

April 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 April 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 Agriculture and Forestry	Louisiana Agricultural Workforce Development Program	The proposed rule would result in economic benefits to agricultural businesses who participate in the program and, indirectly, to the interns those businesses take on. Specifically, the program allows an agricultural business to apply for a maximum of \$5,000 per year per intern to assist in the costs of paying an intern.
Department of Agriculture and Forestry	Annual Fee for Registration of Mass Flow Meters	The proposed rule change is anticipated to increase annual registration costs by \$65 per commercial meter and \$185 per mass flow meter (typically chemical and petroleum industries), which is estimated to be an overall increase of \$7,500 annually.
Department of Agriculture and Forestry	Minimum Examination Performance Levels Required	The proposed rule change will not result in any additional costs to exam applicants since only the length of time before reapplying to take an examination is being changed. The proposed rule change provides an exam applicant who failed the examination an opportunity to retake the exam sooner; thereby potentially obtaining their license in less time.
Department of Agriculture and Forestry	Structural Pest Control	The proposed rules are not anticipated to have any estimated costs or economic benefits that directly affect persons, small businesses, or non-governmental groups.
Board of Ethics	Food and Drink Limit	The proposed action will affect all public employees and public servants by setting a standard monetary limit on the receipt of food and drink.
Board of Elementary and Secondary Education	Bulletin 746—Louisiana Standards for State Certification of School Personnel	The proposed revisions will not result in costs or benefits to persons, small businesses, or non-governmental groups.
Board of Elementary and Secondary Education	High School Assessment Requirements	The proposed revisions will not result in costs or benefits to directly affected persons, small businesses, or non-governmental groups.
Department of Environmental Quality	Brownfields Cleanup Revolving Loan Fund Program	The proposed rule change would affect developers and local governments applying for funding to clean up a brownfields property under LDEQ's Brownfields Cleanup Revolving Loan Fund by expanding funding eligibility to brownfields sites remediated under any LDEQ program, as opposed to only brownfields sites enrolled in the Voluntary Remediation Program. This action is not anticipated to affect costs, workloads, or additional paperwork they may have to incur as a result of the proposed action.
Department of Environmental Quality	Requirements for Credits	There will be no significant costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups from the proposed rule.
Department of Environmental Quality	Water Pollution Control	There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed rule.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Bureau of Pharmacy	Transfer of Marijuana Recommendations	The proposed rule change will require a marijuana pharmacy to transfer an unexpired recommendation for therapeutic marijuana to another marijuana pharmacy when requested by the patient or caregiver. Such transfers may be accomplished electronically or by facsimile at minimal cost to the pharmacy. The proposed rule change could have an impact on the income of the marijuana pharmacies: negative for the pharmacy transferring a recommendation, and positive for the pharmacy receiving a transferred recommendation. The extent of the impact will vary from one pharmacy to another and is indeterminable.
Department of Health	Home and Community-Based Services Waivers—Community Choices Waiver	This proposed Rule amends the provisions governing the Community Choices Waiver (CCW) in order to: 1) clarify that instrumental activities of daily living can be provided outside of the participant's home, if approved by OAAS or its designee on a case-by-case basis; 2) remove language regarding relatives that can be direct service workers (DSWs); 3) remove respiratory therapy as a service because this service was never implemented nor utilized; 4) clarify the language regarding payment of DSWs at least at the current federal or state minimum hourly wage, which does not impact the fee schedule and/or payments that the state pays to provider agencies; and 5) add language regarding the state's authority to set and change provider rates and/or provide lump sum payments to providers based upon funds allocated by the legislature. It is anticipated that implementation of this proposed rule may result in cost for CCW services for FY 20-21, FY 21-22 and FY 22-23 due to the state's ability to adjust rates or pay lump-sum payments as a result of legislative appropriations, if the legislature appropriates funds in the future, and will be beneficial to providers and small businesses by clarifying and updating the CCW requirements in the administrative Rule.
Department of Health	Home and Community-Based Services Waivers—Support Coordination Standards for Participation	This proposed rule amends the provisions governing the standards for participation for providers of support coordination services under home and community-based services waivers administered by the Office of Aging and Adult Services (OAAS) in order to remove outdated language and to allow OAAS to conduct assessments and complete Plans of Care with participants for support coordination agencies that request assistance and/or fail to comply with their requirements. This rule may impact small businesses and providers if OAAS is required to assume the support coordination agency's responsibilities, since the providers will not be able to bill, nor be reimbursed, for the functions OAAS provides. As a result, there may be an indeterminable savings to the Medicaid program in FY 20-21, FY 21-22, and FY 22-23.
Department of Health	Reimbursement for Vaccine Administration during a Declared Public Health Emergency	This proposed rule continues the provisions of the December 23, 2020 and April 20, 2021 Emergency Rules which amend the provisions governing reimbursement in the Professional Services and Pharmacy programs in order to adopt provisions governing vaccine administration during a declared public health emergency (PHE). This rule will be beneficial to recipients by increasing access to vaccines during a PHE. It is anticipated that implementation of this proposed rule will result in an indeterminable increase in payments to the Professional Services and Pharmacy providers in FY 20-21, FY 21-22 and FY 22-23 and will be beneficial by establishing a reimbursement methodology for vaccine administration during a declared PHE.
Department of Insurance	Regulation 29—Correlated Sales of Life Insurance and Equity Products	The proposed rule change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The rule revisions repeal Regulation 29, which was originally implemented in 1969. Regulation 60—Advertising of Life Insurance, LAC 37:XIII.Chapter 41, was promulgated in 2002, and it addresses the same issues. Regulation 29 is being repealed to avoid duplication of guidance.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of Insurance	Regulation 112—Adoption of NAIC Handbooks, Guidelines, Forms, and Instructions	The proposed rule change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The proposed rule updates and incorporates by reference the current edition of handbooks, guidelines, forms, and instructions adopted by the National Association of Insurance Commissioners (NAIC) and referenced in the Louisiana Insurance Code.
Department of Public Safety and Corrections	Access to and Release of Active and Inactive Offender Records	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.
Department of Public Safety and Corrections	Restoration of Good Time	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.
Department of Revenue	Installment Agreement for Payment of Tax	This proposed rule will have a slight economic impact on the affected taxpayer by providing additional time to resolve outstanding liabilities.