

July 2020

**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, 2020 *Louisiana Register*. Each *Louisiana Register* edition is published on the 20<sup>th</sup> of each month and can be viewed here:

<https://www.doa.la.gov/Pages/osr/reg/regs2020.aspx>

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	Certification of Agricultural Consultants	Under the proposed rule, agricultural consultants that have allowed their certification to expire shall be precluded from attending a recertification meeting or training course to renew their certification and must reapply to take the agricultural consultant examination to obtain re-certification.
Department of Agriculture and Forestry	Truth in Labeling of Food Products	The proposed rule is not anticipated to increase costs to the market. Producers of food products and agricultural products that are misbranded and/or misrepresented as beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, shrimp, sugar, and/or rice and do not meet the criteria set forth in these regulations may have a loss in receipts and/or income until such time that their labelling comes into compliance with these regulations.
Department of Children and Family Services	Criminal History Records Checks for Access to Federal Tax Information	There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
Division of Administrative Law	Commencement of Adjudications	The proposed rule is not anticipated to result in costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.
Board of Elementary and Secondary Education	Bulletin 111—The Louisiana School, District, and State Accountability System	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 118—Statewide Assessment Standards and Practices LEAP 2025 Transfer Rules	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 139—Louisiana Child Care and Development Fund Programs—CCAP Household Eligibility	Eligible CCAP households will realize economic benefits as a result of the proposed revisions. The current Louisiana unemployment rate is recorded at approximately 14 percent. As a result, many CCAP families are unable to meet the training and/or employment requirements contained in Bulletin 139. In response, these proposed revisions would create a limited 90 day exception, allowing families to qualify for the Child Care Assistance Program (CCAP) while seeking employment or enrolling in school.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Board of Elementary and Secondary Education	Bulletin 746—Louisiana Standards for State Certification of School Personnel Deaf or Hard of Hearing; Certification; Accredited Institutions; Teaching Authorizations; and Montessori Training Providers	The proposed revisions will result in reduced costs for certain educators and individuals seeking employment as educators in public schools. Educators affected by the extension of non-practicing and operational role status include those with standard certificates other than professional Level 1, 2, and 3, ancillary certificates, and career and technical trade and industrial education (CTTIE) certificates. These individuals will avoid re-certification costs because they will no longer have their certificate lapse or expire during a break in service. In addition, educators who are applying for an Out-of-State (OS) certificate or Resident certificate will benefit from the revision which waives the Praxis Core Academic Skills for Educators assessment for such individuals to the extent they hold a Master’s degree. This will reduce the cost (between \$90 and \$150) for new educators seeking certification in Louisiana. Finally, nonpublic schools or teachers will experience savings due to the elimination of the requirement to complete continued learning units (CLUs) of professional development in order to request a renewal of a standard certificate, however such savings are unknown.
Board of Pardons and Parole	Panel Action	There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule changes.
Office of Financial Institutions	Applications and Notices	OFI anticipates no material cost to directly affected persons, small businesses, or non-governmental groups resulting from the proposed rule change. However, economic benefits may be realized through the expansion of financial products and services offered to these persons, businesses, and/or groups.
Department of Health	End Stage Renal Disease Facilities Reimbursement for Independent Laboratory Services	This proposed rule amends the provisions governing reimbursement for end stage renal disease (ESRD) facilities in order to allow contracted independent laboratories to bill the Medicaid program directly for the provision of covered non-routine laboratory services instead of receiving reimbursement from the ESRD facility. Providers will benefit from implementation of this proposed Rule since they will no longer have to seek reimbursement from the contracted ESRD facility for the provision of these services. While the ESRD facilities have the ability to bill for these non-routine laboratory services, they have not historically done so; therefore, implementation of this proposed Rule will result in increased costs. It is anticipated that implementation of this proposed Rule will increase expenditures for ESRD services by approximately \$114,053 for FY 20-21, \$114,053 for FY 21-22, and \$114,053 for FY 22-23 since independent laboratories contracted with ESRD facilities will have the ability to bill, and be reimbursed directly by, the Medicaid program for providing non-routine covered services.
Department of Health	Medicaid Eligibility—Qualified Disabled and Working Individual Program Resources	This proposed rule amends the provisions governing the counting of resources in determining eligibility for the Qualified Disabled and Working Individual (QDWI) Program in order to align the administrative Rule with the current Medicaid State Plan and Centers for Medicare and Medicaid Services regulations. The current administrative Rule disregards all resources in eligibility determinations for all Medicare Savings Programs which contradicts the requirements of the CMS-approved State Plan. This proposed Rule is necessary in order to correctly reflect in the Louisiana Administrative Code that resources are not disregarded when determining eligibility for the QDWI program. Implementation of this proposed Rule will impact individuals seeking Medicaid coverage under the QDWI program since their resources are considered in the eligibility determination process. It is anticipated that implementation of this proposed Rule will not result in any costs or benefits to Medicaid providers or small businesses in FY 20-21, FY 21-22, and FY 22-23.

<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 Health</b>	<b>Nursing Facilities—Licensing Standards</b>	This proposed Rule proposes to amend the provisions governing the licensing of nursing facilities in order to align reporting requirements for state licensed nursing facilities with national requirements and provide standardized information to assist with national surveillance on the status of Coronavirus Disease 2019 (COVID-19) in all nursing facilities. It is anticipated that implementation of this proposed rule will not result in costs to nursing facilities for FY 20-21, FY 21-22 and FY 22-23, but will provide an economic benefit by protecting the health and safety of nursing facility residents, personnel and the general public. There will be no impact on small businesses.
<b>Department of Health</b>	<b>Out-of-State Medical Services</b>	This proposed rule amends the provisions governing out-of-state medical services in order to reflect current practices and to align the administrative Rule with Centers for Medicare and Medicaid Services regulations regarding out-of-state care. This proposed Rule makes technical language revisions to the current administrative Rule which will have no effect on recipients or small businesses. It is anticipated that implementation of this proposed Rule will not result in any increase or decrease in payments to Medicaid providers in FY 20-21, FY 21-22, and FY 22-23 but will be beneficial by ensuring that the provisions are accurately promulgated in the Louisiana Administrative Code.
<b>Corrections Services</b>	<b>Telephone Use and Policy on Monitoring of Calls</b>	There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule changes.
<b>Department of Wildlife and Fisheries</b>	<b>Hunter Education Program Certification Policy</b>	The proposed rule change is expected to benefit eligible persons who take the on-line hunter education course by reducing travel expenditures and time spent participating in field day educational sessions.
<b>Workforce Commission</b>	<b>Medical Treatment Guidelines</b>	There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.