

July 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 July 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
Board of Veterinary Medicine	Professional Conduct	The proposed rule change will help the veterinarians administer care more effectively and expediently to patients.
Department of Children and Family Services	Child Welfare Home Certification—Child Placing Agencies	The relative or kinship certified caregivers will receive maintenance payments (daily rate) to assist in their care of the foster child while placed in their home.
Board of Elementary and Secondary Education	Bulletin 111—The Louisiana School, District, and State Accountability System School, District, and State Accountability	There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.
Board of Elementary and Secondary Education	Criminal Background Checks and Reporting Requirements	There are anticipated costs to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change. Both first-time applicants for educator credentials and any applicant for credential renewal or update may be subject to fees for CBCs.
Board of Examiners of Certified Shorthand Reporters	On-Line Continuing Education Courses and Seminars	The proposed rule change will likely affect court reporters and continuing education providers, such as court reporting associations. The proposed rule changes may reduce the costs for court reporters to obtain required continuing education credits because court reporters will be able to receive credits from online attendance at seminars, courses, and other training events and will not have to attend those events in person. The proposed rule changes will likely have no or a negligible effect on the costs of continuing education providers incur to host continuing education events.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Office of Group Benefits	Primary Plan of Benefits and Additional Plans and Operations	<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>
Racing Commission	House Rules	There is no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.
Racing Commission	Purses from Sports Wagering	To the extent that the Thoroughbred and the Quarter Horse Breeders Associations establish separate interest-bearing bank accounts to comply with the proposed measure, banking fees may be incurred to maintain funds per R.S. 4:199(E)(1) and (2).
Board of Pharmacy	Automated Medication Systems	The proposed rule changes will benefit pharmacies that employ electronic product verification procedures by allowing a pharmacy intern, pharmacy technician, or pharmacy technician candidate to restock an AMS at a location other than that of the pharmacy without requiring a pharmacist to be present.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Board of Pharmacy	Durable Medical Equipment (DME) Permit Change of Ownership	The proposed rule changes will benefit DME providers undergoing a change in ownership by eliminating the need for a new DME permit in most circumstances. Eliminating the need to apply for a permit due to a change of ownership will save the DME provider \$200 in application fees.
Board of Pharmacy	Pharmacy Technicians	The proposed rule changes will benefit potential pharmacy technician candidates by providing alternatives to a board-approved nationally-accredited pharmacy technician training program, potentially saving money on enrollment fees. The proposed rule changes will benefit pharmacists and pharmacies by expanding the eligibility criteria for a person to obtain a pharmacy technician candidate registration, which should result in more pharmacy technicians to address the current workforce shortage. The proposed rule changes will benefit consumers by increasing the number of pharmacy technicians in the workplace, which will provide better pharmacy staffing, resulting in better and more efficient patient care.
Board of Pharmacy	Prescription Transfers	The proposed rule changes will benefit the public by preventing delay of pharmacy services to patients by allowing the transfer of unfilled prescriptions to another pharmacy. The proposed rule changes will benefit the public, pharmacies, and pharmacists by preventing any delay in implementing future federal changes at the state level through referencing federal requirements for transfers of prescriptions for controlled substances.
Department of Health	Medical Transportation Program Elevated Level of Care	This proposed rule amends the provisions governing the medical transportation program to establish guidelines for the administration and distribution of ELOC services in NEMT vendors that meet the criteria to provide an elevated level of care service to Medicaid beneficiaries utilizing this service, and to clarify language regarding non-emergency medical ambulance transportation (NEAT) services. This proposed rule will allow eligible Medicaid beneficiaries to receive a higher level of care. Implementation of this proposed rule is anticipated to increase Medicaid payments to qualifying providers by \$3,333,194 in FY 24-25, \$3,433,189 for FY 25-26, and \$3,536,185 for FY 26-27.
Department of Health	Pharmacy Benefits Management Program Drug Shortages	This proposed rule amends the provisions governing the Pharmacy Benefits Management Program in order to align the language in the Louisiana Administrative Code with the required changes requested by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) to the State Plan relative to shortages of drugs not on the covered drug list, including drugs authorized for import by the Food and Drug Administration (FDA) that may be covered when deemed medically necessary during drug shortages identified by the FDA. 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, and will be beneficial by aligning the administrative rule with the federal regulations governing the Pharmacy Benefits Management Program.
Department of Insurance	Regulation 19—Inclusion of Burial Plots, Vaults, etc., as Part of Funeral Service—Change in Reserve Basis	The proposed regulation change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The proposed regulation change promulgates Regulation 19 due to existing statutory language providing sufficient guidance, and regulatory clarification is no longer necessary.
Department of Insurance	Regulation 39 Statement of Actuarial Opinion	The proposed regulation change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The proposed regulation change promulgates Regulation 39 due to the NAIC Annual Statement Instructions, which La. R.S. 22:771 directs insurers to follow.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of Insurance	Regulation 43—Companies in Hazardous Financial Condition	The proposed regulation change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The proposed regulation change promulgates Regulation 43 due to the model regulation adopted by the National Association of Insurance Commissioners (NAIC).
Department of Insurance	Regulation 126—Louisiana Fortify Homes Program	The proposed rule provides clarification with respect to the administration of the LFHP. This may benefit contractors by clarifying requirements for contractor eligibility and conflicts of interest. Also, homeowners who apply for the program may benefit from clarification regarding grant eligibility as well as the application and grant process.
Department of Insurance	Regulation 130—Insurance Premium Tax Credits for Retaliatory Taxes Paid by Certain Domestic Insurers	The proposed regulation change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The proposed regulation change promulgates Regulation 130 due to the passage of Act No. 428 of the 2023 Regular Session.
Department of Public Safety	Reinstatement Relief Program	The proposed rule will economically benefit individuals who participate in the program by reducing the amount of fees owed. The reduction of fees owed will provide financial relief to participants and provide them with a path to clearing their driving records.
Department of Revenue	Tax Credit Documentation Requirements	Taxpayers claiming the pass-through entity exclusion and nonresidents reporting or utilizing a Louisiana NOL will be affected by the proposed amendments. Taxpayers will be required to submit additional documentation when filing the return. However, the additional costs for completion and submission of the required information are expected to be minor. To the extent taxpayers previously received interest in certain circumstances, the proposed amendments will decrease taxpayer income from the interest suspension when proper documentation is not provided.