

August 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 August 20, 2020 *Louisiana Register*. Each *Louisiana Register* edition is published on the 20<sup>th</sup> 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 Examiners of Certified Shorthand Reporters | Digital Signature Certification                                | There may be an impact to those certified shorthand reporters that choose to utilize digital signatures and certifications on their transcripts. The use of digital signatures and certifications may result in a cost savings to reporters in reduced travel time and savings in postage and office supplies. However, the use of digital signatures and certifications may result in a cost increase to obtain the required technology.   |
| Board of Examiners of Certified Shorthand Reporters | Fees   | The proposed rule will impact those shorthand reporters who are issued an initial certificate, a renewal certificate, reinstatement certificate, or reciprocal certificate. Those reporters obtaining certificates for any reason will see an increase in fees ranging from \$25 to \$75.   |
| Board of Examiners of Certified Shorthand Reporters | Online Continuing Education                                    | The proposed rule will affect certified shorthand reporters by allowing those persons to obtain continuing education credit by live webinar. The new exception will provide additional opportunities for reporters to earn CE credits. Certified shorthand reporters may realize a cost savings by attending live webinars rather than having to travel to attend an in-person seminar to obtain continuing education credit.   |
| Board of Examiners of Certified Shorthand Reporters | Reciprocal Certification for Military Personnel and Spouses    | Certain military personnel and/or their spouse will benefit from the proposed rule. The proposed rule aids military personnel transitioning out of military service find employment within the state of Louisiana by applying their occupational training without sitting for an examination. The proposed rule also assists military spouses find employment if they are transferred to Louisiana and currently hold a license from another state.   |
| Department of Health                                | Behavioral Health Services<br>Substance Use Disorders Services | This proposed rule amends the provisions governing substance use disorders services provider participation in order to align the responsibilities for providers of these services with provider requirements for behavioral health services and to repeal redundant or procedural language from the administrative Rule. This is a technical revision to the existing language in the Louisiana Administrative Code that will not impact recipients or small businesses. It is anticipated that implementation of this proposed Rule will not result in any costs to providers of substance use disorders services in FY 20-21, FY 21-22, and FY 22-23, but will be beneficial by ensuring that the requirements for these providers align with those of other behavioral health service providers. |

| Promulgating Agency  | Proposed Rule Title   | Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups  |
|--|---|--|
| <b>Department of Health</b>                                | <b>Hospice Services<br/>Pediatric Concurrent Care</b>   | The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing hospice services provided concurrently with life-prolonging treatments to individuals under age 21 in order to update existing terminology and reflect current practices, comply with federal requirements which allows for pediatric concurrent care, and promulgate these provisions clearly and accurately in the Louisiana Administrative Code (LAC). Implementation of this proposed Rule will be beneficial to recipients because it clarifies the existing LAC provisions regarding life-prolonging care children can receive concurrently with hospice services. This proposed Rule will have no impact on small businesses. It is anticipated that implementation of this proposed rule will not result in costs to hospice providers in FY 20-21, FY 21-22 and FY 22-23, but will be beneficial by reassuring providers that current practices are supported and in compliance with federal law.  |
| <b>Licensed Professional Counselors Board of Examiners</b> | <b>Endorsement</b>  | The proposed rule changes benefit persons seeking to practice in LA by allowing for licensure tests other than the one conducted by the AMFTRB to be accepted by the Marriage and Family Advisory Committee of the LPC Board, provided the committee deems such examinations to be equivalent. As a result, such potential licensees who have taken an equivalent exam may realize an immediate savings of \$365 associated with not having to take the AMFTRB exam. Furthermore, this process may expedite when such licensees may practice, which may advance timelines for when practitioners may receive revenues, as well as potentially increase their revenues over time.   |
| <b>Licensed Professional Counselors Board of Examiners</b> | <b>Teletherapy Guidelines</b>   | The proposed rule changes will benefit LPC Board licensees, as the requirements for continuing education (CE) hours for teletherapy decrease by 6 hours, from 9 hours annually to 3 hours annually. This revision will result in an indeterminable net savings for LPC Board licensees that is dependent upon the cost of the CE courses that they previously completed to comply with the 9-hour requirement. Furthermore, the proposed rule changes associated with the decrease in CE hours are expected to decrease revenues for CE providers by a like, but similarly indeterminable amount.<br>Furthermore, the proposed rule changes benefit LPC Board licensees seeking to practice via telehealth, as they will no longer be required to complete one year of in-person practice before engaging in telehealth. This may increase revenues for such practitioners, or advance timelines for when they may receive such revenues by up to a year.<br>The proposed rule changes will also benefit provisional licensees and their supervising practitioners, as they allow for all supervision hours to be completed via telesupervision. Currently provisional licensees may only complete 25% of their hours via telesupervision. As a result, expenses for provisional licensees and supervising practitioners associated with commuting for in-person supervision may decrease. The decrease associated with this rule change is indeterminable and dependent upon the number of practitioners who choose to utilize telesupervision in lieu of in-person supervision, as well as the number of hours involved. However, the proposed rule changes do not alter the overall number of supervision hours a provisional licensee must complete. |
| <b>Department of Insurance</b>                             | <b>Regulation 81—Automobile Liability Insurance Premium Discount and Insurer Premium Tax Credit</b> | There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups. The proposed rule clarifies the applicability and calculation of the discount offered through the insurance premium discount program for active military personnel based in Louisiana and updates statutory references that have changed due to recodification.   |

| Promulgating Agency                                       | Proposed Rule Title  | Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups  |
|---|--|--|
| <p><b>Department of Natural Resources</b></p>             | <p><b>Pipeline Safety</b></p>  | <p>The proposed rule changes directly affect pipeline operators and underground natural gas storage operators. The proposed rule changes codify federal regulations (419 CFR Parts 191, 192 and 195) and operators are already in compliance with same; therefore, there will be no economic impact on operators.</p>  |
| <p><b>Department of Public Safety and Corrections</b></p> | <p><b>Fantasy Sports Contest</b></p>   | <p>The proposed rule will result in an unknown impact on costs and economic benefits to licensed operators of fantasy sports contests. Authorizing fantasy sports contests will impact consumer behavior in an unknown manner. Whether this behavior will result in costs or economic benefits to licensed operators of fantasy sports contests is unknown. To the extent the proposed rule may result in an increase of gaming activity, economic benefits may increase at the statewide or local level. To the degree that the proposed rule change shifts gaming behavior, existing gaming locations may realize indeterminable costs or economic benefits.</p>   |
| <p><b>Department of Public Safety and Corrections</b></p> | <p><b>State Uniform Construction Code</b></p>  | <p>The adoption of the proposed rule is anticipated to impact directly affected persons or nongovernmental groups. The adoption of the proposed rule is anticipated to effect jurisdictions, contractors, developers, doctors and consumers by allowing alternative methods for handwashing in medical facilities and removing the requirement to install handwashing sinks in all exam rooms. Also, the proposed rule is anticipated to reduce construction costs to existing facilities undergoing renovation while promoting greater access to safer hygiene practices; thereby allowing certain existing buildings to become healthcare facilities. These healthcare facilities will be geographically closer to those seeking or requiring medical treatment while reducing overall construction costs.</p>   |
| <p><b>Department of Revenue</b></p>                       | <p><b>Mandatory Electronic Filing of Certain Excise Tax Returns and Payment of Taxes</b></p> | <p>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 has 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><b>Department of Wildlife and Fisheries</b></p>        | <p><b>Removal of Abandoned Crab Traps</b></p>  | <p>Crab fishermen who utilize the areas proposed for closure will experience lost fishing time during the designated period and encounter additional costs from having to temporarily remove their traps. These crab fishermen must either move their traps to open fishing areas or remove their traps from the water for the duration of the closure. Traps that are not removed from waters in the closed areas within the allotted time may be destroyed, potentially creating an additional cost to replace the traps for noncompliant fishermen.</p> <p>Local seafood dealers, processors and consumers may experience a slight decrease in the availability of fresh crabs during the closures, resulting in a slightly higher price for fresh crabs in the short term. However, the crab resource will not be lost or harmed in any way and will be available for harvest when the closed area is reopened.</p> <p>The removal of abandoned crab traps should provide improved fishing and reduced fishing costs for recreational saltwater fishermen, commercial fishermen and individuals who operate vessels within the designated areas by reducing encounters with abandoned traps that often result in lost fishing time and damage to the vessel's lower unit or fishing gear. The removal of abandoned crab traps will reduce the mortality of and injuries to crabs and by-catch that become ensnared and die in these traps, benefiting crab harvesters.</p> <p>The overall impact of the proposed area closure is anticipated to be minimal because the closure would occur during the time of the year with lowest harvests and adjacent waters will remain open for crab fishermen to continue to fish.</p> |