will increase their ability to recruit and retain direct care staff. It is anticipated that implementation of this proposed rule will increase expenditures in the Medicaid program by \$7,004,060 for FY 21-22, \$16,809,744 for FY 22-23, and \$16,809,744 for FY 23-24.
Department of Health	Nursing Facilities—Levels of Care	This proposed rule amends the provisions governing the standards for payment for nursing facilities in order to: 1) reflect the change in the current assessment tool utilized for level of care determinations; and 2) modify the pathway criteria language in order to include updated terminology contained within the new assessment tool. It is anticipated that implementation of this proposed rule will not result in costs to nursing facility providers in FY 21-22, FY 22-23, and FY 23-24, but will be beneficial by ensuring that the language in the administrative rule is consistent with the new assessment tool.
Department of Health	Personal Assistant Services Employment Support	This proposed rule repeals the provisions of LAC 50:XV.Subpart 11 governing personal assistant services in its entirety since employment support was never implemented. It is anticipated that implementation of this proposed rule will not result in costs or benefits to providers or small businesses in FY 21-22, FY 22-23, and FY 23-24, since the services were never implemented.
Department of Insurance	Regulation 31—Holding Company	There are no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.
Department of Insurance	Regulation 112—Adoption of NAIC Handbooks, Guidelines, Forms, and Instructions	The proposed rule changes will benefit persons and entities seeking to identify which handbooks or guidelines are currently being incorporated by reference that serve as professional guidance for entities under the purview of 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.
Corrections Services	Drug-Free Workplace	There will be no effect on costs or benefits to directly affected person, small businesses, or non-governmental groups.
Corrections Services	Responsibilities and Functions of Prison Enterprises	Farmers and/or operators will realize an increase in revenue to the extent they win a bid to harvest and gin cotton for Prison Enterprises.

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Corrections Services	Telephone Use and Policy on Monitoring of Calls	There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule changes.
Gaming Control Board	Service of Notices	The proposed rule change will have no effect on costs or economic benefits to directly affected persons, small businesses, or non-governmental units. The proposed rule changes provide the duties for service by licensees, permittees, and applicants. The proposed rule change will require licensees, permittees, and applicants to accept all correspondence from the board, board hearing office, and division and to notify timely (within ten days) of any changes of address, phone number, or electronic mail address. The proposed rule change will require licensees, permittees, and applicants to file a request for a hearing within ten days of service of the notice or date of the enforcement action.
Department of Revenue	Criminal History Record Checks for Access to Federal Tax Information	No material impacts on costs or economic benefits are anticipated for affected personal or non-governmental groups due to this proposed rule change.
Department of Revenue	Voluntary Disclosure Agreements	Businesses will need to submit an application to the commission in order to apply for the Voluntary Disclosure Program. Additional cost for completion and submission of the required paperwork by participating businesses are expected to be minor. Businesses are already expected to be filing monthly tax returns if they are remote sellers collecting sales tax.
Teachers' Retirement System	Mandatory Enrollment of Employees Employed by 11:157 Employers	There is an estimated impact to the new employee and the municipality, as employer and employee contributions will need to be paid to the system.
Department of Wildlife and Fisheries	Chronic Wasting Disease Control Areas	<p>The proposed rule change is intended to impede the spread of chronic wasting disease (CWD) from portions of Louisiana where it was recently detected into other parts of the state. The proposed rule change will benefit hunters and businesses that provide hunting-related goods and services to the extent that the prohibition minimizes the transmission of the disease into Louisiana. If the LDWF study determines that taxidermy services within the Control Area are able to meet the needs of hunters who harvest deer within the three-parish area, the proposed rule change may increase revenues for taxidermists in Franklin, Madison, and Tensas parishes but reduce earnings opportunities for taxidermists in other areas of Louisiana. Spending for taxidermy services affected by the proposed ban on the export of carcasses may range from \$139,500 to \$209,500. Much of this spending may not be displaced but simply transferred from businesses outside the area to businesses within the three parishes. If the LDWF determines that a permit system is necessary, permits will be made available to the public at no cost.</p> <p>The decrease in revenues from the sale of deer feed and supplements to hunters in the area as a result of the proposed prohibition on the use of bait to attract deer in Franklin, Madison, and Tensas parishes may range from \$760,000 to \$1.04 million. To the extent that individuals in these parishes substitute feed for other methods of attracting deer, such as planting clover, the loss in revenues may be lessened.</p> <p>The proposed prohibition on the use of bait to attract deer may also reduce sales of feeding stations, dispersers, storage units, and other related gear and equipment. Because data on the use of and expenditures for deer baiting and feeding equipment are not available, the expected decrease in sales in this category cannot be assessed.</p>
Department of Wildlife and Fisheries	Marking of Gill Nets, Trammel Nets, Hoop Nets, Slat Traps, and Wire Nets	<p>The proposed rule change is expected to benefit fisheries management by identifying ownership of private property placed in public waterways and to benefit public safety by marking the location of items that may pose a potential risk to boaters and other users.</p> <p>The proposed rule requiring attachment of waterproof tags to hoop nets, slat traps, and wire nets is expected to result in a minor increase in costs for anglers and commercial fishers. The proposed rule mandating waterproof tags and buoys on gill nets and trammel nets is expected to raise costs for commercial fishers by a minor amount.</p>