

June 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 June 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
<p>Department of Agricultural and Forestry</p>	<p>Citrus Greening Quarantine</p>	<p>Citrus nursery stock producers will be directly affected by the proposed rule. The proposed rule adds St Bernard and Plaquemines parishes to the list of parishes quarantined for CG. Therefore, citrus nursery stock cannot be shipped outside of St. Bernard and Plaquemines parishes unless it is going to another parish also under the CG quarantine. The proposed rule will require citrus nursery stock producers selling, moving, or distributing citrus nursery stock within a CG quarantined area to be tagged with a label warning the consumer about the movement restrictions under the quarantine. The citrus nursery stock producer will be responsible for the cost of the label/tag. A survey of citrus nursery stock producers showed the average price of a tag is 5 cents. Limiting the spread of CG will protect Louisiana’s citrus industry, which currently has a farm value of \$2.4 - \$5 million in southeastern Louisiana in the form of citrus nursery stock, and \$5.1 million in the form of commercial citrus fruit in the state.</p>
<p>Department of Agricultural and Forestry</p>	<p>Emerald Ash Borer Quarantine</p>	<p>The proposed rule change will not create an additional cost, but adds Caddo Parish to an existing quarantine in Bienville, Bossier, Claiborne, Jackson, Lincoln, Morehouse, Ouachita, Union, and Webster Parishes on regulated articles that are susceptible of infestation by the emerald ash borer (“EAB”), <i>Agrilus planipennis Fairmaire</i>. Any entities with regulated articles subject to the quarantine—such as ash nursery stock, ash logs/timber and cut firewood—in the quarantined areas will not be permitted to move those regulated articles from quarantined areas to non-quarantined areas without a certificate or limited permit issued by the LDAF. There is no fee for the certificate or permit. The only stoppages entities moving regulated articles will be able to make while moving regulated articles from non-quarantined areas will be for traffic conditions and fueling stops.</p> <p>The proposed rule change is intended to limit the spread of EAB, which will provide economic benefits to harvesters of ash logs and timber by preventing the spread of the pest to areas that are not impacted.</p>
<p>Department of Agricultural and Forestry</p>	<p>Guava Root Knot Quarantine</p>	<p>The proposed rule change is not anticipated to create any costs, but may help prevent the spread of GRKN to other parts of the state.</p>

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Department of Agricultural and Forestry	Logos for State Products	Entities choosing to participate in the program will have to fill out an application, pay a one-time application fee of \$25, and then pay a registration fee of \$30 if their application is approved. Applications expire December 31st of every year and must be renewed annually and accompanied with a \$30 renewal fee. Participating entities may realize unspecific economic benefits by attaining the right to include the new logos on manufactured products and establishments, including certified Louisiana Craft Beverage and certified Louisiana Farm to Table.
Department of Children and Family Services	Foster Care	The economic benefit to youths under guardianship and their caregivers is continued financial support of an average of \$382.10 per month until the youth reaches the age of 21.
Board of Elementary and Secondary Education	Bulletin 1530—Louisiana’s IEP Handbook for Students with Exceptionalities	The proposed policy revisions will not result in costs and/or economic benefits to directly affected persons or non-governmental groups.
Department of Environmental Quality	Bayou Chene DO Criterion	There are no anticipated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed rule.
Department of Environmental Quality	Wilson Slough and Bradley Slough Turbidity Criteria	There are no anticipated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed rule.
Office of Community Development	Community Water Enrichment Fund—Eligibility	There is no anticipated material impact to directly affected persons or nongovernmental groups as a result of the proposed rule change.
Office of Community Development	Local Government Assistance Program (LGAP)—Eligibility	There is no anticipated material impact to directly affected persons or nongovernmental groups as a result of the proposed rule change.
Office of Facility Planning and Control	Architects Selection Board, Engineers Selection Board, and Landscape Architects Selection Board	There is no anticipated material impact to directly affected persons or nongovernmental groups as a result of the proposed rule change.
Racing Commission	Ambulance	The proposed rule additions and amendments will impact racing associations in Louisiana by requiring them to provide two ambulances during racing hours, one during training hours, each properly equipped to provide emergency medical services and transport, including advanced life support equipment. In addition, the rule requires that, if both ambulances are being used for transport, the association cannot conduct a race until one is replaced. The rule also requires racing associations to designate an area that a helicopter can land in the occurrence one is required to transport an injured participant.
Racing Commission	Pick Five or Pick Six	The proposed administrative rule change may result in an indeterminable economic benefit to licensed racetracks in Louisiana by offering the proposed exotic wager “Pick N”, found in LAC 35:XIII.Chapter 116, rather than the proposed wager that is being repealed, LAC 35:XIII.Chapter 110 “Pick Five or Pick Six”, which may result in increased wagering.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Racing Commission	Pick N	The proposed administrative rule change may result in an indeterminable possible economic benefit to licensed racetracks in Louisiana by offering more wagering possibilities through a Pick-N wager, which may result in increased wagering.
Department of Health	Termination of Radiology Utilization Management Services	This proposed rule repeals the provisions in Outpatient Hospital Services and Laboratory and Radiology Services governing Radiology Utilization Management (RUM) to align with current fee-for-service and managed care practices relative to prior authorization (PA) of high-end radiology services. The department terminated the RUM program with the implementation of managed care since the managed care organizations have their own PA requirements and current fee-for-service Medicaid policy does not require PA for these services. It is anticipated that implementation of this proposed rule will not result in costs to providers of outpatient hospital services and laboratory and radiology services in FY 18-19, FY 19-20 and FY 20-21, but will be beneficial by ensuring that these provisions are accurately promulgated in the Louisiana Administrative Code.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Board of Nursing	Advanced Practice Registered Nurses	<p>The proposed rule changes require advanced practice registered nurses (APRNs) prescribing controlled substances (CDS) and who possess or will possess a CDS license to complete a one-time, 3-hour continuing education course on controlled dangerous substances, which will result in additional costs to APRNs. Furthermore, APRNs must notify the LA State Board of Nursing of the completion of the continuing education requirement in order to renew their licenses.</p> <p>Failure to comply with the new continuing education requirement will result in lapsing of the license. To avoid the accidental lapsing of licenses, the proposed rules changes require the completion of the continuing education upon initial application and request for controlled substance privileges.</p> <p>The proposed rule changes regarding continuing education will benefit APRNs by educating them on current standards of practice that assist them in remaining compliant with the laws and rules related to the practice of nursing. Practicing in a prudent manner promotes delivery of quality health care and averts disciplinary action against licensees and most importantly benefits patients under the care of an APRN as recipients of quality care.</p> <p>Furthermore, the proposed rule changes include an exemption from the CDS continuing education requirement for APRNs who attest to not prescribing CDS medications during their previous licensure period upon license renewal. To the extent such APRNs prescribe a CDS during practice of their current license period, they will be required to complete the continuing education requirement prior to their next license renewal.</p>
Department of Health	Home and Community-Based Services Waivers—Provider Requirements	<p>This proposed rule amends the general provisions governing home and community-based services (HCBS) waivers in order to require HCBS providers to verify employee Social Security numbers, and to clarify and ensure that these provisions are appropriately promulgated in the Louisiana Administrative Code. Implementation of this proposed rule may impact providers that fail to verify Social Security numbers of current and new employees, if payments are withheld as a result of non-compliance with this requirement. It is anticipated that implementation of this proposed rule will not result in costs to providers of home and community-based waiver services in FY 18-19, FY 19-20 and FY 20-21, but will be beneficial by providing clear and concise participation requirements.</p>

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Physical Therapy Board	Licensing and Certification	<p>The Compact State Fee represents no additional costs or savings for persons domiciled out-of-state but presently licensed in Louisiana, as it carries the same cost as a 2-year license renewal (See Part II). However, to the extent practitioners domiciled in Compact States outside of Louisiana that did not previously hold a license to practice seek a Compact Privilege to Practice in Louisiana, it will result in a cost increase of \$280 every 2-years. All licensees participating the Compact will be required to comply with the continuing education requirements of their home state license.</p> <p>The proposed rules will result in a \$250 per-request increase for persons seeking a formatted mailing list from the LPTB. However, in the event persons request an unformatted mailing list through a public records request, they will be able to obtain the list for no charge.</p> <p>The proposed rule change removing the requirement for practitioners to submit certificates of completion for dry needling courses to the LPTB will result in a cost savings for those practitioners. However, these practitioners must now keep records of their course completion instead of the LPTB.</p> <p>The proposed rule changes allow supervising PTs to supervise up to two PTAs, rather than the previous maximum of one.</p>
Department of Insurance	Regulation 112—Adoption of NAIC Handbooks, Guidelines, Forms and Instructions	<p>The proposed Rule changes will benefit persons and entities seeking to know which handbooks or guidelines are currently being incorporated by reference to serve as professional guidance for entities under the purview of the LA Dept. of Insurance (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.</p>
Department of Natural Resources	Statewide Order No. 29-B	<p>There are no anticipated costs to directly affected persons or non-governmental groups. Operators of producing wells are currently required to dispose of Exploration and Production Waste (E and P Waste) depending upon waste type. The proposed rule change clarifies that the waste type previously used for residuals in large marine tanks such as marine supply vessel permanent cargo tanks, closed-top and open barges remains the same.</p>