

February 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 February 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
Department of Children and Family Services	Criminal History Records Checks for Access to Federal Tax Information	There may be an economic cost to DCFS employees that have adverse findings on their criminal record, as this may deem the employee unsuitable to handle federal tax information, which will impact their ability to work for DCFS.
Department of Children and Family Services	State Central Registry—Juvenile Detention Facilities	Implementation of this proposed rule will have no cost or economic benefit to directly affected persons or nongovernmental groups.
Department of Environmental Quality	Recycling Tax Credit Reduction	There will be a reduction in economic benefits for individuals who apply for this tax credit. Otherwise there should be little or no net effect to costs and/or economic benefits for the regulated community.
Department of Environmental Quality	Waste Tire Fees	The proposed Rule change results in an increase of an additional \$.25 per tire to anyone purchasing a passenger/light truck tire.
Board of Professional Geoscientists	Use of Seals	The proposed rule change will have no effect on costs to directly affected persons or non-governmental units, but will provide additional guidance to professional geoscientists concerning how and when to use the professional seal.
Department of Health	Direct Service Worker Registry	This proposed Rule amends the provisions governing the Direct Service Worker (DSW) Registry in order to 1) provide a process for direct service workers who have been placed on the DSW Registry with a negative finding of neglect to a client to request removal, under certain conditions, and to provide for appeal opportunities if the reinstatement request is denied; and 2) clarify and ensure that the provisions for the DSW Registry are promulgated in a clear and concise manner in the Louisiana Administrative Code. It is anticipated that the implementation of this proposed rule will not result in economic costs to DSW providers, but will be beneficial by providing a process to appeal certain negative findings and request reinstatement. Implementation of this proposed Rule is not anticipated to result in administrative costs associated with the appeals process for FY 18-19, FY 19-20 and FY 20-21.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of Health	Pharmacy Benefits Management Program Federal Upper Payment Limits and Physician-Administered Drugs Reimbursement	This proposed Rule provides technical amendments to the provisions governing reimbursement in the Pharmacy Benefits Management Program in order to: 1) reinstate the federal upper payment limits provisions that were erroneously repealed in the Notice of Intent published in the January 20, 2019 edition of the Louisiana Register; 2) align the reimbursement provisions in the administrative Rule for physician-administered drugs in a physician office setting with the language in the corresponding Medicaid State Plan Amendment approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS); and 3) ensure that these provisions are appropriately promulgated in the Louisiana Administrative Code. It is anticipated that implementation of this proposed rule will not result in programmatic costs to the pharmacy program in FY 18-19, FY 19-20 and FY 20-21, but will be beneficial by providing accurate and clearly-defined reimbursement requirements for federal upper payment limits and physician-administered drugs in a physician office setting, in compliance with CMS requirements.
Department of Health	Support Coordination Providers Licensing Standards	This proposed Rule repeals the provisions of Title 48, Part I, Chapter 49 of the Louisiana Administrative Code governing case management licensing standards and replaces with provisions governing the licensing of support coordination providers to ensure that these provisions are consistent with other health care licensing requirements and are promulgated in a clear and concise manner in the Louisiana Administrative Code. It is anticipated that the implementation of this proposed Rule will not result in economic costs to support coordination providers for FY 18-19, FY 19-20 and FY 20-21, but will be beneficial by providing accurate, clearly identified licensing standards.
Licensed Professional Vocational Rehabilitation Counselors Board of Examiners	Professional Ethics	Pursuant to Act 626 of the 2018 Regular Session, the proposed rule changes increase the number of practitioner seats on the board by one, from 3 to 4. Furthermore, the proposed rule changes decrease the number of consumer seats on the board by one, from 2 to 1. As a result, there are more opportunities for practitioners to serve on the board, while there are fewer opportunities for consumers to serve on the board. However, the total number of board seats, five (5), remains unchanged.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of Health	Disease Reporting Requirements; Public Health—Immunization Requirements; and Anti-Rabies Vaccination Requirements for Dogs and Cats	The estimated costs to directly affected persons or nongovernmental groups is expected to be negligible. Hospitals, clinics, laboratories, and other facilities that report infectious diseases may be affected by the proposed rule. Due to the addition of diseases to the list of reportable conditions, there may be a slight increase in workload to support these reporting requirements. Most of the added conditions are uncommon and will not result in a substantial increase in reporting effort. Additionally, some diseases will now only be reportable by laboratories, rather than all healthcare facilities, reducing some of the overall burden of reporting.
Department of Insurance	Regulation 89—Suitability in Annuity Transactions	The proposed rule changes will protect insurers and consumers by clarifying and providing more structural guidelines regarding suitability in annuity transactions. The proposed rule changes clearly define what constitutes “suitability information” for consumers in annuity transactions, as well as clarify and elaborate the duties of insurers and insurance producers in such transactions. Furthermore, the proposed rule changes clarify and elaborate on the responsibilities of insurers to comply with regulations on suitability in annuity transactions and clarify penalties that may be levied by the LA Dept. of Insurance (LDI) in the event insurers violate the administrative rules. Lastly, the proposed rule changes increase the length of time insurers and insurance producers must maintain records associated with annuity transactions by 2 years, from 3 years to 5 years.
Corrections Services	Administrative Remedy Procedure	There is no estimated cost and/or economic benefit to directly affected persons or non-governmental groups as a result of the proposed rule change.
Corrections Services	Lost Property Claims	There is no estimated cost and/or economic benefit to directly affected persons or non-governmental groups.
Gaming Control Board	Gaming Operations Relocation	The proposed rule change will result in an indeterminate impact on costs and economic benefits to licensed riverboats. Eligible riverboats will be authorized to relocate no more than 6 percent of the gaming positions in an existing and approved structure and location that may result in indeterminable costs or economic benefits.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Gaming Control Board	Non-Gaming Suppliers	The proposed rule change will have an indeterminate impact on costs and economic benefits for the gaming operator, slot machine gaming licensees, and riverboat gaming licensees. To the extent an operator or licensee no longer is required to pay this permit fee due to the proposed increase in the threshold, the operator would benefit from the proposed rule change. However, it cannot be determined whether non-gaming supplier and eligible non-gaming supplier permittees will increase the number of goods and services to a gaming operator, or slot machine or riverboat gaming licensee or whether they will continue to pay this permit fee due to a request by gaming industry clients or partners.
Elections Division	Voter Registration at Driver's License Facilities	The proposed Rule change will not result in any costs or benefits to directly affected persons or non-governmental entities.
Wildlife and Fisheries Commission	Dredging	Firms who hold commercial dredging licenses will have increased license payments of \$25 annually. Additionally, commercial dredging license holders that extract more material than the specified amount in the dredge license may be subject to a penalty of \$0.05 per cubic yard.
Wildlife and Fisheries Commission	Public Oyster Seed Grounds East of the Mississippi River	The proposed rule changes will have an unknown economic benefit for commercial oyster producers which would gain access to more acres to lease for oyster production. The portions of the Public Oyster Seed Grounds declassified under the proposed rule change currently produce few oysters but may produce oysters in future if potential leaseholders develop the area. Additionally, individuals who hold leases will be responsible for application fees as well recurring oyster lease payments based on acreage.