

March 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 March 20, 2020 *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
Department of Economic Development	Louisiana Entertainment Development Fund	Non-profit arts or film organizations may benefit from additional revenues should they choose to participate in the LED grant program. The cost to these entities may include the cost of some additional planning and paperwork requirements associated with the application process, reports, and invoices for reimbursement. Those Louisiana businesses, including small businesses (mainly non-profit entities) in the entertainment industry will benefit from better trained and more productive filmmakers. Louisiana residents will benefit from enhanced employment opportunities in the Louisiana entertainment industry.
Department of Economic Development	Sound Recording Investor Tax Credit Program	There will be reduced costs for businesses as a result of reduced expenditure verification report fees. These fees are held in escrow and used by LED for payment of the expenditure verification report; any remaining balance is later refunded to the entity.
Department of Economic Development	Sound Recording Investor Tax Credit Program—Qualified Music Company Payroll Tax Credit Program	All entities requesting funding from this program must provide documents sufficient to show eligibility for and compliance with all requirements for funding. A handful of small businesses, mainly musicians and artists may be impacted, but the benefit from additional funding for their projects, at a nominal cost of some additional planning and paperwork associated with the application process, expenditure verification reports, and invoices for reimbursement should provide a positive impact to any small businesses that choose to apply to the program. Firms who are eligible for QMC payroll tax credits may realize a reduction in tax liabilities to the extent they qualify for the credit.
Board of Elementary and Secondary Education	Bulletin 126—Charter Schools—Charter School Renewals and Virtual Charter School Attendance	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.

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Department of Environmental Quality	Hazardous Waste Generator Improvements	The proposed rule will cause some increase in net costs to regulated entities, primarily to large and small businesses that generate hazardous waste that must be properly stored, labeled, manifested, and shipped for proper disposal. Utilizing a recent North Carolina economic impact study regarding the implementation of the same rule, DEQ estimates an overall net cost of approximately \$625,494 per year for Louisiana businesses to meet the new Federal requirements of the proposed rule.
Department of Environmental Quality	Written Notification Procedures	There is a benefit to directly affected persons/small businesses in the reduced cost of delivery via US Mail Service or Courier Delivery Service as a result of the proposed rule. However, such benefit is not anticipated to be material.
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 one-time partial relocation/transfer of a nursing facility's Medicaid FNR approvals to another licensed, certified, and operational nursing facility within the same parish under certain conditions. Implementation of this proposed Rule will be beneficial to nursing facility providers by ensuring that the requirements for the partial relocation of approved beds are clearly and accurately reflected in the Louisiana Administrative Code. It is anticipated that the implementation of this proposed rule will have no costs to nursing facility providers and no impact on small businesses in FY 19-20, FY 20-21 and FY 21-22, as the rule will not result in an increase in licensed nursing home beds and will not result in an increase in Medicaid Facility Need Review Approvals.
Department of Health	Hospital Licensing Standards Obstetrical and Newborn Services	This proposed Rule amends the provisions governing the licensing of hospitals in order to allow an exception to the requirement that the level of care on the neonatal intensive care unit (NICU) match or exceed the level of obstetrical care for each level of obstetric service for any hospital which has a current cooperative endeavor agreement (CEA) linking the hospital to a public-private partnership with the state. Currently this exclusion only applies to free standing children's hospitals. Implementation of this proposed Rule will be beneficial to hospitals with current CEAs by excluding these providers from NICU level of care requirements as well. It is anticipated that the implementation of this proposed rule will not impact small businesses in FY 19-20, FY 20-21 and FY 21-22; however, there is a potential for increased reimbursement to a hospital which has a current cooperative endeavor agreement linking the hospital to a public-private partnership with the state.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of Health	Children and Adult Mental Health Services	This proposed rule amends the provisions governing children and adult mental health services in order to update the Rule language to reflect current terminology and practices and to change the treatment plan review requirement from 365 to 180 days. This Rule is anticipated to have no impact on small businesses. It is anticipated that implementation of this proposed Rule will not result in any increase or decrease in payments to behavioral health providers in FY 19-20, FY 20-21, and FY 21-22 but will be beneficial by ensuring that the provisions are accurately promulgated in the Louisiana Administrative Code.
Department of Health	Routine Patient Care and Clinical Trials	This proposed rule adopts provisions governing routine care for recipients in clinical trials in order to clarify the requirements for reimbursement for medically necessary non-experimental/investigational treatments that recipients participating in clinical trials would otherwise receive under the Louisiana Medicaid program. Although these treatments are currently reimbursed by Louisiana Medicaid, the language in the current administrative Rule is unclear. This proposed Rule is necessary in order to promulgate the provisions governing these services clearly in the Louisiana Administrative Code and to ensure that the language in the administrative Rule reflects current practices. Recipients and providers will benefit from clarification that these covered services are already reimbursable for participants in clinical trials. It is anticipated that implementation of this proposed Rule will not result in any economic impact to Medicaid providers or small businesses in FY 19-20, FY 20-21, and FY 21-22.
Department of Health	Telemedicine	This proposed Rule amends the provisions governing telemedicine in order to clarify that there are no limitations as to the telemedicine originating site. Louisiana Medicaid currently reimburses for telemedicine services regardless of the originating sites which may include, but are not limited to, healthcare facilities, schools, or recipients' homes. Implementation of this proposed Rule is necessary in order to ensure that this is clearly reflected in the administrative Rule governing telemedicine services. This proposed Rule will be beneficial to Medicaid recipients and providers by providing clarification in the administrative rule language that there are no restrictions on the originating site of telemedicine services. This Rule is anticipated to have no impact on small businesses. It is anticipated that implementation of this proposed Rule will not result in any cost to providers of telemedicine services in FY 19-20, FY 20-21 and FY 21-22.
Department of State	Business Entities	The proposed rule is an optional service designed to allow customers to search for business entity filings using their back-end computer systems. This will allow the customer to integrate validation of business information into their processes without having to conduct a manual search of the SOS website. Customers could populate data from the business information that the Secretary of State has on file into fields in their application. Also, the Commercial API service will allow customers to validate certificates issued by the Office of the Secretary of State to confirm their authenticity.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Board of Trustees for the State Police Retirement System	Compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Participation in Group Trusts	There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
Workforce Commission	Medical Treatment Guidelines	It is anticipated that the proposed change 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.
Workforce Commission	Prescription; Filing Procedure	The proposed rule is not anticipated to have a cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups.