

July 2021

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, 2021 *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 Elementary and Secondary Education	Bulletin 126—Charter Schools Charter School Fiscal Responsibilities	There are no anticipated impacts on directly affected persons, small businesses, or non-governmental groups.
Board of Elementary and Secondary Education	Bulletin 139—Louisiana Child Care and Development Fund Programs—CCAP Household Eligibility	The proposed revisions will provide direct economic benefits to individuals who currently hold a National Institute for Excellence in Teaching (NIET) Teacher Evaluation Training certification, CLASS® certification, or a Louisiana Administrative or Supervisory Credential, as these individuals will be eligible to serve as mentors without meeting the eligibility requirements for a mentor teacher ancillary certificate. Currently, mentor teachers are provided a \$1,000 stipend, funded through the Louisiana Quality Education Support Fund, or 8(g) Grants Program.
Board of Elementary and Secondary Education	Bulletin 1566—Pupil Progression Policies and Procedures	The proposed revisions will not result in costs or benefits to directly affected persons, small businesses, or non-governmental groups.
Board of Elementary and Secondary Education	School Food Service	The proposed revisions will not result in costs or benefits to directly affected persons, small businesses, or non-governmental groups.
Board of Pardons	Notification and Request for Reconsideration of Decision	There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule changes.
Commission on Law Enforcement and Administration of Criminal Justice	Peace Officer Training	There are no estimated costs and/or economic benefits to directly attended persons or non-governmental groups.
Board of Dentistry	Continuing Education Requirements	The proposed rule change will benefit persons licensed by the LA State Board of Dentistry, as they will now be allowed to receive continuing education credits for completing courses approved or sponsored by the American Association of Dental Boards.
Department of Health	Adult Residential Care Providers Licensing Standards	The proposed rule amends the provisions governing the licensing standards for adult residential care providers (ARCPs) in order to: 1) establish requirements and limitations for visitation by clergy and immediate family members or other designated persons during a declared public health emergency; 2) adopt provisions governing the inactivation of the ARCP's license due to a declared or non-declared disaster or emergency; and 3) revise the language in the administrative Rule to ensure consistency with other licensing standards. This proposed Rule will be beneficial to the residents of ARCP by allowing visits by family and clergy during a PHE. It is anticipated that implementation of this proposed Rule will not result in costs to adult residential care providers in FY 21-22, FY 22-23, and FY 23-24, but will be beneficial by establishing standards for visitation during a PHE and inactivation of license due to a declared or non-declared disaster or emergency.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of Health	Free-Standing Birth Centers Licensing Standards	In compliance with Act 332 of the 2019 Regular Session of the Louisiana Legislature, this proposed rule repeals the existing LAC 48:I.Chapter 67 governing the licensing of hospitals in its entirety as these provisions are incorporated elsewhere in the Louisiana Administrative Code and replaces it with provisions governing licensing of free-standing birth centers. This proposed rule will benefit patients by providing for the safety, health, welfare, and well-being of persons receiving these services. It is anticipated that implementation of this proposed rule will have economic cost for free-standing birth centers; however, the costs are indeterminable since there is no way to establish how many facilities will apply for licensure.
Department of Health	Home and Community-Based Services Waivers Residential Options Waiver	This proposed rule amends the provisions governing the Residential Options Waiver (ROW) in order to align the language and services streamlining process (i.e., services approval, tier waiver transition, billing/same services) in the administrative rule with other home and community-based waivers in compliance with ROW program changes approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). This proposed rule will be beneficial to ROW participants by ensuring that the administrative rule accurately reflects the provisions of the CMS-approved waiver which will ensure continuity of services across waiver tiers. In addition, ROW providers will benefit from implementation of this proposed rule as it is anticipated that it will increase payments to ROW providers for supported employment services by approximately \$105 for FY 21-22, \$318 for FY 22-23, and \$318 for FY 23-24.
Department of Health	Reimbursement to Federally Qualified Health Centers and Rural Health Clinics for Coronavirus Disease 2019 (COVID-19) Vaccine Administration	This proposed rule amends the provisions governing reimbursement for federally qualified health centers and rural health clinics in order to establish an alternative payment methodology to allow reimbursement for administration of the Coronavirus Disease 2019 (COVID-19) vaccine outside of the current all-inclusive prospective payment system rate on file. This proposed rule will be beneficial to recipients by increasing access to vaccines during a public health emergency (PHE). It is anticipated that implementation of this proposed rule will result in an indeterminable increase in payments to the FQHC and RHC providers in FY 21-22, FY 22-23 and FY 23-24 and will be beneficial by establishing a reimbursement methodology for COVID-19 vaccine administration during a PHE.
Licensed Professional Counselors Board of Examiners	Notification of Change	The proposed rules are not expected to create costs and/or economic benefits for any directly affected persons, small businesses or non-governmental groups.
Licensed Professional Counselors Board of Examiners	Tele-Supervision	The proposed rules are expected to decrease travel costs for individuals and/or small businesses by an indeterminable amount, as the proposed rule will decrease the amount of travel time required to receive or provide supervision. The proposed rules are not anticipated to create other costs or economic benefits to any government groups.
Bureau of Emergency Medical Services	Emergency Medical Services Professionals	When applying for an initial Emergency Medical Services (EMS) license, EMS workers will incur a fee of \$39.25 associated with the cost of the background check. There may also be a cost to public safety telecommunicators and/or their employers associated with taking a required training course every two years.
Department of Insurance	Regulation 87—Louisiana Citizens Property Insurance Corporation—Producer Binding Requirements	The proposed rule change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The rule revisions amend Regulation 87 to conform to changes to the plan of operations of the Louisiana Citizens Property Insurance Corporation.
Department of Insurance	Regulation 118—Requirements in the Event of a Declared Emergency	The proposed rule change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The rule is being promulgated to comply with Acts 2021, No. 223, §1 of the Regular Session of the Louisiana Legislature that enacted R.S. 22:11(C), which requires the commissioner to promulgate rules and regulations to govern the business of insurance in the event of a declaration of emergency.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of Insurance	Rule 7—Legal Expense Insurers	The proposed rule changes may result in indeterminable additional costs for insurers to the extent they must amend their certificate of authority to comply with the new regulations.
Department of Natural Resources	Fire Hazards	The proposed rule changes directly affect well operators. Operators of producing wells are currently required to maintain oil tanks in a safe manner. The proposed amendment specifies that a fence with locked gate and signage alerting of fire hazard are required for tanks that are closer than 500 feet to any highway or inhabited dwelling or closer than 1,000 feet to any school or church. DNR estimates the cost per operator to be less than \$1,000.
Office of Alcohol and Tobacco Control	Regulation IX—Prohibition of Certain Unfair Business Practices	The proposed amendment will not affect estimated costs and/or economic benefits to directly affected persons, small businesses, or non-government groups.
Municipal Police Employees’ Retirement System	Disability Retirement	The proposed rule change will impact certain MPERS disability retirees that fail to submit an earnings statement. Disability retirement benefits for these individuals will either be temporarily discontinued or revoked as a result of this rule.
Municipal Police Employees’ Retirement System	Reinstated Employees	It is anticipated that implementation of this proposed rule may slightly increase creditable service for employees who did not become members of the system immediately, then later choose to become a member of MPERS. Increased credible service will result in the member receiving a higher pension benefit upon retirement.
Municipal Police Employees’ Retirement System	Renunciation of Benefit	This proposed rule codifies existing practices regarding in the line of duty death and disability benefits. The proposed rule change will impact MPERS member or the survivors of members that are injured in the line of duty as a result of COVID-19 or another contagious disease. These individuals will be eligible for a benefit for which they otherwise would not have been eligible absent this rule.
Municipal Police Employees’ Retirement System	Trustee Elections	This proposed rule allows any member of MPERS who is eligible to receive or is currently receiving a benefit to choose to renounce said benefit under terms and conditions. The only estimated impact to the affected persons would be their election to renounce their monthly retirement benefit indefinitely.
Municipal Police Employees’ Retirement System	Withdrawals and Interest	This rule has no anticipated effect on directly affected persons.
Wildlife and Fisheries Commission	Special Bait Dealer’s Permit	The proposed rule change is expected to have a positive effect on receipts and income for entities with bait dealer’s permits and the commercial fishers associated with them. The larger gear allowed under the proposed rule change may result in higher volume per trip and dockside values per trip in turn, providing higher total landings and revenue. The magnitude of this increase in volume and dockside value cannot be estimated with the available data. The proposed rule change is also expected to benefit anglers and businesses that serve the recreational fishery by increasing the availability of bait.
Rehabilitation Services	Rehabilitative Services	The proposed rule change modifies the Order of Selection used to determine the placement category of individuals eligible for vocational rehabilitation services from five groups to three groups. Also, the rule change amends the financial need multiple scale from 250 percent to a range of 250 percent-500 percent of the federal poverty guideline to allow the agency flexibility at the start of each new budget year. The impact on existing clients that receive services and applicants for services cannot be determined