

August 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 August 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 Agriculture and Forestry	Certified Grain Graders	The proposed rule changes require anyone sampling or grading grain to be trained, tested, and licensed by a federally certified grader with the State of Louisiana. Currently, the application and testing fees are \$25 and \$5, respectively, and will not be increased. Grain graders who did not voluntarily get certified will now be subject to the application and testing fees.
Department of Agriculture and Forestry	Medical Marijuana Program	The proposed rule is not anticipated to have any economic impacts on directly affected persons, small businesses, or non-governmental groups. The proposed rule shifts the regulatory framework from LDAF to LDH for medical marijuana.
Board of Ethics	Electronic Communication	Parties filing reports through the Board of Ethics Computerized Data Management System may benefit from receiving electronic communications in addition to certified mail from the Board of Ethics, as they may be able to respond to such communications in a timelier manner.
Department of Environmental Quality	Clean Air Interstate Rule Requirements	There are no costs or economic benefits to directly affected persons or non-governmental groups as a result of the proposed rule.
Department of Environmental Quality	Freshwater Ammonia Aquatic Life Criteria	Directly affected permittees may incur costs associated with monitoring, treatment of wastewater prior to discharge, and reporting. LDEQ expects costs to be incurred by publicly and privately owned treatment works that discharge 100,000 gallons per day (GPD) of treated wastewater or more and some industrial facilities with a Louisiana Pollutant Discharge Elimination System (LPDES) permit. Although data is not available for every potentially affected facility, LDEQ has received information that indicates the costs for installing new treatment technology would be significant. Facilities may also be subject to additional testing costs to demonstrate compliance with ammonia-nitrogen limits
Boxing and Wrestling Commission	London Ring Fighting	Individuals who officiate at LRF events (judges, referees, etc.) will benefit economically from their employment at these events. Local venues and ring equipment rental services across the state will also benefit economically from rentals for LRF events.
Licensing Board for Contractors	Contractors	Contractors will be positively impacted by a reduction in fees while retaining the number of classifications that they desire.
Department of Health	Adult Residential Care Providers Licensing Standards	This proposed rule amends the provisions governing the licensing of adult residential care providers (ARCPs) in order to update the requirements for visitation by members of the clergy, immediate family members, and other designated persons during a declared public health emergency (PHE), in compliance with Act 367 of the 2023 Regular Session of the Louisiana Legislature. The proposed rule will be beneficial to ARCPs and residents of the facility by ensuring that the requirements for visitation by clergy, immediate family and other persons during a PHE comply with legislative mandates. It is anticipated that implementation of this proposed rule will not result in costs to ARCPs for FY 23-24, FY 24-25, and FY 25-26.

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Department of Health	Ambulatory Surgical Center Licensing Standards	This proposed rule amends the provisions governing the licensing of ambulatory surgical centers (ASCs) in order to require ASCs to adopt and implement policies for a surgical smoke plume evacuation plan for surgical procedures using heat-producing equipment, in compliance with Act 35 of the 2023 Regular Session of the Louisiana Legislature. It is anticipated that implementation of this proposed rule may result in an indeterminable impact to ambulatory surgical centers for FY 23-24, FY 24-25, and FY 25-26, as a result of policies the providers may adopt and implement to address evacuation of the surgical smoke plume.
Department of Health	Crisis Receiving Centers Licensing Standards	This proposed rule amends the provisions governing the licensing of crisis receiving centers in order to update the definitions to appropriately reflect the providers who may execute a coroner's or physician's emergency certificate, in compliance with Act 363 of the 2023 Regular Session of the Louisiana Legislature. Act 363 allows coroners and deputy coroners who are physicians to execute these certificates via actual examination or telemedicine examinations. Implementation of this proposed rule is not anticipated to result in costs to providers in FY 23-24, FY 24-25, and FY 25-26, but will be beneficial by ensuring that the providers who may execute a coroner's or physicians emergency certificate are accurately reflected in the <i>Louisiana Administrative Code</i> .
Department of Health	Disproportionate Share Hospital Payments Reimbursement Methodology	This proposed rule amends the provisions governing disproportionate share hospital (DSH) payments to increase the reimbursement for DHS eligible services provided by hospitals through a cooperative endeavor agreement with the Office of Behavioral Health in order to align the payment rate for OBH-approved DSH days to the Medicaid inpatient psychiatric per diem rate on file for free-standing psychiatric hospitals. Implementation of this proposed rule is anticipated to increase Medicaid payments to qualifying hospitals by \$2,214,248 for FY 23-24, \$3,795,853 for FY 24-25, and \$3,795,853 for FY 25-26.
Department of Health	Hospice Licensing Standards	This proposed rule amends the provisions governing the licensing of hospice providers to adopt guidelines for visitation during a declared public health emergency (PHE) by clergy, immediate family members and other designated persons, in compliance with Act 367 of the 2023 Regular Session of the Louisiana Legislature. Additionally, the proposed rule revises the definition of geographic area to specify any parish within a 50 mile radius of the hospice premises, in compliance with House Resolution 152 of the 2023 Regular Session of the Louisiana Legislature. The proposed rule will be beneficial to hospice patients by allowing visits by clergy, family members and other persons during a declared PHE. It is anticipated that implementation of this proposed rule will not result in costs to hospice providers in FY 23-24, FY 24-25, and FY 25-26, but will be beneficial by establishing standards for visitation during a declared PHE and clarifying the geographic service area.

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<p align="center">Department of Health</p>	<p align="center">Hospital Licensing Standards</p>	<p>This proposed rule amends the provisions governing the licensing of hospitals in order to permit competent adult victims of sexually oriented offenses to receive written documentation resulting from their forensic medical exam which is in possession of the hospital, in compliance with Act 540 of the 2022 Regular Session of the Louisiana Legislature. Additionally, the proposed rule complies with Act 35 of the 2023 Regular Session of the Louisiana Legislature by requiring hospitals to adopt and implement policies for a surgical smoke plume evacuation plan for surgical procedures using heat-producing equipment, and also updates the requirements for visitation by members of the clergy during a declared public health emergency (PHE), in compliance with Act 367 of the 2023 Regular Session of the Louisiana Legislature. This proposed rule will be beneficial by allowing competent adult victims of sexually oriented criminal offenses to receive written documentation from their forensic medical exam and ensuring that the requirements for visitation by members of the clergy during a declared PHE comply with legislative mandates. This proposed rule may result in indeterminable costs to hospitals related to reproduction of written documentation from the forensic medical exam for competent adult victims of sexually oriented criminal offenses for FY 23-24, FY 24-25, and FY 25-26, since the documents must be provided at no cost to the patient. There may also be an indeterminable impact as a result of policies the provider may adopt and implement to address evacuation of the surgical smoke plume.</p>
<p align="center">Department of Health</p>	<p align="center">Intermediate Care Facilities for Persons with Developmental Disabilities Licensing Standards</p>	<p>This proposed rule amends the provisions governing the licensing of intermediate care facilities for persons with developmental disabilities (ICFs/DD) in order to update the requirements for visitation by close family members of a resident during a declared public health emergency (PHE) in compliance with Act 367 of the 2023 Regular Session of the Louisiana Legislature. Additionally, the proposed rule adopts provisions requiring ICFs/DD to develop policies and procedures to ensure that residents, family members and/or responsible parties or guardians are notified upon admission of registered sex offenders by the facility. The proposed rule will be beneficial to ICF/DD residents and providers by ensuring that the requirements for visitation by close family members of the resident during a PHE and notification of registered sex offender admission by the facility comply with legislative mandates. It is anticipated that implementation of this proposed rule will not result in costs to ICFs/DD in FY 23-24, FY 24-25, and FY 25-26.</p>
<p align="center">Department of Health</p>	<p align="center">Medicaid Reimbursement for Licensed Midwife or Certified Nurse Midwife Services</p>	<p>This proposed rule continues the provisions of the August 1, 2023 Emergency Rule, which adopted provisions in the Professional Services Program governing reimbursement for services provided by licensed midwives and certified nurse midwives and amended the provisions governing free-standing birthing centers to increase the reimbursement rate for services rendered by these providers, in compliance with Act 207 of the 2023 Regular Session of the Louisiana Legislature. The Act requires that the Medicaid reimbursement rate for midwifery services be, at a minimum, 95 percent of the amount reimbursed to licensed physicians for the provision of the same health services in pregnancy and childbirth when acting within their scope of practice. This proposed rule will ensure that Medicaid beneficiaries have continued access to these services. Implementation of this proposed rule is anticipated to increase reimbursement to licensed midwives and certified nurse midwives by \$210,641 for FY 23-24, \$289,280 for FY 24-25, and \$297,958 for FY 25-26.</p>

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Department of Health	Nurse Aide Training and Competency Evaluation Program	This proposed rule amends the provisions governing the Nurse Aide Training and Competency Evaluation Program in order to update the qualifications for certified nurse aides (CNAs) to allow certification of individuals who have successfully completed a semester of a registered or practical nursing program, which includes a course on foundational nursing skills, to take an approved nurse aide competency evaluation examination and after successfully passing the examination the CNA is allowed to register with the Louisiana Certified Nurse Aide Registry, in compliance with Act 80 of the 2023 Regular Session of the Louisiana Legislature. It is anticipated that this proposed rule will not result in costs to providers for FY 23-24, FY 24-25, and FY 25-26, but will be beneficial by adding another method for certification which may expand the potential pool of CNAs available for employment.
Department of Health	Nursing Facilities—Licensing Standards	This proposed rule amends the provisions governing the licensing of nursing facilities to reflect the department's option to revoke or deny renewal of the license of a facility that has received a letter of rejection of its emergency preparedness, in compliance with Act 3 of the 2023 Regular Session of the Louisiana Legislature. The proposed rule also amends the provisions governing visitations by clergy, immediate family and other designated persons during a declared public health emergency (PHE), in compliance with Act 367 of the 2023 Regular Session of the Louisiana Legislature. This will be beneficial to nursing facility residents and providers by ensuring that the requirements for visitation by clergy, immediate family and other designated persons during a declared PHE comply with legislative mandates. It is anticipated that implementation of this proposed rule will not result in costs to nursing facilities in FY 23-24, FY 24-25, and FY 25-26, but may adversely impact facilities that receive letters of rejection of their emergency preparedness plans if the department elects to revoke or deny renewal of the facility's license.
Department of Health	Registration of Foods, Drugs, Cosmetics and Prophylactic Devices	Given that LDH will revoke or deny registration of consumable hemp products that are not designed or intended for oral consumption or topical use, manufacturers or retailers of these products may be negatively impacted as they will not be able to sell these products in Louisiana.
Office of Public Health	Sanitary Code—Food Service Establishment Violations	Owners of food service establishment that serve crawfish and shrimp may incur a fine of \$10,000 per violation per year if they fail to notify to patrons of the origin of crawfish and shrimp.
Office of Public Health	School Based Health Centers	Assigned personnel at these health centers in schools will be required to provide the listed information to be included in the Louisiana Department of Health, Office of Public Health registry. The rule proposed will result in a nominal increase to the personnel's workload, resulting the personnel submitting the required information for the health center.
Department of Public Safety and Corrections	Driving Schools	The proposed rule does not have any effect on the estimated costs and/or economic benefits of affected persons or non-governmental groups. Driving schools were previously allowed to use alternative methods during the COVID-19 pandemic. Therefore, the proposed rule is not anticipated to have any effect on the costs of driving schools.

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<p align="center">Department of Public Safety and Corrections</p>	<p align="center">Notification of Removal of License Plate by a Motor Vehicle Dealer</p>	<p>Motor vehicle dealers are already required to enter trade vehicles into OMV’s temporary tag database at the time the vehicle is traded in and a new vehicle is purchased. To implement this proposed rule, OMV will leverage the temporary tag database for reporting removed and canceled license plates by motor vehicle dealers. Therefore, the proposed rule is not anticipated to have any impact on motor vehicle dealers.</p> <p>The proposed rule directly impacts Louisiana citizens that have flags for insurance lapse in the OMV system because of late notification. The proposed rule reduces the time frame that motor vehicle dealers have to submit electronic notifications of canceled license plates from 30 days to 24 hours. This is anticipated to reduce the number of flags for insurance lapses generated by the OMV system as a result of motor vehicle dealers not submitting timely notifications. Approximately 20% of the calls to OMV are Louisiana citizens trying to remove these flags. Therefore, citizens will benefit by not having to call or visit an OMV office to clear up insurance lapse flags.</p>
<p align="center">Department of Public Safety and Corrections</p>	<p align="center">Uniform Construction Code</p>	<p>The proposed rule will not impact persons, small businesses or non-governmental groups.</p>
<p align="center">Department of State</p>	<p align="center">Department Non-Statutory Fees</p>	<p>The estimated costs to persons, small businesses or non-governmental groups may increase to the extent they are subject to the fee increases.</p>
<p align="center">Department of Wildlife and Fisheries</p>	<p align="center">Bowfishing Permit</p>	<p>The proposed rule change is expected to impose no additional financial cost on anglers and charter vessel operators. The proposed rule change may be associated with some additional inconvenience or effort because individual bowfishing anglers will be required to go through the process of obtaining the permit.</p>
<p align="center">Department of Wildlife and Fisheries</p>	<p align="center">Red Drum—Harvest Regulations</p>	<p>The proposed rule change may result in a decrease in angler activity and spending and thus a decline in income among businesses that serve saltwater anglers as a result of the red drum harvest reduction.</p>