

**August 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 August 20, 2021 *Louisiana Register*. Each *Louisiana Register* edition is published on the 20<sup>th</sup> of each month.

<b>Promulgating Agency</b>	<b>Proposed Rule Title</b>	<b>Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups</b>
<b>Department of Environmental Quality</b>	<b>Regulation and Licensing of Naturally Occurring Radioactive Material (NORM)</b>	There may be a nominal cost created for NORM waste generators and/or disposal facilities to the extent the provisions of the proposed rule change require licensure where none existed previously. The volume of such transactions cannot be estimated at this time
<b>Board of Architectural Examiners</b>	<b>Adoption and Amendment of Rules</b>	There are no estimated costs or economic benefits to architects or any other directly affected persons, small businesses, or non-governmental groups related to the adoption of the proposed rule. The board has always allowed any interested person, including small businesses, to request the adoption, amendment, or repeal of a rule, although it had no specific rule requiring it to do so, and the board has in substance followed the procedures set forth in Paragraphs B-F thereof for their submission, consideration, and disposition.
<b>Board of Architectural Examiners</b>	<b>Declaratory Orders and Rulings</b>	There are no estimated costs or economic benefits to architects or any other directly affected persons, small businesses, or non-governmental groups related to the adoption of the proposed rule. The board has long answered all questions concerning the applicability of any statutory provision or of any rule or order which it has received, although it had no specific rule requiring it to do so.
<b>Board of Architectural Examiners</b>	<b>Members of the Military and Spouses and Dependents of Members of the Military</b>	By providing an alternate path to licensure to practice architecture in Louisiana, the proposed rule may provide an economic benefit to those members of the military and United States Department of Defense civilian employees assigned to duty in Louisiana, and to spouses married to or a dependent of a member of the military or a United States Department of Defense civilian employee assigned to duty in Louisiana, who successfully apply for licensure under this alternate path. Although the board recognizes that those benefits to a particular applicant may be substantial, the board has insufficient information and is unable to quantify those benefits.
<b>Racing Commission</b>	<b>Colors</b>	Owners, racing associations, clerks of scales, valets, colors custodians, and jockey room custodians will be impacted by the proposed administrative rule in that it allows for penalties of fines associated with not properly displaying registered racing colors. This may have an economic impact to directly affected persons.
<b>Racing Commission</b>	<b>Declaring a Horse Ineligible to be Claimed at Time of Entry</b>	There are no estimated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups. The proposed Rule clarifies when an owner, trainer, or authorized agent may declare their horse ineligible to be claimed.
<b>Racing Commission</b>	<b>Permitted Medications in Quarter Horses</b>	Trainers, veterinarians, and owners will be impacted by the proposed administrative rule in that it adds the penalties associated with the prohibited medication Albuterol when a quarter horse is found to be positive following a horse race. The horse will be placed on a Stewards' List and will be ineligible to race for a period of 60 days from the date of the positive. This may have an economic impact to directly affected persons.
<b>Racing Commission</b>	<b>Protective Helmets and Safety Vests</b>	Jockeys, association riders, pony riders, and assistant starters will be impacted by the proposed administrative rule in that it allows for penalties of fines and suspensions associated with not wearing the recommended protective helmets and safety vests at the discretion of the Stewards and Racing Commission. This may have an economic impact to directly affected persons.

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<b>Department of Health</b>	<b>Laboratory and Radiology Services Reimbursement Methodology</b>	This proposed rule amends the provisions governing reimbursement for laboratory and radiology services in order to align the reimbursement methodology for new laboratory and radiology services added to the Medicaid fee schedule with U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) requirements and the CMS-approved State Plan Amendment. Although the methodology for newly added laboratory and radiology services is being specified more fully in the administrative rule, the resulting fee is not anticipated to be materially higher or lower than it would have been otherwise; therefore, implementation of this proposed rule is not anticipated to result in costs or benefits to providers of these services in FY 21-22, FY 22-23, and FY 23-24.
<b>Department of Health</b>	<b>Medical Transportation Program</b>	This proposed rule amends the provisions governing the Medical Transportation Program in order to repeal and replace Chapter 5 governing non-emergency medical transportation in its entirety and relocate the non-emergency ambulance transportation provisions to Chapter 7 to ensure that the Louisiana Administrative Code reflects current managed care and fee-for-service practices. It is anticipated that implementation of this proposed Rule will not result in any cost or benefits to NEMT providers in FY 21-22, FY 22-23, and FY 23-24, as it aligns the language in the administrative rule with current practices.
<b>Department of Insurance</b>	<b>Regulation 117—Submission of Contact Information for Risk-Bearing Entities</b>	The proposed rule establishes a procedure for the submission of required contact information for risk-bearing entities. Failure to provide notice to the commissioner of the required contact information on or before March 1 <sup>st</sup> , or failure to provide a notification of change to the commissioner within 30 days of any change, may be determined a violation and may result in penalties pursuant to R.S. 22:18 or 22:337(A)(5).
<b>Department of Natural Resources</b>	<b>Water Well Registration</b>	The primary group impacted by these rule changes will be water well drillers. There are no anticipated cost increases associated with the proposed amendment and all required documentation will be provided on existing paperwork. The proposed regulatory amendment clarifies the language in the water well registration requirements for electronic form deliverables.
<b>Office of Alcohol and Tobacco Control</b>	<b>Direct Delivery of Alcohol—Third Party Service Permit</b>	The proposed amendment will affect firms choosing to participate in third party direct delivery of alcohol services to the extent that the retailer and the third party delivery permit holder must be in compliance with the new regulations. The proposed rules will require that the retailer's store price dictate the price of the alcoholic beverages sold on the third party application. Third party delivery permit holders will no longer be able to markup the price of alcoholic beverages on the application. Therefore, the total cost to third party delivery permit holders is unknown and dependent on current practices.
<b>Department of Revenue</b>	<b>Consolidated Filer Sales Tax Returns, Form R-1029—Electronic Filing and Payment Requirement</b>	The proposed rules may increase self-generated revenue and state general fund collections from penalties by an indeterminable amount beginning FY 2022. Beginning July 1, 2022, penalties and fees, except compensatory fees, levied by the Department will accrue to the state general fund per R.S. 47:1608, rather than to self-generated revenue for the department. A modest and temporary increase in revenue from penalties may occur as the proposed rules are implemented, although the department cannot predict non-compliant behavior. For returns that are currently required to be filed electronically, the department has collected the following amounts in penalties; \$7,000 in FY 2017, \$1,000 in FY 2018, \$6,000 in FY 2019, and \$45,000 in FY 2020. However, any actual collections in penalties are dependent upon non-compliant behavior associated with the filing types included in the proposed rules. Therefore, any increase in revenue is indeterminable.

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<b>Department of Revenue</b>	<b>Mandatory Electronic Filing of Consumable Hemp Products Tax Returns and Payment of Tax</b>	The proposed rule will have a slight economic impact on the affected taxpayer by clarifying the proper name of the tax return and payments required to be filed electronically as a result of Act 336 of the 2021 Regular Session.
<b>Workforce Commission</b>	<b>Medical Treatment Guidelines</b>	The proposed rules update the medical guidelines for the treatment of injured workers. It is not anticipated that the proposed rules will result in a direct economic benefit. However, it is anticipated that the proposed rules will provide an indirect benefit to injured workers, employers, and insurers, by providing better medical treatment to injured workers; thus, facilitating their recovery and return to work.
<b>Department of Wildlife and Fisheries</b>	<b>Derelict Crab Trap Removal Program</b>	Crab fishermen who utilize the areas proposed for closure will experience lost fishing time during the designated period and encounter additional costs 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. 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.