

January 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 January 20, 2021 *Louisiana Register*. Each *Louisiana Register* edition is published on the 20th 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
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 135—Health and Safety Hemp	There will be costs to nonpublic schools associated with the purchase of certain equipment, however these costs are indeterminable. Costs to nonpublic schools will vary based on the number of and type of athletic facilities, to the extent schools do not currently have the required equipment, and whether schools choose to implement the proposed requirements.
Board of Elementary and Secondary Education	Bulletin 140—Louisiana Early Childhood Care and Education Network	The proposed revisions may result in reduced costs for Early Childhood Community Network lead agencies located at non-profit organizations, however this is indeterminable.
Board of Elementary and Secondary Education	Bulletin 746—Louisiana Standards for State Certification of School Personnel	This proposed Rule may have an economic impact on some groups. The rule change provides that child placement agencies that only maintain electronic records must have electronic records available on site at all times, which may necessitate the purchase of additional computer equipment or software. Additionally, the rule change provides more exceptions to foster/adoptive children sharing a bedroom, which may result in an economic benefit to foster/adoptive parents given that they may not be required to increase the number of bedrooms in their home.
Board of Elementary and Secondary Education	Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel	The proposed revisions will result in reduced testing costs for certain educators and individuals seeking initial teaching certifications. Over 700 prospective teachers registered for the PRAXIS exams scheduled to be phased out, but were unable to schedule the exam until after July 31, 2020. As a result, these applicants would be required, per current policy, to register for and pass the new PRAXIS exams. Each test costs \$90 if registered for separately, although applicants can register to take all three tests at the same time for \$150. This revision may allow prospective teachers to experience reduced costs for additional exam fees.
Board of Elementary and Secondary Education	Phase 3 Minimum Requirements Pretaining to Reopening School Facilities	The proposed revisions will not have a fiscal impact on nonpublic schools, although it is unknown how many nonpublic schools are operating in accordance with each phase of the school reopening process. The revisions are likewise not anticipated to result in costs or economic benefits for individuals or small businesses.

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Office of Student Financial Assistance	Scholarship/Grant Programs 2020 Second Extraordinary Session Legislation	Displaced students will be directly and positively affected by the proposed rule. The proposed rule will ensure students are not made ineligible for a TOPS, Rockefeller State Wildlife Scholarship or GO Youth Challenge award or endure an economic hardship due to repayment of a Rockefeller State Wildlife Grant or TOPS Teacher award due solely to the consequences of Hurricanes Laura/Delta. There are no estimated effects or economic benefits to small businesses or non-governmental groups resulting from these measures.
Boxing and Wrestling Commission	Boxing and Wrestling Standards	Current licensed Class B wrestling promoters will be impacted by the proposed rule change. Class B promoters will be assessed a document review fee of \$150 per event. These promoters were previously exempted from the 5% tax on gross receipts per event; they will not be required to purchase health and accidental insurance which averages \$645 per event or hire state licensed doctors to attend the events which costs approximately \$300 - \$500 per event and they will not be responsible for submitting a \$5,000 bond. This decreased the event expenditures for the Class B promoters to a great extent. Class B promoters were aware of the responsibility of the blood work review and after input from them and hearings on the forged tests, these promoters requested relief from this responsibility and agreed the implementation of the \$150 fee.
Office of State Procurement	Procurement	The proposed rule changes are not anticipated to create costs for directly affected persons or nongovernmental groups. It is possible that procedural efficiencies as addressed in Paragraph IV below may result in minor economic benefits to participants in the procurement processes governed by these rules. For example, if a vendor were able to avoid bid disqualification by being able to more clearly discern the regulatory requirements applicable to that procurement, such action could have a significant and positive impact on that vendor's receipts and income, because it could make the difference in whether or not that vendor wins the bid to provide goods and services. In the aggregate, however, it is impossible to reliably estimate the net benefit for a typical or average vendor. This action should make it easier for vendors to compete compliantly and efficiently. Requirements applicable to bidders and proposers will be more readily apparent to any interested party on the front end, so that participants, regulatory entities, other stakeholders, and the public can have confidence in the transparency, fairness, and propriety of the procurement process and resulting contracts.
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 lower in the aggregate in 2021 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.
Board of Nursing	Advanced Practice Registered Nurses	The proposed rule changes will authorize APRNs to administer buprenorphine to persons diagnosed with substance abuse disorders.
Board of Pharmacy	Controlled Dangerous Substance License for Hemp Facility	The proposed rule changes will require the hemp facility seeking a CDS license to demonstrate compliance with the international accreditation standard for testing and calibration laboratories, ISO/IEC 17025. The cost to achieve that designation will vary from one applicant to another and is indeterminable. The acquisition of a state CDS license will qualify the licensee to apply for and obtain the required federal DEA registration necessary to comply with federal and state law.

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Board of Pharmacy	Labeling and Delivery of Marijuana Products	The proposed rule changes will benefit marijuana producers by the repeal of certain redundant labeling standards for their products. The proposed rule changes will benefit patients using marijuana products by allowing marijuana pharmacies to deliver dispensed marijuana products to their location.
Board of Pharmacy	Pharmacists, Pharmacies and Prescriptions	The proposed rule changes will benefit patients by providing larger dispensing quantities for emergency refills and providing longer expiration dates for certain prescriptions. The proposed rule changes will benefit pharmacists by clarifying their professional responsibilities relative to the receipt and verification of prescriptions as well as patient counseling in telepharmacy dispensing sites. The proposed rule changes will also benefit pharmacists and other pharmacy personnel by providing for rest breaks in pharmacies. The proposed rule changes will benefit pharmacies by removing outdated physical specifications in prescription departments, streamlining recordkeeping requirements, and providing less stringent reporting requirements for reporting personnel changes to the Board.
Board of Pharmacy	State of Emergency	The proposed rule changes will benefit patients by allowing pharmacists to dispense a larger supply of medications during declared emergencies. Pharmacists licensed elsewhere but not in this state and seeking to assist in disaster relief efforts will benefit with streamlined credentialing procedures.
Department of Health	Crisis Receiving Centers Licensing Standards	This proposed rule amends the provisions governing licensing standards for crisis receiving centers (CRCs) in order to clarify the language in the administrative Rule and add provisions for emergency preparedness and infection control, optional participation in the Patient Compensation Fund, physical environment requirements, and inactivation of the CRC license due to a non-declared emergency or disaster. This Rule is anticipated to have no impact on small businesses as these provisions are currently in practice for these providers and are consistent with other licensing rules. It is anticipated that implementation of this proposed Rule will not result in any costs to crisis receiving centers in FY 20-21, FY 21-22, and FY 22-23, but will be beneficial by ensuring that the provisions are clearly promulgated in the Louisiana Administrative Code.
Department of Health	Facility Need Review—Relocation of Nursing Facility Beds	This proposed rule amends the provisions governing the facility need review (FNR) process in order to allow the department to approve a temporary relocation/transfer of a nursing facility's Medicaid FNR approvals to another licensed, certified and operational nursing facility outside of the service area or parish while awaiting the completion of a replacement nursing facility building. It is anticipated that implementation of this proposed rule will not result in costs to nursing facility providers and will have no impact on small businesses in FY 20-21, FY 21-22 and FY 22-23, as the rule will not result in an increase in licensed nursing facility beds and will not result in an increase in Medicaid Facility Need Review Approvals.

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>Department of Wildlife and Fisheries</p>	<p>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>