

December 2019

Economic Impact Statements for Proposed Rules

The corresponding proposed rule to each of the statements below may be viewed in its entirety in the December 20, 2019 *Louisiana Register*. Each *Louisiana Register* edition is published on the 20th of each month and can be viewed here: <https://www.doa.la.gov/Pages/osr/reg/regs2019.aspx>

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Board of Ethics	Campaign Finance Disclosure	The proposed action will affect persons who file or are required to file campaign finance disclosure reports; however, it is not anticipated that it will impact their costs and /or economic benefits.
Board of Ethics	Code of Governmental Ethics	The proposed rule change will have no anticipated costs or economic benefits to directly affected persons or non-governmental groups.
Board of Ethics	Hearings and Pre-Hearing Procedures	The proposed action will affect those persons who are the subject of charges pending before the Ethics Adjudicatory Board. It is not anticipated that this action will have a demonstrable effect on their costs and/or economic benefits.
Division of Administrative Law	Division of Administrative Law Adjudications	It is not anticipated that the proposed rules will result in costs or economic benefits to directly affected persons or non-governmental groups.
Office of the State Museum	Public Access; Accessions, Deaccessions and Loan Policy	There is no cost or economic benefit to directly affected persons or non-governmental groups by repealing Title 25 Part III Chapter 3 Accessions, Deaccessions and Loan Policy.
Board of Elementary and Secondary Education	Alternate Program Candidates	The costs to individuals seeking a mentor teacher credential are indeterminable. It is unknown to what extent districts will share in the cost of training and assessments and whether individuals will be responsible for some portion of these costs. To the extent these teachers complete the training and pass the assessment to receive the credential, they are eligible to receive stipends in the amount of \$1,000. Finally, the certificate will contribute to the requirements for the Educational Leader 1 license.
Department of Environmental Quality	Regulatory Permit for Stationary Combustion Turbines	R.S. 30:2054(B)(9)(b)(vii) requires an applicant seeking a regulatory permit to “submit a written notification ... in lieu of submission of a permit application.” However, this notification form will be specifically tailored to the source addressed by the regulatory permit (i.e., stationary combustion turbines) and used in place of the traditional, more generic permit application documents. Permit fees will be equivalent to, and in place of, that which would have been required under the current rule. Therefore, there will be no increase in costs to applicants seeking coverage under this regulatory permit.
Department of Environmental Quality	Water Quality Standards Triennial Revision	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
Office of Facility Planning and Control	Procedure Manual	There is no anticipated material impact to directly affected persons or nongovernmental groups as a result of the proposed rule change.
Board of Certified Public Accountants	Certified Public Accountants; Examination, Retake and Granting of Credit Requirements	<p>Individuals seeking to enter the CPA profession, who are unsuccessful on a test section of the CPA exam, could benefit from the opportunity of retesting in the same testing window. Continuous testing has long been sought by CPA exam candidates while their knowledge base may be more readily recalled from recent study. Some candidates may have a better opportunity to pass a test section on an additional attempt, in the same testing window, than by waiting until the next or a later calendar quarter. Additionally, some public accounting firms and other employers may offer incentives, in the form of employee bonuses and/or promotions, upon completion of the exam. Therefore, passing the exam sooner could benefit some exam candidates financially and professionally, to an extent which the Board is not in a position to estimate.</p> <p>There could be a cost to candidates who retake a section of the exam, as a fee is assessed by the third party testing entity for each retested section. The Board does not establish, collect or receive any portion of the fees assessed by the testing entities.</p>
Tax Commission	Ad Valorem Taxation	The effects of these new rules on assessments of individual items of equivalent real and personal property will generally be higher in the aggregate in 2020 compared to the last year of actual data. Specific assessments of real and personal property will depend on the age and condition of the property subject to assessment. Taxpayers will be impacted based on the changes to the valuation guidelines for assessments as listed in Section II. The magnitude will depend on the taxable property for which they are liable. Regardless of the guidelines adopted by the Tax Commission, all taxpayers continue to have the right to appeal the assessments.
Board of Medical Examiners	Complaints and Investigations; Adjudication and Practice-Site Visits; Practice Performance Reviews	It is not anticipated that the proposed rule amendments will have a significant material effect on costs, paperwork or workload of physicians or allied health care practitioners licensed by the LSBME, nor on receipts and/or income of licensees or nongovernmental groups, as the proposed rule changes are procedural in nature. However, because the proposed rule changes significantly amend several processes associated with the LSBME's regulatory functions, physicians and allied health practitioners may realize additional marginal costs that are not anticipated to be significant.
Board of Medical Examiners	Physician Practice; Marijuana for Therapeutic Use by Patients Suffering From a Debilitating Medical Condition	It is not anticipated that the proposed rule changes will significantly affect the workload and/or income of physicians who may diagnose or patients who may be treated with TM for a debilitating medical condition. Patients who may be recommended TM for a DMC may benefit, as the proposed rule changes ease access to TM.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of Health	Early and Periodic Screening, Diagnosis and Treatment--Psychological Services Staffing Requirements	<p>In compliance with Act 582 of the 2018 Regular Session of the Louisiana Legislature, this proposed Rule amends the provisions governing psychosocial rehabilitation (PSR) services and community psychiatric support and treatment (CPST) services rendered to children in the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program to allow unlicensed school psychologists and master social workers certified by the Department of Education to provide psychological services under the supervision of a licensed professional in order to align the administrative Rule with the requirements of Act 582. Implementation of this proposed Rule is anticipated to have a positive impact on the state's individual school districts, as it allows them to continue to recoup costs incurred as a direct result of providing these school-based behavioral health services. It is anticipated that implementation of this proposed Rule will not result in costs to behavioral health providers of PSR and CPST services in the EPSDT program for FY 19-20, FY 20-21, and FY 21-22, since local education authorities (LEAs) have historically been performing and billing for these services. This proposed Rule will be beneficial to these providers by ensuring that the legislative licensure and certification requirements are clearly and accurately promulgated in the Louisiana Administrative Code.</p>
Department of Health	Hospice Licensing Standards	<p>In compliance with Act 229 of the 2019 Regular Session of the Louisiana Legislature, this proposed rule amends the provisions governing the licensing standards for hospice agencies in order to set forth the criteria for employment of state certified hospice attendants and establish a state certified hospice attendant registry to maintain a roster of individuals eligible for employment by licensed hospice agencies. It is anticipated that implementation of this proposed rule will not result in economic costs to hospice providers for FY 19-20, FY 20-21, and FY 21-22, but will be beneficial by ensuring that individuals trained in the provision of hospice services are available for employment by licensed hospice agencies.</p>

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—Licensing Standards Virtual Visitation	This proposed rule continues the provisions of the November 20, 2018 and December 20, 2019 Emergency Rules which amended the licensing standards for nursing facilities in order to adopt provisions governing virtual visitation to provide for consent, by a nursing facility resident or a legal representative, relative to the authorization for installation and use of a monitoring device in the room of the resident, in compliance with Act 596 of the 2018 Regular Session of the Louisiana Legislature. This proposed Rule may result in economic costs to residents of nursing facilities that consent to virtual visitation since the costs associated with the installation and operation of the monitoring devices are the responsibility of the residents. It is anticipated that the implementation of this proposed rule will have no economic costs or benefits to nursing facilities in FY 19-20, FY 20-21 and FY 21-22 since nursing facilities will not bear the financial responsibility for the installation and operation of monitoring devices in residents' room.
Department of Health	Pharmacy Benefit Management Program Vaccine Administration and Reimbursement	This proposed rule amends the provisions governing reimbursement in the Pharmacy Benefit Management Program in order to add vaccines for adult recipients in the Medical Assistance Program as a pharmacy benefit to provide an alternative location for these recipients to receive necessary immunizations. Adult recipients will benefit from implementation of this proposed Rule as it increases access to necessary vaccines that physicians may not carry in office settings. This proposed Rule will also be beneficial to pharmacy providers, since currently only influenza vaccines are covered as pharmacy benefits and this Rule allows Medicaid reimbursement for the provision of other vaccinations and immunizations. It is anticipated that implementation of this proposed rule will result in programmatic costs to the Medicaid program of \$30,689 in FY 19-20, \$106,590 in FY 20-21 and \$155,748 in FY 21-22.
Department of Health	Therapeutic Group Homes Licensing Standards Criminal Background Checks	In compliance with Act 243 of the 2019 Regular Session of the Louisiana Legislature, this proposed rule continues the provisions of the September 20, 2019 and December 20, 2019 Emergency Rules which adopted provisions governing the licensing of therapeutic group homes (TGHs) in order to comply with federal criminal background check and DCFS abuse/neglect registry check requirements. Children receiving TGH services will benefit from the implementation of this proposed rule, since it ensures that criminal history and abuse/neglect findings are verified for individuals that have the potential to provide their daily care and/or supervision. This proposed rule expands the current background check that TGH providers are already required to pay to have performed; therefore, implementation will not result in additional costs to TGHs in FY 19-20, FY 20-21 and FY 21-22.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Office for Citizens with Developmental Disabilities	Individual and Family Support Program	The proposed rule change may have an economic benefit to certain families with children with an intellectual or developmental disability. This rule removes the provision that families can only access IFS funding after it has been determined that all other sources of financial support have been exhausted. Therefore, more people may qualify for assistance from the program.
Office of Public Health	Dairy Products Frozen Dessert Regulations	The proposed rule is not anticipated to have any cost or economic benefit to frozen dessert manufacturing plants, given that the rules are being updated to reflect current practice.
Office of Public Health	Emergency Preparedness Activities	Health care providers that choose to participate in the Louisiana AtRisk Registry may experience a slight decrease in workload as a result of the provisions of the proposed rule. Health care providers will be able to directly upload patients' protected health information into the registry without having to complete paperwork or to create mock patient information.
Office of Public Health	Registration of Foods, Drugs, Cosmetics and Prophylactic Devices	Facilities producing hemp and CBD products for consumption will incur the cost of permits and label registration fees, as detailed in section II above. Additionally, manufacturers and retailers of CBD products are expected to experience an increase in income resulting from the sale of CBD products, which this proposed rule assists in authorizing.
Department of Insurance	Regulation 63—Prohibitions on the Use of Medical Information and Genetic Test Result	The proposed rule changes will have no costs or benefits to directly affected persons or non-governmental groups. The proposed rule changes will benefit individuals undergoing genetic testing by having the prohibitions of medical information and genetic test results align the administrative rule with current statute for clarity.
Department of Natural Resources	Damage Prevention	There are no anticipated costs to directly affected persons or non-governmental groups. Operators and excavators are already required to comply with the 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.
Office of Unemployment Insurance Administration	Electronic Filing and Payment Requirements	The implementation of this rule may result in reduced printing costs to employers. Employers will have the ability to submit documentation electronically to LWC, as opposed to printing and submitting hard copies.