

July 2022

Economic Impact Statements for Proposed Rules

The corresponding proposed rule to each of the statements below may be viewed in its entirety in the July 20, 2022 *Louisiana Register*. Each *Louisiana Register* edition is published on the 20th of each month.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of State Civil Service	Election of Employee Member of the State Civil Service Commission	No costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups is anticipated.
Board of Elementary and Secondary Education	Bulletin 135—Health and Safety	The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.
Board of Elementary and Secondary Education	Bulletin 137—Louisiana Early Learning Center Licensing Regulations	The proposed revisions may benefit some child care centers who will be able to serve more children due to the decreased useable indoor space requirements.
Board of Elementary and Secondary Education	Bulletin 139—Louisiana Child Care and Development Fund Programs	The proposed revisions will benefit participating family child care providers by making them eligible for SRTC tax credits.
Board of Elementary and Secondary Education	Bulletin 140—Louisiana Early Childhood Care and Education Network Ready Start Network	Ready Start Networks work to expand access to high-quality childcare options within community networks. Greater access to childcare will benefit employers and employees of local businesses.
Board of Elementary and Secondary Education	Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators	The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.
Board of Elementary and Secondary Education	Bulletin 746—Louisiana Standards for State Certification of School Personnel	Educators in alternate teacher preparation programs applying for initial or add-on certification in one of the areas affected by these revisions will incur an examination fee of \$156 if they take the PRAXIS teaching reading exam in lieu of required credit hours or BESE-approved literacy foundations training.
Board of Elementary and Secondary Education	Bulletin 746—Louisiana Standards for State Certification of School Personnel Appeal Process	The proposed revisions may benefit applicants for educator credentials by providing additional time to appeal a denial.
Board of Elementary and Secondary Education	Bulletin 746—Louisiana Standards for State Certification of School Personnel Teacher Certification	The proposed revisions may benefit applicants for educator credentials by providing additional time to appeal a denial.
Board of Elementary and Secondary Education	Emergency Contracting Process	The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.
Board of Elementary and Secondary Education	Graduation Requirements	The proposed revisions may benefit certain high school seniors by allowing them to graduate on time despite not meeting the LEAP 2025 assessment requirements for graduation.

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Office of Student Financial Assistance	Scholarship/Grant Programs Dual Enrollment Psychology	A small number of students may qualify for a higher TOPS award level. There are no anticipated direct impacts on small business or non-governmental groups.
Board of Architectural Examiners	Deceased or Retired Member Predecessor Firms	There are no estimated costs or economic benefits to architects or any other directly affected persons, small businesses, or non-governmental groups related to the amendment of the proposed rule. The proposed rule merely clarifies the intent of the original rule. Upon the retirement or death of a firm member and as stated in the first two sentences of the existing rule, the board has long permitted an architectural firm to retain the name of a deceased or retired member in its firm name, provided the status of any deceased or retired member is clearly shown on the firm letterhead and website.
Office of Group Benefits	Health Benefits Pre-Existing Condition Limitation	There will be no additional costs or economic benefits to the existing or future OGB health plan members of OGB or agencies participating in OGB programs as a result of the proposed repeal of LAC 32:I.1509.
Real Estate Commission	Licensure, Franchise, Real Estate Schools and Vendors	There are no estimated costs associated with the proposed rule change.
Board of Dentistry	Dental Hygienists	<p>The proposed rule promulgation of §702 will directly affect dental hygienists as they will now be allowed to work under general supervision of a dentist in a licensed nursing home if:</p> <ol style="list-style-type: none"> 1. The dental hygienist has at least five years of full-time practice of dental hygiene; 2. The dental hygienist is employed by a Louisiana licensed dentist; 3. The dental hygienist has taken six hours of continuing education on medical emergencies within the last two years or during the hygienist's last preceding licensure cycle; and 4. The dental hygienist has current CPR certification and complies with the established protocols for emergencies which the supervising dentist has established. <p>The board estimates this will impact roughly 15 dental hygienists across the state and will remain within the Board's current capacity to implement.</p>
Board of Pharmacy	Compounding	The proposed rule changes remove the references to a specific edition of the United States Pharmacopeia-National Formulary (USP-NF). Since the current compounding standards are contained in the 2014 edition of the USP-NF, removing the reference to the 2014 edition in rule has no current impact on directly affected persons, small businesses, or non-governmental groups. However, USP efforts to update the relevant chapters for compounding have been underway since 2019. USP does not have an anticipated date for publication of the proposed revision but will provide advance notice of at least six months prior to the anticipated effective date of the proposed revision. The cost for a pharmacy to comply with any revised standards will vary by pharmacy and are indeterminable until finalized USP-NF standards are released.
Board of Pharmacy	Nonresident Pharmacies	<p>The proposed rule changes replace the term "out-of-state" with "nonresident" and create parity between nonresident and resident pharmacies chapter requirements. The proposed rule could benefit nonresident pharmacy permit owners by removing the requirement to designate a resident agent and registered office in Louisiana thereby eliminating potential costs for doing so. Resident pharmacies had a similar requirement in the past, though this was removed.</p> <p>The primary reason for the removal of the registered office and resident agent requirement is that existing regulation exceeds the authority of current law, which specifies a pharmacy "may" have a resident agent and registered office, while existing regulation states they "shall."</p> <p>The other proposed language changes have no costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.</p>

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Board of Pharmacy	Partial Fills of Controlled Dangerous Substance Prescriptions	<p>The proposed rule changes modify requirements for pharmacies with regard to partial fills and will affect patients requesting partial fills of prescriptions for controlled dangerous substances by allowing them to obtain a quantity less than that prescribed. The smaller quantity may cost less than the full quantity, would result in a smaller quantity of medication stored or held by the patient, and may result in a smaller quantity of leftover medication available for diversion or destruction.</p> <p>The proposed rule changes will affect a small number of pharmacies whose dispensing information systems are not currently capable of accurately recording partial fills and refills of prescriptions for controlled dangerous substances. The exact number of pharmacies using outdated software incapable of recording partial fills are unknown though likely minimal given current prescribing standards of practice regarding controlled substances. Currently, pharmacies incapable of recording partial fills must refer the prescription to a separate pharmacy with that capacity or request the prescriber or patient to alter their request from partial to full.</p> <p>Some pharmacies may see an increase in IT-related costs to adopt compliant software. Information communicated to the Board by pharmacists indicate the vendors of dispensing information software do not usually charge for upgrades to existing software when federal or state regulations require certain capabilities for dispensing information systems. By the Board's rough estimate, 5 percent of prescriptions filled within Louisiana are partial fills.</p>
Board of Pharmacy	Transfer of Prescription Information	<p>The proposed rule changes have no costs or economic benefits to directly affected persons, small businesses, or non-governmental groups. The proposed change broadens the language of 'write' to 'record' to account for the electronic transfer of prescriptions. Existing regulation was drafted when only paper prescriptions existed and this rule allows electronic records to simplify recordkeeping requirements in the pharmacy.</p>
Department of Health	Hospital Licensing Standards Obstetrical and Newborn Services	<p>This proposed rule amends the provisions governing the licensing of hospitals in order to update the standards for obstetrical and newborn services to ensure that the administrative rule reflects current requirements for staffing and levels of care units. Additionally, the existing provisions of LAC 48:I.9511-9515 are being relocated to LAC 48:I.9519-9523. Facilities choosing to offer certain obstetric and newborn services may experience an increase in operational costs in FY 22-23, FY 23-24, and FY 24-25; however, there is no way to determine the number of hospitals that may be impacted nor estimate the potential costs to these providers.</p>
Uniform Construction Code Council	Uniform Construction Code	<p>The proposed rule changes will result in indeterminable net savings in commercial and residential construction costs and/or operating and maintenance costs for owners and contractors, while maximizing safety, as a result of the permitted use of new technologies and a revision of building standards for which sprinkler systems must be installed.</p> <p>The IPC amendments will allow for more efficient, new technologies to be implemented while maintaining safety requirements for the health and welfare of Louisiana citizens. The new, efficient technologies carry a higher front-end cost, but cost less to operate over time than older technologies. As a result, entities may realize net savings on maintenance and operating costs over time to the extent they make use of the new technologies.</p> <p>The proposed IBC amendments will allow for an increase in area square footage before requiring a sprinkler system while still maintaining the safety of individuals, meaning entities may build larger buildings without incurring expenses for sprinkler systems. The net savings is indeterminable, as the number of entities engaging in new construction projects that fit the new criteria for needing sprinkler systems is unknown.</p> <p>The proposed NEC amendments will promote the re-use of existing buildings and will help develop downtown historical structures to be brought back into the economic development stream.</p>

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Department of Revenue	Mobile Workforce Exemption	No material impacts on costs or economic benefits are anticipated for affected personal or non-governmental groups due to this proposed rule change.
Department of Revenue	Presidential Disaster Tax Relief Credit, Federal Income Tax Deduction and Withholding by Professional Athletic Teams	No material impacts on costs or economic benefits are anticipated for affected personal or non-governmental groups due to this proposed rule change.
Department of Wildlife and Fisheries	Daily Take of Crappie on Bayou D'Arbonne Lake	The proposed rule change is expected to have a minor negative effect on the small number of anglers who catch more than seven crappie that are over 12 inches long during a single day of fishing on Bayou D'Arbonne Lake. Most anglers on the lake harvest fewer than three fish per trip of any legal length and consequently are unlikely to be affected by the proposed rule change. In a sample of 346 anglers on Bayou D'Arbonne Lake in a creel survey administered by the LDWF Inland Fisheries Section, the average number of crappie of any legal length caught was 4.7 fish per trip. The average number harvested or kept was 2.5 fish per trip. Further, most of the crappie present in the lake and harvested by area users are under 12 inches long. Only 27 percent of the Bayou D'Arbonne Lake crappie harvested in the LDWF creel survey were 12-inches or longer. Consequently, the modified length limit constricting the number of harvested fish over 12 inches would affect relatively few angler trips even among the minority that harvested more than seven fish all together.