

April 2022

Economic Impact Statements for Proposed Rules

The corresponding proposed rule to each of the statements below may be viewed in its entirety in the April 20, 2022 *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
Board of Veterinary Medicine	Examinations	<p>The rule amendment affords the board greater discretion when reviewing applicants for DVM licensure for waiver of the national examination re-take requirement for applicants with scores older than five years. Applicants for DVM licensure who choose to petition for the waiver of the national examination re-take requirement for scores older than five years could potentially receive a more favorable determination from a less restrictive rule for waiver eligibility status, thus having a potentially positive effect on the timeframe for license issuance.</p> <p>The rule amendment regarding the RVT's national examination waiver will improve the board's discretionary review of applicants for RVT licensure whose national examination scores older than three years. Currently, there is a possible waiver. Applicants for RVT licensure who choose to petition for the waiver of the national examination re-take requirement for expired scores could potentially receive a more favorable determination of waiver eligibility status, thus having a potentially positive effect on the timeframe for license issuance.</p>
Department of Agriculture and Forestry	Industrial Hemp	<p>Under the proposed rules the only anticipated fiscal impact to directly affected persons/industrial hemp licensees is the rule change that provides that any plants or plant parts that test greater than 1.0% Total THC shall be destroyed. The current rule allows crops that test greater than 1.0% Total THC to be re-tested but the proposed rule mandates destruction. The exact fiscal impact is unknown but would be to the extent of the value of the crop to be destroyed. However, licensees growing industrial hemp are aware that they should not be producing industrial hemp that tests greater than 1.0% Total THC.</p>
Department of Agriculture and Forestry	Seed Programs—Analysis Test and Labeling of Seed	<p>The proposed rule change will result in minimal or no costs to directly affected persons which are the seed manufacturers. Currently, seed manufacturers have to include a coated seed label on their products. If the label already contains lettering that is at least 8 point type, then no changes will need to be made. If their current label is less than 8 point type then they will need to change their labels and get the new type requirement in place starting January 1, 2023. Considering the effective date is many months away, it will allow ample time for seed manufacturers to change their labels prior to the next growing season.</p>
Board of Ethics	Food and Drink Limit	<p>The proposed action will affect all public employees and public servants by setting a standard monetary limit on the receipt of food and drink.</p>
Department of Economic Development	Collateral Support Program ARPA 2021	<p>SSBCI funds are Federal funds (Department of the US Treasury) intended to support new and existing small businesses as a response to the economic effects of the COVID-19 pandemic. US Treasury guidance for SSBCI funds also states that these funds will support socially and economically disadvantaged individuals (SEDis).</p> <p>Louisiana anticipates receiving over \$74 M with incentives which could bring total Federal funding for the SSBCI program to \$113 M, of which a portion will be devoted to the Collateral Support program. The current estimate is \$11 M for this program. The program will require adherence to the application procedures which will involve submission of paperwork by the applicants. However, recipients will benefit by obtaining access to capital made available to them through the program.</p>

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Department of Economic Development	SSBCI Loan Guaranty ARPA 2021	SSBCI funds are Federal funds (Department of the US Treasury) intended to support new and existing small businesses as a response to the economic effects of the COVID-19 pandemic. US Treasury guidance for SSBCI funds also states that these funds will support socially and economically disadvantaged individuals (SEDIs). Louisiana anticipates receiving over \$74 M with incentives which could bring total Federal funding for the SSBCI program to \$113 M, of which a portion will be devoted to the SSBCI Loan Guaranty ARPA 2021 program. The current estimate is \$1.5 M for this program. The program will require adherence to the application procedures which will involve submission of paperwork by the applicants. However, recipients will benefit by obtaining access to capital made available to them through the program.
Department of Economic Development	SSBCI Micro Lending Program ARPA 2021	SSBCI funds are Federal funds (Department of the US Treasury) intended to support new and existing small businesses as a response to the economic effects of the COVID-19 pandemic. US Treasury guidance for SSBCI funds also states that these funds will support socially and economically disadvantaged individuals (SEDIs). Louisiana anticipates receiving over \$74 M with incentives which could bring total Federal funding for the SSBCI program to \$113 M, of which a portion will be devoted to the Micro Lending program. The current estimate is \$9 M for this program. The program will require adherence to the application procedures which will involve submission of paperwork by the applicants. However, recipients will benefit by obtaining access to capital made available to them through the program.
Department of Economic Development	Small Business Loan Guaranty Program (SBLGP)	The program will require adherence to the application procedures which will involve submission of paperwork by the applicants. However, recipients will benefit by obtaining access to capital made available to them through the program.
Board of Elementary and Secondary Education	Bulletin 118—Statewide Assessment Standards and Practices	The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.
Board of Elementary and Secondary Education	Bulletin 741—Louisiana Handbook for School Administrators—Literary Skills and Assessment	There will be increased income to vendors of foundational literacy professional development courses. The LDE has allocated \$7.8 M in ESSER funding to local school systems for use in purchasing access to professional development courses from a list of approved vendors: (1) The AIM Institute for Learning & Research; (2) Associated Professional Educators of Louisiana; (3) Keys to Literacy; and (4) Voyager Sopris Learning
Board of Elementary and Secondary Education	Bulletin 745—Louisiana Teaching Authorizations of School Personnel	The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.
Board of Elementary and Secondary Education	Bulletin 746—Louisiana Standards for State Certification of School Personnel General Teacher Competencies	Teacher preparation program providers other than public universities may experience increased workload or costs to update courses of study to meet the requirements of the proposed provisions if they have not already incorporated the additional requirements; however, this impact is indeterminable.
Board of Elementary and Secondary Education	Bulletin 746—Louisiana Standards for State Certification of School Personnel	The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.
Board of Elementary and Secondary Education	Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs	Teacher preparation program providers other than public universities may experience increased workload or costs to update courses of study to meet the requirements of the proposed provisions if they have not already incorporated the additional requirements; however, this impact is indeterminable.

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Board of Elementary and Secondary Education	Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs	The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.
Board of Elementary and Secondary Education	Bulletin 1566—Pupil Progression Policies and Procedures	The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.
Board of Elementary and Secondary Education	Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies	Teachers and district-level personnel may experience an increase in workload as they work to understand and implement the revised standards; however, any costs associated with this increased workload are indeterminable.
Real Estate Commission	Investigations and Hearings	There are no estimated costs associated with the proposed changes.
Real Estate Commission	Licensure, Examination, Certificate of Authority, Vendors and Instructors	There are no estimated costs associated with the proposed rule change.
Board of Pharmacy	Marijuana Pharmacies	The proposed rule changes will reduce regulatory barriers for licensed pharmacy personnel working in marijuana pharmacies by repealing the necessity for a separate credential to work in such pharmacies, and by repealing the restriction which prohibits pharmacy technician candidates from working in marijuana pharmacies. In addition, the proposed rule changes will require cannabis product testing results to be made available to patients when requested prior to the dispensing of those products. While some pharmacies may choose to keep printed copies of product testing results for patients, these test results will also be available through QR codes by marijuana pharmacy suppliers at no cost to pharmacies.
Board of Pharmacy	Pharmacy Benefit Managers	The proposed rule changes will reduce the regulatory burden on pharmacy benefit manager applicants by eliminating the requirement to provide a copy of an audited financial statement with an initial permit application. This will impact an anticipated 40 applications.
Board of Pharmacy	Pharmacy Operations	The proposed rule changes in Subsection 1107(A) will benefit consumers and pharmacists by addressing adequate pharmacy staffing levels to safely perform patient care services and dispense prescriptions accurately. There will be no cost to pharmacy owners if they are currently staffing a sufficient number of personnel to meet the objective of patient safety. If the pharmacy owner is not staffing a sufficient number of personnel, then there would be a cost to the owner but that amount is indeterminable. The proposed rule changes in Subsection 1107(B) will benefit pharmacy owners of specific pharmacy classifications by removing a signage requirement, the cost of which is negligible. The proposed rule change in Subsection 1107(C) will benefit pharmacy personnel by providing for rest breaks in pharmacies. The proposed new Subsection 1107(D) will benefit consumers during disasters and emergencies by requiring pharmacies to develop plans, policies and procedures to provide for continuity of patient care. If a pharmacy owner does not have current plans, policies and procedures to ensure business continuity in the event of a disaster or emergency there could be a cost to develop such plans, but that amount is indeterminable. Requests by LBP on individual pharmacy preparedness for emergencies may be informational and will not pose a significant burden on individual pharmacies.

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Department of Health	Emergency Telemedicine/Telehealth	This proposed rule continues the provisions of the March 16, 2020 and April 20, 2022 Emergency Rules which allowed coverage of telemedicine/telehealth services provided through an interactive audio system, without the requirement of video, in the event of a declared emergency. The proposed rule also updates the telemedicine/telehealth provisions in the Louisiana Administrative Code. Beneficiaries will be positively impacted by implementation of this proposed rule, as it ensures continued access to certain services during declared emergencies. It is anticipated that implementation of this proposed rule will not result in costs to providers in FY 21-22, FY 22-23 and FY 23-24, but will be beneficial by providing Medicaid reimbursement for the provision of audio-only telemedicine/telehealth services during declared emergencies.
Department of Health	Home Health Agencies Licensing Standards	This proposed rule, in compliance with Act 181 of the 2021 Regular Session of the Louisiana Legislature, amends the provisions governing the licensing of home health agencies in order to: 1) expand the type of practitioners and qualifications for administrators; 2) update and clarify definitions, governing body and patient rights provisions, and licensing requirements; and 3) add quality assessment and performance improvement requirements. This proposed rule will be beneficial to home health agencies by expanding and clarifying the licensing requirements. It is anticipated that implementation of this proposed rule will not result in costs to home health agencies in FY 21-22, FY 22-23 and FY 23-24.
Department of Health	Outpatient Hospital Services	This proposed rule continues the provisions of the February 10, 2022 Emergency Rule which amended the provisions governing outpatient hospital services in order to provide reimbursement for laboratory testing for Coronavirus Disease 2019 (COVID-19) separately from outpatient hospital surgery fee schedule payments. Secondly, the proposed rule amends the provisions governing reimbursement to out-of-state hospitals to ensure consistency with in-state rates. In addition, it repeals outdated, uncodified outpatient hospital rules. Beneficiaries and providers of outpatient hospital services will benefit from implementation of this proposed rule since it provides coverage for COVID-19 laboratory tests. It is anticipated that implementation of this proposed rule will increase expenditures in the Medicaid program by approximately \$37,073 for FY 21-22, \$139,500 for FY 22-23, and \$139,500 for FY 23-24 due to Medicaid reimbursement for COVID-19 laboratory testing separately from the outpatient hospital surgery flat fee reimbursement amount, but will reduce expenditures by approximately \$3,594,979 for FY 22-23 and \$4,023,412 for FY 23-24 as a result of the alignment of out-of-state hospital reimbursement rates with in-state rates. This will result in a net savings of \$3,455,479 for FY 22-23 and \$3,883,912 for FY 23-24.
Department of Health	Marine and Fresh Water Animal Food Products	The proposed rule expands the categories of commercial seafood providers to include businesses that import seafood and business that engage in molluscan shellfish aquaculture. This is a benefit to these businesses, given that this allows them to operate in the state. The rule also benefits existing shellfish growers as it expands the areas where they can grow their products.

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<p align="center">Gaming Control Board</p>	<p align="center">Louisiana Sports Wagering</p>	<p>The proposed rule incorporates sports wagering platform providers who have websites and mobile applications used to place sports wagers to the list of licensees required to comply with the compulsive and problem gaming rules relating to problem gaming programs, persons required to be excluded, and self-exclusion. The proposed rule provides that sports wagering platform providers are to post and provide written materials concerning the nature and symptoms of problem gambling and to publish the problem gambling hotline phone number on their sports wagering platform. The proposed rule provides the duties and responsibilities of sports wagering platform providers in prohibiting or restricting the placing of wagers by certain individuals.</p> <p>The proposed rule provides the duties and responsibilities of sports wagering platform providers regarding the message, phone number, and size of the message in relation to the advertisements in their exterior print advertisements, their print advertisements, their radio advertisements, their television advertisements, and their web and social media advertisements. The proposed rule provides the duties and responsibilities of sports wagering platform providers regarding advertising by identifying the sports wagering licensee on behalf of whom it operates the sports book and include a statement in their advertisements indicating whether its license or permit is pending.</p> <p>The proposed rule provides the duties and responsibilities of sports wagering platform providers in audits by requiring the utilization of an independent CPA for its quarterly audits, the number of copies, and the timeline for submission of those audit reports to the division. The proposed rule change provides that the sports wagering operator seek the services of an independent CPA for audits of in-person sports wagering operations and the services of an independent CPA, the operator's internal audit department, or other appropriate independent party approved by the division to perform work on mobile sports wagering.</p>
<p align="center">Department of Transportation and Development</p>	<p align="center">Wireless Telecommunications Permit</p>	<p>Permit applicants will receive economic benefits associated with the reduction in permit fees. The magnitude of these benefits will depend on each permit applicant's buildout of small wireless facilities.</p>