

**December 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 December 20, 2021 *Louisiana Register*. Each *Louisiana Register* edition is published on the 20<sup>th</sup> of each month.

<b>Promulgating Agency</b>	<b>Proposed Rule Title</b>	<b>Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups</b>
<b>Department of Agriculture and Forestry</b>	<b>Produce Safety</b>	The proposed rules will not result in economic benefits to businesses who participate in the program.
<b>Department of Agriculture and Forestry</b>	<b>Livestock Brands and Marks</b>	<p>The proposed rule change would result in economic benefits to persons who choose to take advantage of the lifetime livestock brand recordation at a one-time fee of \$75, insofar as they would no longer be required to renew brand or marks every five years at a renewal fee of \$15. While branding livestock is not mandatory, the recordation of any and all livestock brands and marks used within the State of Louisiana is mandatory. The new lifetime livestock brand recordation is optional and not required, as brand owners may elect to continue to renew their brands every five years.</p> <p>All other provisions in the proposed rule change would not result in any new costs or benefits to affected persons, small businesses, or non-governmental groups as those provisions merely codify the existing procedures in the livestock brand program.</p>
<b>Board of Elementary and Secondary Education</b>	<b>BESE/8(g) Operations</b>	The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.
<b>Board of Elementary and Secondary Education</b>	<b>Bulletin 111—The Louisiana School, District, and State Accountability System—Interests and Opportunities Index</b>	<p>The proposed revisions will not result in costs and/or benefits to directly affected small businesses or non-governmental groups.</p> <p>Students in LA may realize benefits if annual completion and usage of the Interests and Opportunities Index results in an expansion of course offerings targeted at training underserved career skills that more closely match a student’s interests or aptitudes.</p>
<b>Board of Elementary and Secondary Education</b>	<b>Bulletin 130—Evaluation and Assessment of Personnel</b>	Teachers and administrators initially rated as Ineffective may benefit from additional support from school administrators that are not required to conduct a second evaluation for certain personnel during the 2021-22 academic year. To the extent this results in improved performance evaluations, teachers and administrators could potentially receive a salary increase in the 2022-23 academic year.
<b>Board of Elementary and Secondary Education</b>	<b>Bulletin 746—Louisiana Standards for State Certification of School Personnel</b>	<p>The proposed revisions will benefit teachers by adopting new Praxis exams for middle school and high school. The new exams provide more time per question than the previous iterations. In addition, the proposed revisions will make it easier for teachers to advance their teaching certification, as required teaching experience can be earned in any subject area as opposed to the current rule which requires experience be in the educator’s area of certification.</p> <p>In addition, the proposed revisions will benefit teachers and educational leaders by allowing them to more easily obtain certain certifications. The proposed revisions will benefit nonpublic school teachers by allowing them to teach in public school without first obtaining a public school teaching certification, and by allowing them to obtain a mentor teacher ancillary certificate. Finally, the proposed revisions will benefit holders of family child care child development associate (CDA) credentials by allowing them to obtain an ancillary Early Childhood Certificate.</p>

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Racing Commission	Wagering on Historical Horse Racing	The proposed administrative rules may result in an indeterminable economic benefit to licensed racetracks in Louisiana by offering more wagering possibilities through historical horse racing wagers found in LAC 35:XVII.Chapter 131, which may result in increased wagering. Licensed racetracks and employees with positions incident to the operation of wagering on historical horse racing will be subject to application fees and possible fines for violations of the proposed administrative rules. Operators may be subject to oversight and regulatory fees as a result of the proposed administrative rules.
Tax Commission	Ad Valorem Taxation	The effects of these new rules on assessments of individual items of equivalent real and personal property will generally be higher in the aggregate in 2022 compared to the last year of actual data. Specific assessments of real and personal property will depend on the age and condition of the property subject to assessment. Taxpayers will be impacted based on the changes to the valuation guidelines for assessments as listed in Section II. The magnitude will depend on the taxable property for which they are liable. Regardless of the guidelines adopted by the Tax Commission, all taxpayers continue to have the right to appeal their assessments. Additionally, Small Businesses' real and personal property is assessed in the same manner as for all other property owners.
Commission on Law Enforcement	Peace Officer Training	There is no impact to private citizens, small businesses, or non-governmental groups.
Department of Health	Adult Residential Care Providers Licensing Standards	The proposed rule amends the provisions governing the licensing of adult residential care providers (ARCPs) in order to extend the timeframe the ARCP is allowed to inactivate its license due to a declared emergency or disaster from one year to two years. It is anticipated that implementation of this proposed rule will not result in costs to ARCPs in FY 21-22, FY 22-23 and FY 23-24, but will be beneficial to these providers by allowing additional time for inactivation of license due to a declared emergency or disaster.
Department of Health	Ambulatory Surgical Centers Licensing Standards	This proposed rule amends the provisions governing the licensing of ambulatory surgical centers (ASCs) in order to: 1) add the definition of optometry; 2) exempt ASC medical staff qualified as optometrists and practicing optometry from the requirement to also be staff members or have admitting privileges at local hospitals; and 3) require ASCs to have a written procedure for the immediate transfer of patients requiring emergency services to a local facility that meets federal requirements for payment and to provide the facility with a notice of operations and patient population served. It is anticipated that implementation of this proposed rule will not result in costs to ambulatory surgical centers and will have no impact on small businesses in FY 21-22, FY 22-23 and FY 23-24, but will be beneficial to qualified providers that will not be required to be on staff or have admitting privileges at local hospitals.
Department of Health	Hospital Licensing Standards Newborn Safety Devices	In compliance with Act 421 of the 2021 Regular Session of the Louisiana Legislature, this proposed rule adopts provisions governing the installation and use of newborn safety devices (NSDs) in hospitals. Implementation of this proposed rule will impact hospitals that elect to purchase and install NSDs, since any costs will be incurred by the hospital. Since hospitals may choose whether or not to purchase and install an NSD, it is not possible to estimate the potential impact to these providers in FY 21-22, FY 22-23 and FY 23-24, as there are currently no hospitals that have indicated their intent to pursue this option. This proposed rule will be beneficial to hospitals that pursue this option by providing guidance for the installation and use of an NSD.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
<b>Department of Health</b>	<b>Hospital Licensing Standards Obstetrical and Newborn Services</b>	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 21-22, FY 22-23, and FY 23-24; however, there is no way to determine the number of hospitals that may be impacted nor estimate the potential costs to these providers.
<b>Department of Health</b>	<b>Medicaid Eligibility Twelve-Months Postpartum Coverage</b>	This proposed rule, in compliance with House Resolution 193 of the 2021 Regular Session of the Louisiana Legislature, amends the provisions governing Medicaid eligibility to extend postpartum eligibility from 60 days to 12 months and amends the provisions governing Modified Adjusted Gross Income Groups in order to align the administrative rule with the current provisions of the Medicaid State Plan approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services. This proposed rule will be beneficial to qualified recipients by extending their access to Medicaid services. Providers will benefit from implementation of this proposed rule since they will receive reimbursement for the provision of services that were previously not covered for this population. It is anticipated that implementation of this proposed rule will increase expenditures in the Medicaid program by approximately \$1,462,073 for FY 21-22, \$11,627,900 for FY 22-23, and \$11,932,381, for FY 23-24.
<b>Department of Health</b>	<b>Newborn Heel Stick Screening</b>	The benefit of this rule to affected persons is the reduction in the risk of mortality and cost of treatment associated with these conditions.
<b>Department of Insurance</b>	<b>Regulation 120—Administrative and Agency Proceedings Instituted against a License</b>	The proposed rule may have an affect on any insurance license issued in Louisiana. The proposed rule sets forth procedures and time delays that govern the institution of administrative and agency proceedings resulting in administrative action against any licensee.
<b>Office of Motor Vehicles</b>	<b>Designations or Restrictions on Driver’s Licenses and Identification Cards (</b>	It is anticipated that implementation of this proposed rule will not have economic cost or benefits to directly affected persons or non-governmental groups for FY 21-22, FY 22-23, and FY 23-24.
<b>Office of Alcohol and Tobacco Control</b>	<b>Regulation IX—Prohibition of Certain Unfair Business Practices</b>	The proposed amendment will not affect estimated costs and/or economic benefits to directly affected persons, small businesses, or non-government groups.
<b>Department of Revenue</b>	<b>Income Tax Withholding on Gaming Winnings</b>	People and establishments engaging in sports wagering and fantasy sports gaming will be affected by this proposal. Additional costs, workload adjustments, and paperwork of the withholding, remitting, and reporting required by this proposed amendment are expected to be relatively minor. People who win money from sports wagering or fantasy sports gaming will have their winnings receipts reduced by the withholding required by this proposed amendment.
<b>Department of Revenue</b>	<b>Louisiana Youth Jobs Tax Credit</b>	Businesses will need to submit an application to the Department in order to apply for and be certified for the credit. Additional cost for completion and submission of the required paperwork by participating businesses of this proposed rule are expected to be minor.
<b>Department of Revenue</b>	<b>Nonresident Professional Athletes</b>	NRPAs that are delinquent in paying their tax liability will incur increased delinquent payment penalty costs that are relatively minor in the collective. NRPAs that fail to make a reasonable attempt to comply with the tax laws of this state, or carelessly or recklessly disregard the tax laws of this state will collectively and individually incur indeterminable “Accuracy-related” penalty costs. The changes to optional and required return filings are not expected to impact the affected group’s costs, workload, or amount of paperwork.

<b>Promulgating Agency</b>	<b>Proposed Rule Title</b>	<b>Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups</b>
<b>Department of Revenue</b>	<b>Sales and Use Tax Exemption for Charitable Construction of Animal Shelters</b>	The Department estimates that non-governmental groups will be affected. Approved animal shelters will receive reduced construction material costs for new shelter construction. Animal shelters who are not approved or who do not apply for certification will be required to pay state sales tax on their purchases of construction materials for new shelters.
<b>Department of Wildlife and Fisheries</b>	<b>Hunter Education Program Certification Policy</b>	The proposed rule change is expected to have no effects on persons, small businesses, or non-governmental goods.
<b>Office of Workers' Compensation</b>	<b>Medical Treatment Guidelines</b>	Covering the annual subscription fee for viewing the fee schedule electronically makes it easier for stakeholders (i.e. companies and medical providers) to integrate the new rules and fees into their billing software.
<b>Office of Workers' Compensation</b>	<b>Medical Treatment Guidelines Upper and Lower Extremities</b>	The proposed rules update the medical guidelines for the treatment of injured workers. It is not anticipated that the proposed rules will result in a direct economic benefit. However, it is anticipated that the proposed rules will provide an indirect benefit to injured workers, employers, and insurers, by providing better medical treatment to injured workers; thus, facilitating their recovery and return to work.