

October 2023

Economic Impact Statements for Proposed Rules

The corresponding proposed rule to each of the statements below may be viewed in its entirety in the September 20, 2023 *Louisiana Register*. Each *Louisiana Register* edition is published on the 20th of each month.

Promulgating Agency	Title of Proposed Rule	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses, or Nongovernmental Groups
Department of Culture, Recreation and Tourism	Advertising on State Parks and Historic Sites and Sponsorship of Agency Assets	The proposed rule change will allow external entities to advertise on OSP property or enter into sponsorship agreements with state parks and historic sites. This may provide an economic benefit to entities who enter into these agreements resulting from increased publicity.
Board of Elementary and Secondary Education	Associate Teacher Program	The proposed rule revisions will provide individuals holding an associate's degree who are interested in becoming a teacher a means to work in the school setting, making 75% of the average teacher salary in the school district. This represents a potential increase in quality of life and family income for these individuals as well as giving them the opportunity to gain teaching experience. Employers will have an additional route to explore in filling classroom vacancies with individuals who can provide stability for students.
Board of Elementary and Secondary Education	School Administration and Safety	<p>Organ Donation - Public high schools will need to identify free organ donation resources to incorporate into an existing course. The additional workload is expected to be minimal.</p> <p>Numeracy Professional Development – The required numeracy course will be available for the 2024-2025 school year and will take approximately 40-50 hours to complete. Language in Act 260 requires that completion of the training not extend the teacher’s work day or the number of hours to be worked in a year. LDOE will create and provide the training, which will be offered at no cost to educators.</p> <p>National Motto – The cost of printing and framing “In God We Trust” displays according to the specifications in the Act may be defrayed through donated funds or displays.</p> <p>Student Behavior, Discipline, and Mental Health – Additional workload may be experienced by referral of students to the appropriate school personnel to provide guidance with addressing the underlying issue after two absences due to mental health. Additional instructional resources may need to be located or developed to include stress management and anxiety within age-appropriate mental health instruction.</p> <p>Threats of Terrorism and Violence; Act 334 – School Safety Act – Schools and LEAs will need to make adjustments to the crisis management and response plan during the annual review to align with requirements regarding the reporting of, investigation of, and response to threats of violence or terrorism, as well as with the requirements of the School Safety Act. Schools may also need to assemble a Stop the Bleed kit. Free resources to support training for the kits are available online.</p> <p>Automated External Defibrillator (AED) – Schools will need to create a cardiac emergency response plan and acquire an AED if one is not currently available at the school. This may also require training for staff members designated to support the use of the AED.</p> <p>Bus/Carpool - Requires each public school governing authority to establish policies and procedures for carpool and bus lines at any school that includes kindergarten through fifth grades. Signage may constitute a minimal local cost and/or effort, and additional personnel may be needed to assist younger students with safe loading and unloading.</p>

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Board of Elementary and Secondary Education	Teacher Certification and Preparation	As a result of the proposed rule revisions, potential educators may be more likely to enter the profession under the GPA flexibility, temporary employment permit expansion, and out-of-state considerations. Current educators who teach in multiple settings may experience a less cumbersome certification renewal process. Educator preparation program providers may need to revise some program components in alignment with the literacy and dyslexia requirements. A limited number of educators may need to take an additional assessment in the teaching of reading. Proposed rule changes add the Teaching Reading: Elementary (5205) Exam, currently offered by Educational Testing Services (ETS), which has been added to the list of required PRAXIS exams needed for certification. The exam fee for teacher certification applicants is \$156. LDOE reports the department is in the process of updating an existing exam to include the required literacy skills assessment. Once this is completed, exam policy will be updated to permit its use as an option to meet the literacy exam requirement.
Office of Student Financial Assistance	Scholarship/Grant Programs—2024 COVID-19 Exceptions	The proposed rulemaking will benefit students impacted by COVID-19 by enabling them to retain their TOPS funding and pursue postsecondary education and thus gain educational benefits and access to higher paying jobs.
Department of Environmental Quality	Disposal of Coal Combustion Residuals	Currently, facilities with CCR units have to perform monitoring and meet requirements of the Louisiana solid waste regulations and the Federal CCR Rule. This creates a financial burden to the facility by having them do work under two programs and spend more time and money adhering to two sets of rules. By aligning the state rule with the federal CCR Rule and regulating these units under the Louisiana regulations, the costs impact on the facilities is greatly reduced. Under the proposed rule, these facilities would only report to LDEQ, instead of both LDEQ and the Environmental Protection Agency.
Department of Environmental Quality	Subscriber Agreements	The proposed rule change is not anticipated to have any effect on costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.
Racing Commission	Timing of Entering Next Claiming Race	The proposed administrative rule may result in an indeterminable economic benefit to licensed racetracks in Louisiana by allowing them to fill more horse races with the added exceptions to claiming procedures, which may help increase parimutuel wagering activities at their properties. The proposed administrative rule may result in an indeterminable economic benefit to licensed owners and trainers, who would be able to enter their horses to compete in more races for possible purse winnings.
Board of Examiners of Nursing Facility Administrators	Pre-Examination Requirements: Conditions Precedent	The proposed changes to §503 may benefit some former nursing facility administrators, as the changes allow persons who were once licensed as nursing facility administrators and worked extensively in the industry to be able to be re-licensed, and thus become gainfully employed by accepting available administrator positions. In addition, nursing facilities who are struggling to staff administrator positions may benefit from a slightly larger hiring pool of licensed applicants. However, any such benefits are indeterminable and will likely be small, as LABENFA estimates that only two or three persons will benefit from the proposed changes.

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<p align="center">Department of Health</p>	<p align="center">Home and Community-Based Behavioral Health—Services Waiver Coordinated System of Care Discharge Criteria</p>	<p>This proposed rule amends the provisions governing the home and community-based behavioral health services waiver in order to clarify the criteria for discharge from the Coordinated System of Care (CSoC) program and ensure that members are aware that their failure to cooperate in the re-evaluation assessment will result in discharge from the waiver program. It will have a positive impact on beneficiaries as it will allow proper notification of the requirement to participate in the level of care assessment to determine eligibility and allow for continuity of needed services. Implementation of this proposed rule will not result in costs to behavioral health providers and small businesses in FY 23-24, FY 24-25, and FY 25-26, but will be beneficial by ensuring that the criteria for discharge from the CSoC program are clearly and accurately promulgated in the Louisiana Administrative Code</p>
<p align="center">Department of Health</p>	<p align="center">Home and Community-Based Services Waivers—Supports Waiver</p>	<p>This proposed rule amends the provisions governing the Supports Waiver to: 1) add specialized medical equipment and supplies (incontinence supplies) and community life engagement development as services, and transportation as a separate service; 2) add reimbursement for each new service; and 3) allow prevocational services to be delivered virtually in order to align the administrative rule with the waiver application approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services. This proposed rule may ease the financial burden on Supports Waiver beneficiaries and their families by providing Medicaid coverage for transportation and incontinence supplies. Providers and small businesses will benefit from implementation of this proposed rule, since it is anticipated to increase Medicaid payments for Supports Waiver services by approximately \$4,797,051 for FY 23-24, \$5,034,950 for FY 24-25, and \$5,287,624 for FY 25-26.</p>
<p align="center">Department of Health</p>	<p align="center">Home Health Program American Rescue Plan Act</p>	<p>This proposed rule amends the provisions in the Home Health Program governing recruitment and retention payments funded under the American Rescue Plan Act of 2021 (ARPA) for nurses that provide extended home health services to beneficiaries under the age of 21 who are in a Medicaid waiver program. These payments were due to expire in April 2024; however, the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services made the decision to extend the funding for these services under ARPA through March 2025. This proposed rule continues the administrative fee home health agencies receive to make recruitment and retention payments to nurses which may reduce the beneficiaries' waiting time to receive extended home health services and increase the percentage of prior authorized nursing hours that are filled. Implementation of this proposed rule is anticipated to increase expenditures for home health services by approximately \$1,921,500 for FY 23-24 and \$5,767,500 for FY 24-25.</p>
<p align="center">Department of Health</p>	<p align="center">Medicaid Eligibility Incurred Medical and Remedial Care Expenses</p>	<p>This proposed rule adopts provisions governing incurred medical and remedial care expenses for beneficiaries who are institutionalized and enrolled in Medicaid or receiving home and community-based services furnished under a waiver in order to deduct certain medical and remedial care expenses incurred for their care, subject to the reasonable limits, from the individual's income in the calculation of patient liability to an institution, in compliance with Title 42 of the Code of Federal Regulations Part 435 Subparts H and I, and to limit the amount of time institutions have to report these expenses to three months after they occurred. This proposed rule will impact beneficiaries if some medical and remedial care expenses are not reported in a timely manner and are not deducted from the patient's liability calculation. Providers will also be impacted since they will now have a three-month time limit for reporting expenses to Medicaid. Implementation of this proposed rule will have no fiscal impact to providers or small businesses, but the timely deduction of incurred medical expenses may result in an indeterminable savings to the Medicaid program for FY 23-24, FY 24-25, and FY 25-26.</p>

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Department of Health	Medical Transportation Program Emergency Medical Transportation	The Department of Health promulgated an Emergency Rule and published a Notice of Intent in the June 20, 2023 edition of the Louisiana Register, which amended the provisions governing reimbursement in the Medical Transportation Program effective July 1, 2023 in order to align the reimbursement rates established for emergency ambulance services and providers with current practice for Medicaid managed care and fee-for-service. However, after further discussions with stakeholders, the Department decided not to proceed with the June 2023 Notice of Intent and to issue an amended Emergency Rule on September 11, 2023. This proposed rule continues the emergency provisions and is necessary to comply with the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) requirement that reimbursement for these services transition from the Full Medicaid Pricing program to an approved federal supplemental payment program. Implementation of this proposed rule is not anticipated to result in costs or benefits to emergency medical transportation providers or small businesses and will not result in a fiscal impact in FY 23-24, FY 24-25, and FY 25-26.
Department of Health	Medical Transportation Program Non-Emergency Medical Transportation American Rescue Plan Act	This proposed rule continues the provisions of the December 1, 2023 Emergency Rule, which amended the provisions in the Medical Transportation Program governing bonus payments to providers of non-emergency medical transportation (NEMT) services in order to establish the guidelines the department will utilize to oversee the administration and distribution of American Rescue Plan Act (ARPA) bonus payment funds to eligible NEMT providers by the Medicaid managed care organizations (MCOs). This proposed rule will ensure that the ARPA bonus payments are made appropriately to eligible NEMT providers by the MCOs and that these providers continue rendering services to Medicaid beneficiaries. Implementation of this proposed rule is anticipated to increase expenditures for NEMT services by approximately \$2,800,584 for FY 23-24 and \$3,399,168 for FY 24-25.
Department of Health	Nursing Facilities Optional State Assessment	This proposed rule continues the provisions of the October 1, 2023 Emergency Rule, which amended the standards for payment and reimbursement for nursing facilities in order to implement the required transition from the current RUG-III/RUG-IV case-mix classification model used under the Medicare skilled nursing facility prospective payment system to the patient driven payment model (PDPM) which was delayed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) until October 1, 2023 due to the COVID-19 public health emergency. The proposed rule implements the PDPM case-mix classification model for skilled nursing facilities and mandates use of the optional state assessment item set. It is anticipated that implementation of this proposed rule will not result in costs or benefits to nursing facility providers or small businesses in FY 23-24, FY 24-25, and FY 25-26.
Department of Health	Facility Need Review	Adult Residential Care Providers (ARCPs) will no longer be required to pay nonrefundable FNR application fees. However, Behavioral Health Services providers of opioid treatment program (OTP) services are now subject to the facility need review (FNR) requirements of Act 531 of the 2022 Regular Session of the Louisiana Legislature, and must obtain FNR approval from the FNR committee prior to obtaining licensure as a BHS provider of OTP services. It is anticipated that implementation of this proposed rule may result in an indeterminable cost savings to ARCPs in FY 23-24, FY 24-25, and FY 25-26, but may adversely impact healthcare providers if the time required to receive FNR approval causes delays in their ability to operate and generate income.
Emergency Response Network Board	Louisiana Stroke Center Recognition	Patients experiencing a stroke are directly affected by this proposed rule, which protocol is authorized by La. R.S. 9:2798.5 and “developed to facilitate the timely and appropriate delivery of patients to the most appropriate care site for the definitive treatment of injuries.” Hospitals seeking Acute Stroke Ready Hospital (ASRH) status and seeking to maintain ASRH are also impacted.

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Office of Public Health	Automated External Defibrillators	Elementary, middle, high, and postsecondary schools that do not have an AED on premises will incur costs associated with purchasing and maintaining AEDs. Schools were appropriated \$1.5 M from the Jump Start Your Heart fund in FY 23 to cover this cost.
Office of Public Health	Doula Registry Board	There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.
Department of Insurance	Regulation 126—Louisiana Fortify Homes Program	The proposed amended rule will provide clarification to the administration of the Louisiana Fortified Home Program to homeowners, contractors, and evaluators that participate in the program.
Department of Natural Resources	Termination of Units	There are no anticipated cost increases associated with the proposed amendment, nor any economic benefits of note.
Department of Revenue	Unrelated Infant Tax Credit	Individuals seeking the credit will need to adopt an unrelated child that is less than three years of age. The individuals may incur expenses associated with the adoption. Additional costs for submission of the required documentation of this credit are expected to be minimal.
Department of Transportation and Development	Weights and Standards	The proposed rule change has no anticipated economic impact to directly affected persons, small businesses, or non-governmental groups. Truckers are already required to purchase overweight and/or oversized permits to travel on Louisiana roads. The proposed rule change updates the permit fees language to match current practices, therefore there will be no impact on truckers.
Plumbing Board	Plumbing: Apprenticeship, Licensure, and Insurance	The proposed rule requires unindentured apprentices to register with the Board and renew their registration annually. Unindentured apprentices will incur an initial cost of \$20 for a one-time registration fee and a \$10 renewal fee in subsequent years. The rule requires a minimum \$500,000 in comprehensive general liability and property damage insurance for master plumbers and master gas fitters; therefore, master plumbers and gas fitters may incur increased insurance premiums associated with the required minimum liability coverage increasing from \$100,000 to \$500,000.