

November 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 November 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	Registration Requirements and Fees for Electric Vehicle Supply Equipment	The proposed rule establishes the requirements for registering EVSE devices and establishes a fee schedule. Owners or operators of commercial charging points will be required to register the devices with the Weights and Measures Division at a proposed fee of \$100 per charging point per year. This fee will be used to defer the cost of testing and inspecting commercial EV devices. This fee is in line with other states for their registration of the devices.
Board of Elementary and Secondary Education	Bulletin 741—Louisiana Handbook for School Administrators Graduation Appeals Process	The proposed rule change will benefit certain high school seniors by allowing students to graduate via an alternate portfolio approach. Some students may graduate on time despite not meeting the LEAP 2025 assessment requirements for graduation. In years prior to COVID, approximately 5% to 7% of public-school students did not meet graduation requirements. This policy change will allow these students to demonstrate the fulfillment of the same course proficiency standards as currently proven via standardized assessments, through an appeal in which the portfolio will serve as a substitute in verifying course competency.
Board of Elementary and Secondary Education	Bulletin 118—Statewide Assessment Standards and Practices—English Language Proficiency Test Connect Cut Scores	The proposed rule change will not result in costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.
Board of Regents	Meeting Accessibility and Accommodations	The proposed rule change will have no estimated effect on costs to directly affected persons, small businesses, or non-governmental groups. Directly affected person may realize a savings associated with not traveling to a meeting location as a result of meetings taking place electronically.
Board of Architectural Examiners	General Disciplinary Guidelines	The proposed rule change will positively impact firms who are found by the board to have practiced architecture with an expired certificate of authority. Existing guidelines provide that firms will be fined for practicing with an expired certification of authority, and the amount of the fine varies depending upon the length of time of the expired practice. Under the proposed rule, firms will pay half the fine currently imposed.
Board of River Port Pilot Commissioners for the Port of New Orleans	Education Requirements	The proposed rule change may have a minimal impact on those seeking to become a pilot apprentice. The proposed rule change requires pilot apprentice applicants have a degree from an educational institution approved by the Federal Maritime Administration. Of the 26 applicants in both 2022 and 2023 only two applicants did not meet this requirement. Though these applicants will remain eligible under the proposed rule, any future applicants that have not obtained their bachelor’s degree from an institution approved by the Federal Maritime Administration will become ineligible.

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Department of Veterans Affairs	Veterans' Affairs	The proposed rule changes are mostly technical updates to existing LDVA administrative rules in order to reflect updates in statute. One of the proposed updates would set eligibility standards for members of the Louisiana National Guard and reserve components of the Armed Forces to be buried in state-run veterans' cemeteries, in line with the recent congressionally-passed Burial Equity Act, at a reasonable cost to be paid by the service members' families if funds for the burials are not appropriated by the legislature or the U.S. VA. In that case, the newly eligible veterans would pay \$949 in burial costs and \$355 for a grave marker, and spouses and dependent children of these newly eligible veterans who elect to be buried in state run veterans' cemeteries would pay \$745 in burial costs, as set in R.S. 29:295(C), and \$355 for a grave marker.
Board of Dentistry	Continuing Education Requirements	The proposed rule change will benefit licensed dentists by aligning continuing education deadlines with licensure renewal periods. Any dentist renewing his or her anesthesia permit will benefit from this rule change because the continuing education requirements will be changed from 12 hours every 4 years to 6 hours every 2 years, which will coincide with licensure renewal and will begin in the second renewal period after the first permit is issued. In addition, any dentist renewing his or her pediatric sedation permit will benefit from this rule change because the continuing education requirements will be changed from 12 hours every 4 years to 6 hours every 2 years, which will coincide with licensure renewal.
Board of Pharmacy	Pharmacists Application	The proposed rule change will benefit pharmacist applicants by removing the requirement to submit the initial application for licensure at least 30 days prior to taking any examination. The proposed rule change will allow applicants to submit the initial application for licensure after successful completion of all required examinations.
Board of Pharmacy	Prescription Monitoring Program	The proposed rule change will benefit pharmacies and prescribers by requiring all butalbital products to be reported to the Prescription Monitoring Program, which will result in a more complete review of the patient's medication history. Pharmacies will be required to report additional butalbital prescription transactions than is currently required, but the process will be less complicated. Since pharmacies report the transactions electronically through automated means, the impact will be minimal. By removing naloxone as a drug of concern, pharmacies will no longer be required to report those transactions electronically but the impact will be minimal.
Board of Pharmacy	Product Integrity	The proposed rule change will benefit consumers by ensuring that drugs are stored under environmental conditions which ensure the integrity of the drug prior to delivery to the patient. To the extent a pharmacy is not currently storing and/or delivering medication in appropriate environmental conditions, there could be additional costs to the pharmacy to ensure appropriate storage conditions prior to transferring possession of the medication to the patient. These costs are indeterminable.
Department of Health	Disproportionate Share Hospital Payments--Northern Area Psychiatric Hospitals	This proposed rule amends the provisions governing disproportionate share hospital (DSH) payments to establish the qualification criteria and methodology for payments for the uncompensated care costs of inpatient psychiatric hospitals located in the northern area of the state with an academic training mission for services provided to uninsured and low-income individuals from the payment pool created in accordance with Act 447 of the 2023 Regular Session of the Louisiana Legislature. This proposed rule will ensure that vital inpatient psychiatric services for low-income patients continue to be provided by psychiatric hospitals in northern Louisiana. Implementation of this proposed rule is anticipated to increase Medicaid payments to qualifying inpatient psychiatric hospitals by \$2,000,000 in FY 23-24, \$2,000,000 in FY 24-25, and \$2,000,000 in FY 25-26.

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<p>Department of Health</p>	<p>Home and Community-Based Services Waivers--Adult Day Health Care Waiver</p>	<p>This proposed rule continues the provisions of the November 09, 2023 Emergency Rule which extended the expiration date for health status monitoring, home delivered meals, activity and sensor monitoring, and personal emergency response systems that were initially added to the Adult Day Health Care (ADHC) waiver as temporary services during the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE) and were extended beyond the May 11, 2023 PHE end date as allowed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). CMS has now approved adding them as permanent waiver services. This proposed rule will allow ADHC waiver participants to maintain access to services to meet their needs and providers to continue receiving Medicaid reimbursement. Implementation of this proposed rule is anticipated to increase expenditures for ADHC waiver services by approximately \$250,605 for FY 23-24, \$250,605 for FY 24-25, and \$250,605 for FY 25-26.</p>
<p>Department of Health</p>	<p>Inpatient Hospital Services Teaching Hospitals</p>	<p>This proposed rule amends the provisions governing inpatient hospital services to clarify the purpose of the affiliated agreement that hospitals must have with an accredited institution for major or minor teaching hospital graduation education training and the options applicable for residency programs in order to align the administrative rule with the current State Plan Amendment (SPA) approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). It is anticipated that implementation of this proposed rule will not result in costs to Medicaid providers or small businesses in FY 23-24, FY 24-25, and FY 25-26, but will be beneficial by ensuring that the program requirements in the Louisiana Administrative Code do not conflict with the CMS approved SPA.</p>
<p>Department of Health</p>	<p>Intermediate Care Facilities for Persons with Intellectual Disabilities Leave of Absence Days</p>	<p>This proposed rule amends the provisions governing leave of absence days for intermediate care facilities for persons with intellectual disabilities (ICFs/IID) in order to increase the total leave days for ICF/IID clients from 45 to 60 and from 30 consecutive days in any single occurrence to 45 consecutive days which will allow ICF/IIDs to bill up to 60 leave days per fiscal year and up to 45 consecutive days. The proposed rule will benefit ICF/IID clients by allowing them to spend additional time with their families away from the facility. Implementation of this proposed rule may reduce Medicaid program expenditures by approximately \$96,444 for FY 23-24, \$96,444 for FY 24-25, and \$96,444 for FY 25-26, if ICF/IID clients utilize the additional leave days and payments to facilities are reduced.</p>
<p>Department of Health</p>	<p>Adult Day Health Care Licensing Standards</p>	<p>This proposed rule amends the provisions governing the licensing of ADHC centers in order to add and revise definitions, update the process for granting waivers to building and construction guidelines and requirements, remove requirements for FNR approval, and add provisions for an extension of the inactivation of license timeframe due to a declared or non-declared disaster or emergency. It is anticipated that implementation of this proposed rule may result in an indeterminable decrease in costs to ADHC's in FY 23-24, FY 24-25, and FY 25-26, since ADHC's will no longer be required to pay nonrefundable FNR application fees.</p>
<p>Department of Health</p>	<p>Behavioral Health Service Providers Licensing Standards</p>	<p>This proposed rule amends the provisions governing the licensing of BHS providers in order to add the definition of mental health partial hospitalization program, and to remove the age restriction for use of mobile crisis response services. This proposed rule also adopts licensing requirements governing BHS providers of mental health partial hospitalization programs. It is anticipated that implementation of this proposed rule may result in an indeterminable cost increase to BHS providers in FY 23-24, FY 24-25, and FY 25-26, since BHS providers who choose to provide additional behavioral health services will be required to pay a nonrefundable application fee.</p>

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Department of Health	Nurse Staffing Agencies Licensing Standards	This proposed rule amends the provisions governing the licensing of nurse staffing agencies (NSAs) in order to add and update definitions, adjust social media policy requirements, revise administrator requirements, and modify initial licensure and change of ownership requirements. It is anticipated that this proposed rule may result in an indeterminable decrease in costs to NSA in FY 23-24, FY 24-25, and FY 25-26, since criminal background checks on all applicant(s), owner(s) with five percent or more ownership interest, or administrator(s)/director(s) for any state lived in within the last five years will no longer be required for initial licensure as a NSA or change of ownership of a NSA.
Office of Public Health	Consumable Hemp Products Labeling	Manufacturers or retailers of consumable hemp products designed and intended for topical use may be positively impacted as they will now be able to sell these products in Louisiana by excluding ethanol from the list of solvents that must be tested in their certificates of analyses.
Board of Pardons and Committee on Parole	Virtual Meetings	Electronic meetings could potentially reduce expenses to directly affected persons, small businesses, or non-governmental groups by negating the need for travel to a board meeting.
Corrections Services	Administrative Remedy Procedure	There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups.
Gaming Control Board	Application Withdrawal License Surrender Form	There are no anticipated costs or economic benefits to directly affected person, small businesses, or non-governmental groups. The proposed rule simply provides a formal process to allow applications to be withdrawn and licenses to be surrendered.
Office of Motor Vehicles	Driving Schools	The proposed rule will economically benefit owners and examiners that previously had to pay a separate fee to be authorized to administer the knowledge and on-road driving skills tests.
State Bond Commission	Meetings via Electronic Means	Electronic meetings could potentially reduce expenses to directly affected persons, small businesses, or non-governmental groups by negating the need for travel to a board meeting.
Department of Wildlife and Fisheries	Menhaden Season	The proposed rule change is expected to reduce the receipts or income for commercial fishers and processors involved in the commercial harvest and processing of menhaden. The rule change has the potential to reduce menhaden harvests by as much as 15 percent with a corresponding decline of up to \$12.5 million in dockside value or \$31.3 million in menhaden product sales. Depending on the reaction to the proposed rule change and ensuing behavior of the commercial fishers, this loss will be less should fishers shift their activity to locations outside the prohibited area, however the extent to which this will happen is indeterminable at this time.