

September 2024

Economic Impact Statements for Proposed Rules

The corresponding proposed rule to each of the statements below may be viewed in its entirety in the September 20, 2024 *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	Structural Pest Control Commission	The proposed rule change will not directly affect persons, small businesses, or non-governmental groups as there is no anticipated increase or decrease costs to the market.
Department of Agriculture and Forestry	Fees: Amount, Time of Payment	The proposed rule change will cost licensees an additional \$4 per regular hour billed for grain sampling and grading. The proposed fee change will cost licensees an additional \$6 per overtime hour billed for grain sampling and grading. The total across the industry is estimated at \$63,124 based on the hours billed in calendar year 2023. There were an estimated 241 invoices for these services in 2023.
Department of Agriculture and Forestry	Prescribed Burning	The proposed rule establishes the requirements for prescribed burning by non-certified prescribed burn managers. Non-certified prescribed burn managers will be required to contact the Office of Forestry prior to conducting a prescribed burn and provide the location, date, and time of the prescribed burn, prior to conducting. Failure to provide this information to the Office of Forestry may be subject to a civil penalty up to \$250 for a first offense and \$500 for two or more offenses. There are no estimated costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups for contacting the LDAF Office of Forestry with the required information.
Board of Ethics	Campaign Finance: Reporting for a Tie Vote	The proposed rule change may increase those persons required to file a campaign finance disclosure report if there is a tie vote in a general election, but should not have a fiscal impact on these groups.
Board of Ethics	Contributions: Receiving, Redesignation, and Reattribution	There is no anticipated economic benefit to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule change. The proposed rule change provides instructions to candidates (or their campaign committees) on the designation of contributions to a particular election, the redesignation of an excess contribution to another election, and the reattribution of an excess contribution to another contributor.
Board of Ethics	Political Committees; Filing Fees	The proposed rule change allows political committees to pay their filing fees via electronic funds transfer, but should not have a fiscal impact on these groups. Previously, all fees paid were required to be paid by check.
Board of Elementary and Secondary Education	Bulletin 133—Scholarship Programs Education Savings Account	Families of current Student Scholarships for Educational Excellence Program (SSEEP) students should experience little impact, as those students will continue to be funded at the same rate until they graduate or exit the terminal grade of the school in which they are currently enrolled. Families of entering kindergarteners or current public school students who would have chosen to enroll their children in nonpublic school the following year but who choose to participate in the LA GATOR program will benefit from program funding. Families of current nonpublic school students who fall below 250% of the federal poverty guidelines and who participate in the program will benefit by having to fund less of their children’s tuition and fees through their personal finances.

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Board of Regents	Scholarship/Grant Programs 2024 Legislation and Louisiana GO Grant	The proposed rule changes will not provide or impact economic benefits to DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR nongovernmental groups.
Board of Regents	Scholarship/Grant Programs 2024 M.J. Foster Legislation	Individuals who previously would not have qualified for a M.J. Foster Promise award now could qualify based solely on lowering the age requirement. These individuals will realize an economic benefit from the proposed rule change. The value of the award amount is \$3,200 per award year or \$1,600 per semester for a student enrolled full time; capped at a maximum of \$6,400 over a three-year period. Students enrolled in high-cost programs may receive the maximum \$6,400 if the program length is less than one year in duration. The proposed changes will not provide or impact economic benefits to small businesses or non-governmental groups.
Department of Environmental Quality	Radiation Protection	No persons, small businesses, or nongovernmental groups are anticipated to be directly affected by the proposed rule change.
Department of Environmental Quality	Repeal of Affirmative Defense Provisions	Owners and operators of Part 70 sources will be directly affected by the proposed action, as they will no longer be able to claim affirmative defense. There is no anticipated increase in costs, workload adjustments or additional paperwork, as a result of the proposed action.
Office of the Governor	Measuring Well Yield	There are no estimated costs and/or economic benefits to directly affected persons, small business, or non-governmental groups anticipated from the proposed rule change. The proposed rule change clarifies how flow measurement data is provided to the District from well owners who do not have District provided monitoring/auditing equipment and from those that do have District provided monitoring/auditing equipment. Well owners already report flow measurement data. This change in rule will allow them to report in a more efficient manner.
Office of the Governor	Dependent Spouse of Deceased Retiree Health Coverage	The proposed rule change will benefit a small number of state employees by making them eligible for surviving spouse health coverage.

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<p align="center">Office of the Governor</p>	<p align="center">Primary Plan of Benefits and Additional Plans and Operations</p>	<p>For OGB plan participants for whom Medicare pays primary, the change implements a \$2,000 per Medicare participant MOOP for prescription drug benefits, except for those retired before March 1, 2015 in the Magnolia Local Plus plan (who will have a \$1,500 per Medicare participant MOOP for prescription drug benefits) or the Magnolia Local plan (who will have a \$1,000 per Medicare participant MOOP for prescription drug benefits). For all plans and tiers, the MOOP for medical and commercial prescription drug benefits was set such that when combined with the Medicare drug MOOPs, the total MOOP is equal to the current plan design to the extent this was possible. These changes affect approximately 44,414 OGB plan participants. These updates are expected to lower prescription drug cost sharing for Medicare participants.</p> <p>The IRA mandated the M3P program, requiring OGB to offer Medicare paying primary plan participants the option to pay out-of-pocket prescription drug costs in the form of capped monthly installment payments instead of all at once at the pharmacy. This program assists Medicare enrollees by allowing them to defer the cost of their prescriptions and pay a monthly amount instead. This means that a plan participant who purchases a prescription drug on January 1st will not have to pay their share of the cost on January 1st if they enroll in the program. Instead, the plan participant can spread their prescription cost across monthly payments for the remainder of the plan year. Despite payments being spread out, the plan participant's prescription costs will still accrue to meet their MOOP. However, the initial higher out-of-pocket amount can be spread out by the plan participant if they desire to participate in this program. While there is no direct cost for this program to the plan participant, as discussed above, this federal requirement will cause an increase of \$9 PMPM in 2025 for those members who participate in the program. This fee will be paid by OGB to the prescription drug administrator and covers the cost of administering this program. If every eligible participant enrolled in this program for 12 months, the annual cost to OGB would be \$4.8M.</p>
<p align="center">Board of Medical Examiners</p>	<p align="center">Polysomnographic Technologists and Technicians</p>	<p>The proposed rule changes may benefit patients and healthcare professionals by expanding the types of healthcare professionals who are allowed to supervise polysomnographic technicians, increasing access to polysomnography.</p>
<p align="center">Board of Nursing</p>	<p align="center">Continuing Full Approval for Nursing Education Degree Programs</p>	<p>Since probation may eventually lead to termination of the program, the proposed rule change may result in an increased number of programs available to prospective nursing students. However, no nursing program has been involuntarily terminated since 2015; therefore, this impact will likely be minimal.</p>
<p align="center">Board of Nursing</p>	<p align="center">Employment of Student Nurses and Unsuccessful Candidates on the State Board Licensing Examination</p>	<p>The proposed rule changes will benefit nursing students and nursing graduates who have not passed the NCLEX-RN examination by allowing them to perform nursing procedures for which they have been certified as competent by their educational institution. For informational purposes, in 2022, there were 6,672 students enrolled in clinical nursing courses and 328 nursing graduates who did not pass the NCLEX-RN on their first attempt and thus may have benefitted from the proposed rule changes.</p>

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Department of Health	Home and Community-Based Services Waivers—Residential Options Waiver	This proposed rule amends the provisions governing Residential Options Waiver services in order to clarify the tiered waiver approach in Office for Citizens with Developmental Disabilities waivers and add new services including technology supports with remote features, incontinence supplies, the Person Emergency Response System, Community Life Engagement, and self-directed services as well as dismissal from self-direction. Implementation of this proposed rule may ease the financial burden on Residential Options Waiver beneficiaries and their families by providing Medicaid coverage for these services. Providers and small businesses will benefit from implementation of this proposed rule, since it is anticipated to increase Medicaid payments for Residential Options Waiver services by approximately \$1,448,689 for FY 24-25, \$1,662,403 for FY 25-26, and \$1,910,472 for FY 26-27.
Department of Health	Home and Community-Based Services Waivers—Support Coordination Standards for Participation	This proposed rule amends the provisions governing Support Coordination Standards for Participation to align the administrative rule with current policy and procedures under the Home and Community-Based Services (HCBS) Waivers relative to general provisions, administration and organization, provider responsibilities, and to establish cost reporting requirements for support coordination agencies providing waiver services. Implementation of this proposed rule will not result in costs to providers and small businesses in FY 24-25, FY 25-26, and FY 26-27.
Department of Health	Home and Community-Based Services Waivers—Supports Waiver	This proposed rule amends the provisions governing the supports waiver services to add assistive technology with remote features to specialized medical equipment, place service limits on assistive technology with remote features and incontinence supplies, include additional requirements for day habilitation and prevocational services providers and require that community life engagement providers must possess a valid adult day care license and provide day habilitation services. Providers and small businesses will benefit from implementation of this proposed rule, since it is anticipated to increase Medicaid payments for Supports Waiver services by approximately \$131,551.57 for FY 24-25, \$142,825.54 for FY 25-26, and \$155,065.69 for FY 26-27.
Department of Health	Long Term Personal Care Services	This proposed rule amends the provisions governing long-term personal care services (LT-PCS) to update language pertaining to rights and responsibilities, cost reporting requirements, add new language for a rate methodology to align current policies and procedures under the home and community based services waivers with the Louisiana Administrative Code. Implementation of this proposed rule may result in a rate increase in the future for LT-PCS providers and small businesses in FY 24-25, FY 25-26, and FY 26-27, and will be beneficial by aligning the administrative rule with the federal regulations governing the long term-personal care services.
Department of Health	Pharmacy Benefits Management Program—Pharmacy Copayment	This proposed rule amends the provisions governing the Pharmacy Benefits Management Program to update copay tier payment schedule to align with the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services recommended guidelines. Implementation of this proposed rule is anticipated to result in decreased Medicaid payments to pharmacy providers of approximately \$454,603 for FY 24-25, \$454,603 for FY 25-26, and \$454,603 for FY 26-27. Pharmacy providers will be responsible for collecting all co-pay amounts.

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Department of Health	Continuing Education for PLMFTs and LMFTs	<p>Applicants for license renewal may benefit from the additional modes of obtaining continuing education provided under the proposed changes. Peer consultation does not require preapproved coursework, and a licensee can obtain up to ten hours via this mode. The proposed changes will allow licensees to accrue more continuing education hours via presentations. The addition of the LCA as a preapproved continuing education provider for LMFTs may also benefit renewal applicants as they can obtain preapproval of continuing education for both the LPC and LMFT licenses at one annual conference.</p> <p>The proposed rule changes may result in decreased income to accredited providers of continuing education coursework or professional associations, as licensees will be able to obtain continuing education hours from additional sources under the proposed changes.</p>
Department of Health	Endorsement	<p>The proposed rule changes lower the minimum standard of five years of full licensure to one year of full licensure to be endorsed by the state of Louisiana as an LPC or an LMFT. This may benefit LPCs and LMFTs by making it easier for them to practice in Louisiana if they were originally licensed in another jurisdiction. This may also benefit prospective clients by increasing their access to LPCs and LMFTs.</p>
Department of Health	Social and Cultural Foundations Continuing Education Requirement	<p>The proposed changes would require a specific type of training but would not increase the number of hours that are currently required to renew a license. The coursework that would be required is currently available from existing continuing education providers. The fees for social and multicultural foundations coursework are comparable with those for general continuing education hours.</p>
Department of Insurance	Regulation 14—Limiting Exclusions in Industrial Policies, Restricting Payment for Death Caused in Specified Manner	<p>The proposed rule will not have an impact on costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.</p>
Department of Insurance	Regulation 90—Payment of Pharmacy and Pharmacist Claims	<p>The proposed rule change will benefit directly affected persons by providing clarity for the audit and claim review requirements and require the filing of policy and procedures to bring Pharmacy Benefit Management processes into compliance.</p>
Department of Insurance	Regulation 128—Louisiana Agriculture Transportation Group Self-Insurance Fund	<p>The proposed rule change will not have an impact on costs or economic benefits to directly affected persons, small businesses, or non-governmental groups. The proposed regulation change is to keep in accordance with the passage of Act 191 of the 2023 Regular Legislative Session.</p>
Department of Insurance	Regulation 131—Plan for Nonrenewal or Cancellation of Homeowners Policies in Effect and Renewed for More Than Three Years	<p>The proposed rule allows insurers to nonrenew or cancel up to five percent of their policies each year. Insurers will be able to more effectively manage their risk by allowing them to nonrenew up to five percent of the homeowner policies each year. Insured homeowners that are canceled will have to obtain new policies with a different insurer. It is indeterminable if new policies obtained by homeowners will have higher or lower premiums.</p>
Department of Public Safety and Corrections	Juvenile Detention Facilities	<p>There are no estimated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule amendment.</p>

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<p>Department of Public Safety and Corrections</p>	<p>Digital Transaction Providers</p>	<p>To the extent a Digital Transaction Provider enters into a contract with OMV, the Digital Transaction Provider will be required to obtain Cyber Liability Insurance in the amount of \$1 M. Additionally, Digital Transaction Providers will be required to execute a good and sufficient surety bond in a sum not less than \$100,000.</p>
<p>Department of Public Safety and Corrections</p>	<p>Constables and Justices of the Peace Supplemental Pay</p>	<p>There are no anticipated costs or economic benefits to directly affected persons, small business, or non-governmental groups. The proposed measure clarifies the process of disbursing funds to satisfy warrants approved and certified by governing authorities, and provides consistency between the administrative code and current practice.</p>
<p>Department of Revenue</p>	<p>Severance Tax Returns—Electronic Filing and Payment Requirements</p>	<p>The proposed rules require severance taxpayers to file their minerals tax and timber tax returns and reports electronically and remit the severance oil, gas, minerals, and timber taxes and payments by electronic funds transfer for reporting periods beginning on or after January 1, 2025. Electronic filing of the minerals tax and timber tax returns will be available directly through LDR’s LaTAP portal which will allow taxpayers to file for free. LDR does not have the information necessary to determine the additional costs to comply with the proposed rules, but these costs are expected to be minimal as online access and activity have largely become a business standard. To the extent non-compliance penalties are collected, affected taxpayers will incur penalty costs. LDR cannot estimate the additional penalty amount as it is dependent upon taxpayer violations and liabilities.</p>
<p>Department of Wildlife and Fisheries</p>	<p>Sharks and Sawfishes—Harvest Regulations</p>	<p>The proposed rule change removing the recreational size limit and bag limit for blacktip sharks and bull sharks is expected to benefit anglers who target or harvest sharks. The proposed rule change is expected to have a minor positive effect on revenues of commercial fishers who harvest large commercial sharks. The average cumulative dockside value of large coastal sharks (in inflation-adjusted 2023 dollars) between 2019 and 2020 was \$482,411. The proposed rule change adds shortfin mako sharks to Louisiana's list of prohibited species to make state regulations consistent with federal regulations that have prohibited the harvest of the species in federal waters since 2022. It is expected to reduce revenues of commercial fishers who harvest sharks by less than \$1,000 per year.</p>
<p>Workforce Commission</p>	<p>Medical Treatment Guidelines Disputed Claim for Medical Treatment</p>	<p>The proposed rule change is not anticipated to result in a direct economic benefit to persons, small businesses, or non-governmental groups.</p>