

March 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 March 20, 2021 *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 Children and Family Services	SNAP Gross Income Limits	Implementation of this proposed rule is anticipated to have an economic benefit to SNAP recipients who otherwise would not have been eligible for SNAP. This rule is anticipated to help alleviate poverty for those participating in the program. Additionally, small businesses that accept SNAP as a form of payment may realize increased sales due to the increase in SNAP benefits.
Department of Children and Family Services	TANF Fatherhood	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 updates the goal of the Parenting/Fatherhood Services Program. It clarifies that mothers and children are eligible to participate in the activities of the program, which is the current practice of the program.
Department of Economic Development	SSBCI Seed Capital ARPA 2021	SSBCI funds are Federal funds (Department of the US Treasury) intended to support new and existing small businesses as a response to the economic effects of the COVID-19 pandemic. US Treasury guidance for SSBCI funds also states that these funds will support socially and economically disadvantaged individuals (SEDIs). Louisiana anticipates receiving over \$74 M with incentives which could bring total Federal funding for the SSBCI program to \$113M, of which a portion will be devoted to the Seed Capital program. The current estimate is \$20 M for this program. 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.
Department of Economic Development	SSBCI Venture Capital ARPA 2021	SSBCI funds are Federal funds (Department of the US Treasury) intended to support new and existing small businesses as a response to the economic effects of the COVID-19 pandemic. US Treasury guidance for SSBCI funds also states that these funds will support socially and economically disadvantaged individuals (SEDIs). Louisiana anticipates receiving over \$74 M with incentives which could bring total Federal funding for the SSBCI program to \$113M, of which a portion will be devoted to the Venture Capital program. The current estimate is \$43 M for this program. 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.
Department of Environmental Quality	Criteria	Without promulgation of the proposed rule, publicly and privately owned wastewater treatment plants and landfills, all of which are known sources of ammonia, will be required to meet more stringent ammonia permit limits. The cost of upgrading treatment facilities to effectively remove ammonia to meet more stringent limits is roughly estimated between \$157 M to \$1 B, statewide. Therefore, the proposed rule will prevent unanticipated costs to directly affected persons, small businesses, and nongovernmental agencies while the department reconsiders the costs to affected persons, together with the environmental and/or human health risks and benefits, to implement the freshwater ammonia criteria.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Racing Commission	Wagering on Historical Horse Racing	The proposed administrative rules may result in an indeterminable economic benefit to licensed racetracks in Louisiana by offering more wagering possibilities through historical horse racing wagers found in LAC 35:XVII. Chapter 131, which may result in increased wagering. Licensed racetracks and employees with positions incident to the operation of wagering on historical horse racing will be subject to application fees and possible fines for violations of the proposed administrative rules. Operators may be subject to oversight and regulatory fees as a result of the proposed administrative rules.
Department of Health	Abortion Facilities Licensing Standards	This proposed rule, in compliance with Acts 97, 563 and 593 of the 2016 Regular Session of the Louisiana Legislature, continues the provisions of the December 3, 2016 and March 20, 2021 emergency rules which amended the licensing standards for outpatient abortion facilities in order to increase the time period for certain pre-operative services, mandate the distribution of printed information about services for pregnant women, and establish provisions for the disposal of fetal remains. The proposed rule also updates definitions in compliance with Act 376 of the 2019 Regular Session of the Louisiana Legislature. This proposed rule will be beneficial to patients by ensuring that outpatient abortion facilities protect the health and safety of the patients receiving services. It is anticipated that the implementation of this proposed rule may result in nominal economic costs to abortion facility providers for FY 21-22, FY 22-23, and FY 23-24 with regard to staffing requirements.
Department of Health	Home and Community-Based Services Waivers Children's Choice Waiver	This proposed rule amends the provisions governing delivery of services in the Children's Choice Waiver in order to include family members as paid caregivers and shared services under certain conditions. This proposed rule will benefit Children's Choice Waiver beneficiaries by allowing flexibility in the delivery of services. It is anticipated that implementation of this proposed rule will not result in costs to Children's Choice Waiver providers or small businesses in FY 21-22, FY 22-23, and FY 23-24, but will be beneficial by allowing services to be provided virtually under certain conditions.
Department of Health	Home and Community-Based Services Waivers New Opportunities Waiver Dental Services	This proposed rule, in compliance with Act 450 of the 2021 Regular Session of the Louisiana Legislature amends the provisions governing the New Opportunities Waiver (NOW) in order to add adult dental services as a covered service. In addition, it also proposes to add waiver flexibilities in the delivery of NOW services under certain conditions including allowing family members as paid caregivers, the 16-hour rule and shared services. This proposed rule will benefit NOW beneficiaries by covering adult dental services and allowing flexibility in the delivery of services. Providers will benefit from implementation of this proposed rule as it is anticipated that it will increase payments for these services by approximately \$11,314,958 for FY 22-23 and \$11,522,553 for FY 23-24.
Department of Health	Home and Community-Based Services Waivers Residential Options Waiver Dental Services	This proposed rule, in compliance with Act 450 of the 2021 Regular Session of the Louisiana Legislature, amends the provisions governing the Residential Options Waiver (ROW) in order to add adult dental services as a covered service. In addition, it also proposes to add waiver flexibilities in the delivery of ROW services including family as paid caregiver and shared services. This proposed rule will benefit ROW beneficiaries by covering adult dental services and allowing flexibility in the delivery of services. Providers will benefit from implementation of this proposed rule as it is anticipated that it will increase payments for services by approximately \$1,502,146 for FY 22-23 and \$1,547,211 for FY 23-24.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of Health	Home and Community-Based Services Waivers Supports Waiver—Dental Services	This proposed rule, in compliance with Act 450 of the 2021 Regular Session of the Louisiana Legislature, amends the provisions governing the Supports Waiver (SW) in order to include dental coverage as a covered service. In addition, it also proposes to add waiver flexibilities in the delivery of SW services including allowing family as paid caregivers and shared services. This proposed rule will benefit SW beneficiaries by covering adult dental services and allowing flexibility in delivery of services. Providers will benefit from implementation of this proposed rule as it is anticipated that it will increase payments for services by approximately \$3,449,275 for FY 22-23 and \$3,694,574 for FY 23-24.
Department of Health	Hospital Licensing Standards	This proposed rule, in compliance with Act 30 of the 2020 Second Extraordinary Session of the Louisiana Legislature and Act 425 of the 2021 Regular Session of the Louisiana Legislature, amends the provisions governing the licensing of hospitals in order to: 1) allow visitation by members of the clergy during a declared public health emergency (PHE), 2) ensure proper electronic coding and tracking of post-abortion complications, 3) require hospitals to submit a report on patients who present for post-abortion complication emergency treatment, and 4) ensure that hospital staff members attempt to obtain the required patient information prior to discharge. This proposed rule will be beneficial to patients by allowing clergy visits during a PHE. It is anticipated that implementation of this proposed rule will not result in costs or benefits to hospitals in FY 21-22, FY 22-23 and FY 23-24.
Department of Health	Intermediate Care Facilities for Persons with Intellectual Disabilities Reimbursement Methodology Direct Care Floor	This proposed rule amends the provisions governing reimbursement to non-state intermediate care facilities for persons with intellectual disabilities (ICFs/IID) in order to implement administrative penalties related to noncompliance with the direct care floor requirements. Implementation of this proposed rule will impact ICFs/IID that have non-refundable administrative penalties assessed for non-spending of additional funds received from complex care in FY 22-23, and FY 23-24; however, it is not possible to determine which facilities will be assessed penalties and how much will be recouped from the providers.
Department of Health	Pharmacy Benefits Management Program Over-the-Counter At-Home COVID-19 Tests	The proposed rule continues the provisions of the February 4, 2022 Emergency Rule which amends the provisions of the Pharmacy Benefits Management Program in order to include coverage for over-the-counter at-home tests for Coronavirus Disease 2019 (COVID-19) that have been authorized by the Food and Drug Administration, in compliance with requirements of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services. This proposed rule will be beneficial to Medicaid recipients because it will ensure access to over-the-counter at-home COVID-19 tests. Providers will benefit from implementation of this proposed rule since it provides reimbursement for a service that was previously not covered. It is anticipated that implementation of this proposed rule will increase expenditures in the Medicaid program by approximately \$34,123 for FY 21-22, \$102,370 for FY 22-23, and \$133,717 for FY 23-24.
Department of Insurance	Regulation 121—Term and Universal Life Insurance Reserve Financing	The proposed rule benefits all life insurance companies in the state of Louisiana by establishing rules and guidelines for reserve financing for certain covered term and universal life policies. These policies are defined in this regulation under §18305- Definitions.
Department of Insurance	Regulation 122—Roles and Responsibilities of Pharmacy Benefit Managers and Pharmacy Services Administrative Organizations	The proposed rule benefits all pharmacy benefit managers and pharmacy services administrative organizations as it gives them guidance as to what their roles and responsibilities are. The proposed rule shall apply to all pharmacy benefit managers and pharmacy services administrative organizations licensed in Louisiana.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of Natural Resources	Guidance Manual for Environmental Boreholes and Monitoring Systems	There are no anticipated cost increases associated with the proposed amendment. The proposed regulatory amendment includes reference to the use of the “Guidance Manual for Environmental Boreholes and Monitoring Systems” in the water well registration and plugging and abandonment regulations of Title 56.
Office of Alcohol and Tobacco Control	Direct Shipment of Sparkling Wine or Still Wine to Consumers in Louisiana	The proposed rule fee increases will generate approximately \$932,800 per fiscal year for LBP from fees paid by persons and businesses credentialed by the Board.
Department of Revenue	Individual Income Tax Tables and Withholding Tables	Employers and individual taxpayers will be affected by the proposed action. For employers, LDR does not have the information necessary to determine the additional costs, if any, to comply with this change, but these costs are expected to be minimal. The tax costs of individual taxpayers are anticipated to decrease, though the total impact from Act 395 of 2021RS is subject to the unique circumstances surrounding individual taxpayers’ taxable income.
Department of Transportation and Development	State Safety Oversight for Rail Fixed Guideway Public Transportation Systems	There are no anticipated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of this proposed rule revision.
Department of Wildlife and Fisheries	Commercial and Recreational Harvest of Southern Flounder	The proposed rule change is expected to reduce the value of commercial landings of flounder by approximately \$110,000 per year. It may also result in a minor decrease in angler activity.
Department of Wildlife and Fisheries	Responsibilities, Duties, and Regulations Access and Permits	Act 356 of 2021 requires participants on all department-administered lands to hold wildlife management area access permits, the proposed rule change will raise costs for visitors to wildlife refuges and WCA who do not also visit WMAs. A permit valid for one year is available at a fee of \$20. A permit valid for five days is available at a fee of \$5.