

February 2021

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, 2021 *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 Agriculture and Forestry	Electronic Transfer/Driver Cards	The proposed rule change would allow purchasing/receiving facilities the option of utilizing electronic transfer/driver cards. If used, the costs of utilizing such cards would be incurred by either the purchasing/receiving facility or the individual drivers and may result in a cost to either party. The exact cost, while unknown, is expected to be nominal.
Department of Agriculture and Forestry	Forestry Productivity Program	The proposed rule change will allow the Commissioner of Agriculture & Forestry, upon recommendation of the Louisiana Forestry Commission, to determine the State's level of participation in the Forestry Productivity Program (FPP). The determination will be based on annual available funding and program interest. The estimated economic benefits to directly affected persons, small businesses, or non-governmental groups will result in setting program parameters to maximize benefits to a larger number of program participants. Forest landowners who participate in the Forestry Productivity Program and whose costs will equal or exceed the maximum cost-share rate will be affected indirectly since the amount of reimbursement will increase. There is no way to determine how many of such landowners will be affected or the amount they will receive. The program operates on a "first come-first served" basis and there is no way to predict how many landowners will be chosen to participate or the amount of costs that will be submitted.
Board of Elementary and Secondary Education	Bulletin 118—Statewide Assessment Standards and Practices	There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed policy revisions.
Board of Elementary and Secondary Education	Bulletin 126—Charter Schools—Charter School Renewals and Virtual Charter School Attendance	The proposed revisions are not anticipated to result in additional costs to charter school applicants as they reflect existing policy and practice regarding the charter school application process.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
<p>Board of Elementary and Secondary Education</p>	<p>Bulletin 139—Louisiana Child Care and Development Fund Programs—CCAP Household Eligibility</p>	<p>Child care providers participating in CCAP will experience enhanced rate payments made on behalf of eligible households as a result of the proposed reimbursement rates. The proposed revisions will further allow providers to be reimbursed at the state maximum daily rate, irrespective of the provider’s own rates. LDE anticipates the proposed revisions will increase the quality of care provided, enable more child care providers to remain open, and may incentivize some Type I or II centers to convert to a Type III center. However, it is unknown how many providers will receive net additional funds as a result of this provision. CCAP participating child care centers may realize economic benefits from the enhanced payment structure depending on the number of eligible children enrolled. Participating child care centers may realize a negative economic impact if newly eligible children wish to enroll but are waitlisted due to limited funding. The net impact is indeterminable, but some providers are likely to realize positive impacts while others realize negative.</p> <p>Families with children in the CCAP program may benefit from reduced child care payments as a result of the proposed rate increases. These families may have access to a wider choice of providers. Families may become eligible for services through CCAP through the expanded eligible income range.</p> <p>However, to the extent the proposed revisions cause demand for program services to exceed available federal grant allocations (and supplemental state funding), fewer families may be served through CCAP and will be waitlisted until such funding becomes available. The expansion of eligibility to families with a higher income may lead some lower-income families who might otherwise have gained access to the program to instead be placed on the waitlist.</p>
<p>Board of Elementary and Secondary Education</p>	<p>Bulletin 1903—Regulations and Guidelines for Implementation of the Louisiana Law for the Education of Dyslexic Students</p>	<p>The proposed revision will not result in costs or benefits to persons, small businesses, or non-governmental groups.</p>
<p>Office of Student Financial Assistance</p>	<p>Achieving a Better Life Experience (ABLE) Program</p>	<p>There will be no estimated costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.</p>
<p>Board of Examiners of Psychologists</p>	<p>Fees</p>	<p>This proposed amendment increases six different fees assessed by the board for license renewal, license reinstatement, paper processing, temporary registrations and applications to provide telesupervision as follows: first, applications for the annual licensing renewal fee for approximately 677 psychologists will increase from \$350 to \$400. Second, the annual license renewal fee for approximately 64 qualifying psychologists who are 65 years of age or older will increase from \$175 to \$200 in accordance with RS 37:2354.E(2). Third, under RS 37:2354.C, the reinstatement fee will increase by \$50 which is applicable only if a psychologist allows their license to lapse for failure to pay the required renewal fee or submit continuing education as required by the laws and rules that govern this Board. Fourth, fees to process paper renewals will increase from \$15 to \$50 and will impact only those licensees who choose not to take advantage of free online renewals. Fifth, applications for temporary registrations for an out-of-state psychologist to practice in Louisiana under RS 37:2365.D will increase from \$175 to \$200. Finally, the proposed amendment adds an application fee for licensed psychologists who are requesting an exception to current supervision requirements, for authorization to provide supervision to unlicensed individuals via electronic (telepsychology) in the amount of \$25 for the first supervisee and \$10 for each supervisee thereafter per application/per year.</p>

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
<p align="center">Department of Health</p>	<p align="center">Intermediate Care Facilities for Persons with Intellectual Disabilities Temporary Reimbursement for Private Facilities</p>	<p>This proposed rule continues the provisions of the February 1, 2021 Emergency Rule which adopted provisions governing the temporary rates for intermediate care facilities for persons with intellectual disabilities (ICFs/IID) that have a cooperative endeavor agreement with the Office for Citizens with Developmental Disabilities and have a high concentration of people who have intellectual/developmental disabilities, significant behavioral health needs, and high risk behavior resulting in previous interface with the judicial system, and for whom no other private ICFs/IID provider is able to support. This proposed Rule will be beneficial to recipients by ensuring the continuation of appropriate care in the appropriate setting. Qualifying ICFs/IID will benefit from implementation of this proposed Rule as it increases reimbursement rates temporarily for the provision of services to these recipients until a permanent facility can be identified that can provide the care needed for this population. It is anticipated that implementation of this proposed Rule will increase payments to qualifying ICFs/IID by approximately \$805,125 for FY 20-21, \$1,386,182 for FY 21-22, and \$1,386,182 for FY 22-23.</p>
<p align="center">Department of Health</p>	<p align="center">Personal Care Services Long Term Care</p>	<p>This proposed Rule amends the provisions governing long-term personal care services (LT-PCS) in order to: 1) clarify that instrumental activities of daily living can be provided outside of the participant's home, if approved; 2) remove language regarding relatives that can be direct service workers (DSWs); 3) remove language requiring documentation of place of service in hardcopy service logs; 4) clarify language regarding payment of DSWs at least at the current federal or state minimum hourly wage, which does not impact the fee schedule and/or payments that the state pays to provider agencies; and 5) add language regarding the state's authority to set and change LT-PCS rates and/or provide lump sum payments to providers based upon funds allocated by the legislature. It is anticipated that implementation of this proposed rule may result in costs for LT-PCS services for FY 20-21, FY 21-22 and FY 22-23 due to the state's ability to adjust rates or pay lump-sum payments as a result of legislative appropriations, if the legislature appropriates funds in the future, and will be beneficial to providers and small businesses by clarifying and updating the LT-PCS requirements in the administrative Rule.</p>
<p align="center">Licensed Professional Counselors Board of Examiners</p>	<p align="center">Consulting with Medical Practitioners</p>	<p>The proposed technical rule change will not directly affect persons, non-governmental groups or small businesses. Licensees are no longer required to consult with medical practitioners in order to diagnose for serious mental illnesses. The new law, enacted in 2017, requires this technical change to the rules in order to be in compliance with current legislation. The rule change will rescind Section 2109, which required consultation with other professional colleagues in order to diagnose for serious mental illnesses.</p>
<p align="center">Department of Insurance</p>	<p align="center">Rule 9—Prelicensing Education</p>	<p>The proposed rule amending Rule 9 will have no impact on economic costs or benefits to directly affected persons or non-governmental groups. The proposed rule codifies existing law. The proposed rule applies to all individuals seeking to be licensed as an insurance producer or insurance consultant who are required by statute to complete a prelicensing program prior to taking an insurance examination. Also, the proposed rule applies to the providers of the prelicensing program and the instructors for said programs.</p>
<p align="center">Department of Insurance</p>	<p align="center">Rule 10—Continuing Education</p>	<p>The proposed rule will have no impact on economic costs or benefits to directly affected persons or non-governmental groups. The proposed rule codifies existing law. The proposed rule applies to all insurance producers and adjusters licensed by the department and providers of continuing education programs.</p>

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of Wildlife and Fisheries	Establishment of Recreational Reef Sites and Restriction of Oyster Harvest	<p>The proposed rule may benefit saltwater anglers by providing increased opportunities for recreational fishing.</p> <p>The proposed rule may affect commercial fishers who currently use the portions of public land to be incorporated into these protected areas. It will reduce the area available for public oyster harvests in the region (currently estimated at approximately 990,000 acres) by approximately 40 acres. Because the water bottoms to be incorporated within the public fishing reefs currently lack substantial amounts of substrate material suitable for oyster production, the effect on commercial oyster harvesting is expected to be minimal.</p> <p>LDWF biological assessments of the areas in which the proposed reefs are to be established indicate that they may provide suitable habitat for the growth of oysters once the reef material is in place. The LDWF intends for the proposed reefs to serve as oyster broodstock areas that may enhance oyster production in adjacent areas.</p>
Office of Workers' Compensation Administration	Medical Treatment Guidelines	<p>There are no estimated costs and/or economic benefits to directly affected persons 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
Department of Health	Nursing Facilities Supplemental Payments Non-State Governmental Organizations	This proposed Rule mends the provisions governing the reimbursement methodology for nursing facilities in order to remove a facility that is no longer owned or operated by a non-state governmental organization (NSGO) from the list of NSGO facilities qualified to receive quarterly upper payment limit supplemental payments. This proposed Rule will have no impact on small businesses. It is anticipated that implementation of this proposed rule will reduce expenditures for nursing facility services by approximately \$639,414 for FY 20-21, \$639,414 for FY 21-22 and \$639,414 for FY 22-23.
Department of Health	Professional Services Program Reimbursement Methodology	This proposed rule amends the provisions governing reimbursement in the Professional Services Program in order to remove information related to programs no longer in operation, remove provisions that are located in other places within the Louisiana Administrative Code, clarify the reimbursement methodology for certain provider types and services, and to provide for a restoration of the reimbursement rates for neonatal critical care services which were previously reduced. Providers of neonatal critical care services will benefit from the increase in reimbursement rates. It is anticipated that implementation of this proposed Rule will increase payments in the Professional Services Program by approximately \$127,379 for FY 20-21, \$525,909 for FY 21-22, and \$559,747 for FY 22-23.
Office of Public Health	Registration of Foods, Drugs, Cosmetics and Prophylactic Devices	Implementation of this proposed rule change is not anticipated to have a cost or direct economic benefit to small businesses or non-governmental groups.
Department of Natural Resources	Local Coastal Management Programs	There are no expected costs and/or economic benefits or directly affected persons, small businesses, or non-governmental groups by the proposed rule changes.
Department of Public Safety and Corrections	Motor Carrier Safety and Hazardous Materials	The proposed rule will not result in any costs or economic benefits to affected persons, small businesses, or non-governmental groups. The proposed change references the new federal regulation and makes no change to the rule that is already in effect as well as updates the reference year already in place to reference to the current year.
Department of Transportation and Development	Superport Environmental Protection Plan	The proposed rule changes clarify information that must be supplied by an owner or operator with regard to estimated actual air emissions in each calendar year to the Louisiana Offshore Terminal Authority. This provision may result in a workload adjustment for owners and operators. The Louisiana Offshore Oil Port (LOOP) is the only such licensee currently. Compliance with the proposed amendments is not expected to have a material impact on LOOP's costs. The proposed rule change is not anticipated to result in other costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.
Department of Wildlife and Fisheries	Deer Management Assistance Program Signage Change	The proposed rule change is expected to reduce the cost of compliance with DMAP regulations for individuals and organizations that choose to participate in the voluntary program. The annual enrollment in DMAP is approximately 700 individuals and organizations. The proposed rule change is anticipated to reduce signage expenditures in half from \$39.60 to \$45 per parcel (\$27,720 to \$31,500 total statewide) to \$19.80 to \$22.50 per parcel (\$13,860 to \$23,625 total statewide) based on an estimated cost per sign of approximately \$1.10 to \$1.25 each. Also, time and labor associated with placing and posting the signs are anticipated to reduce significantly although the exact amount of cost savings associated with labor is indeterminable.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
<p align="center">Department of Wildlife and Fisheries</p>	<p align="center">Hunting Regulations for the 2021-2023 Season</p>	<p>The proposed rule change may have minimal economic impact on persons and non-governmental entities.</p> <p>The proposed rule change eliminating the need to retain evidence of the gender of a harvested deer once the animal has been tagged is expected to benefit hunters by reducing the amount of material they are required to transport and expected to reduce the risk of transferring material that may be infected with chronic wasting disease (CWD) prions.</p> <p>The proposed rule change regarding the type of ATV and UTV that may be used on WMA will benefit persons who use vehicles with tracks on those areas.</p> <p>The proposed rule change replacing the youth lottery hunt with an open youth hunt on the Atchafalaya Delta WMA is expected to benefit young hunters by providing more opportunities for them to hunt deer.</p> <p>The proposed rule change prohibiting or restricting the use of dogs to hunt on the Biloxi WMA and the Marsh Bayou WMA will reduce hunting opportunities for hunters who hunt with dogs. Proposed rule change may benefit area landowners and others who have cited user conflicts with hunters who use dogs.</p> <p>The proposed rule change adding a woodcock season on the Elbow Slough WMA will increase hunting opportunities on the WMA which has had relatively low levels of utilization. The WMA is situated along a flyway for woodcock and may provide ample opportunities for hunting the species.</p> <p>The proposed rule change allowing sport fishing on the Grassy Lake WMA and the Pomme de Terre WMA after 10:00 during early teal season will provide four additional hours of recreational fishing per day in those areas during the season.</p> <p>The proposed rule change closing waterfowl hunting on the Salvador/Timken WMA at 2:00 p.m. will reduce hunting opportunities on the WMA.</p> <p>The proposed rule change transferring St. Tammany and Washington parishes from Turkey Hunting Area B to Turkey Hunting Area A will benefit hunters who pursue turkeys in those parishes (with a combined area of 1,800 square miles) by offering them an additional seven days of hunting opportunities. Data for the number of hunters who pursue turkeys within these parishes are not available.</p> <p>The proposed rule changes in the timing of dove season in the South Zone and of duck, coot, and merganser season in the West Zone is expected to benefit hunters who pursue those species in those areas by aligning the seasons more closely with expressed hunter interests.</p>