

**December 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 December 20, 2022 *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>Board of Veterinary Medicine</b>	<b>Preceptor Program</b>	The proposed rule amendment removes the preceptorship requirement for out-of-state licensees where virtually no other state has a similar program, thus benefiting applicants for DVM licensure by having a more streamlined, less restrictive application process and a positive effect on the timeframe for DVM license issuance.
<b>Department of Economic Development</b>	<b>Small Business Innovation Retention Fund Program</b>	The program will directly benefit Louisiana businesses that are recipients of federal SBIR or Small Business Technology Transfer (STTR) grants who receive awards from the Louisiana Small Business Innovation Retention Fund Program, by providing them with additional grant funding from the State. These businesses will be subject to additional application and compliance requirements, but these requirements should not be significant and should be outweighed by the benefits received.
<b>Department of Economic Development</b>	<b>Louisiana Competes Regional Economic Development Program (Louisiana Competes Program)</b>	REDOs will have related administrative costs while benefiting from the ability to provide additional services. Small businesses, particularly those involved with providing site development services, may benefit from increased demand for site development services.
<b>Board of Certified Public Accountants of Louisiana</b>	<b>Certified Public Accountants</b>	The proposed rule amendments include a number of changes, clarifications, deletions and additions, some of which could provide an indeterminable benefit or cost-savings to licensees and applicants. Among other items: providing for digital and electronic signatures may result in cost savings for the Board and CPAs respecting the execution and transmittal of various documents; the changes to the educational requirements may better prepare applicants for the new CPA Exam starting in 2024; allowing non-resident Louisiana licensed CPAs to meet this state’s continuing professional renewal requirement by satisfying those of the state in which the licensee primarily practices, may avoid the need to expend the time or cost to obtain additional CPE; and allowing on-line applications and removing the time limits on application submissions for initial and reciprocal applications could increase efficiency and result in a savings of time and cost. The Board is not in a position to estimate the extent or amount of any such benefit or cost savings to directly affected persons, small businesses or non-governmental groups.
<b>Commission on Law Enforcement and Administration of Criminal Justice</b>	<b>Peace Officer Training</b>	There are no estimated costs and/or economic benefits to directly attended persons or non-governmental groups.

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Racing Commission	Associations' Duties and Obligations	The proposed administrative rules may result in an indeterminable economic cost to licensed racetracks in Louisiana by requiring them to improve and maintain various parts of their infrastructure in accordance with the standards established and required by the Louisiana State Racing Commission (LSRC). Act 530 of the 2022 RSL requires racing associations to deposit 10% of their gross profits, defined in Act 530 as “taxable net slot machine proceeds less the amount of state taxes paid”, into a fund for use by the associations to at least partially fund the LSRC’s required facility maintenance and improvements. The 10% of gross profits is estimated to be \$10,909,667.25 for Delta Downs, \$5,009,653.25 for Evangeline Downs, \$2,697,335.50 for Fair Grounds, and \$2,833,625.75 for Louisiana Downs based on average amounts for the last four fiscal years.
Racing Commission	Off-Track Wagering General Rules	The proposed administrative rules may result in an indeterminable economic cost to licensed racetracks in Louisiana by requiring them to improve and maintain various parts of their infrastructure in accordance with the standards established and required by the Louisiana State Racing Commission (LSRC). Act 530 of the 2022 RSL requires racing associations to deposit 10% of their gross profits, defined in Act 530 as “taxable net slot machine proceeds less the amount of state taxes paid”, into a fund for use by the associations to at least partially fund the LSRC’s required facility maintenance and improvements. The 10% of gross profits is estimated to be \$10,909,667.25 for Delta Downs, \$5,009,653.25 for Evangeline Downs, \$2,697,335.50 for Fair Grounds, and \$2,833,625.75 for Louisiana Downs based on average amounts for the last four fiscal years.
Tax Commission	Ad Valorem Taxation	The effects of these new rules on assessments of individual items of equivalent real and personal property will generally be higher in the aggregate in 2023 compared to the last year of actual data. Specific assessments of real and personal property will depend on the age and condition of the property subject to assessment. Taxpayers will be impacted based on the changes to the valuation guidelines for assessments as listed in Section II. The magnitude will depend on the taxable property for which they are liable. Regardless of the guidelines adopted by the Tax Commission, all taxpayers continue to have the right to appeal their assessments. Additionally, Small Businesses’ real and personal property is assessed in the same manner as for all other property owners.
Board of Nursing	BSN Facility Exceptions	The proposed rule change to § 3515.B.9 aligns with LSBN’s and the Louisiana Legislature’s desire to admit more students to the 30 pre-licensure RN programs in the state. Increased admissions will contribute to addressing the RN shortage in the state, the most current estimates of which demonstrate over 4,000 vacancies in hospitals (based upon data from 2018). Additionally, those increased admissions will increase revenues from tuition and fees for colleges and universities with pre-licensure RN ed number of baccalaureate nurses employed by Louisiana schools of nursing. The LSBN estimates that baccalaureate-prepared versus masters-prepared nursing faculty in adjunct roles could save schools of nursing as much as \$20/hour/adjunct faculty member.
Department of Health	Free-Standing Birth Centers Licensing Standards	This proposed rule amends the provisions governing the licensing of free-standing birth centers (FSBCs) in order to: 1) add and update definitions; 2) clarify licensing requirements and responsibilities of the governing board; 3) modify education and training requirements of personnel; and, 4) update FSBC service delivery requirements. Implementation of this proposed rule is not anticipated to result in costs to FSBCs for FY 22-23, FY 23-24, and FY 24-25, but will be beneficial for these providers by ensuring that the provisions in the Louisiana Administrative Code align with current requirements for licensure.

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<p align="center"><b>Department of Health</b></p>	<p align="center"><b>Home and Community-Based Services Waivers Adult Day Health Care Waiver Assistive Technology Services</b></p>	<p>This proposed rule continues the provisions of the November 18, 2022 Emergency Rule, which amended the provisions governing the Adult Day Health Care (ADHC) Waiver in order to add assistive technology as a covered service, as authorized under section 9817 of the American Rescue Plan Act of 2021 (ARPA). This proposed rule will benefit ADHC waiver participants who would otherwise not have access to virtual technology by providing iPads/Tablets and Kindles to allow them to participate in their healthcare decisions and socialize with others virtually to improve their quality of life. Providers of ADHC waiver services will benefit from this proposed rule since it provides reimbursement for a service that was previously not covered. It is anticipated that this proposed rule will increase payments to ADHC providers by approximately \$40,970 for FY 22-23, \$40,970 for FY 23-24, and \$0 for FY 24-25.</p>
<p align="center"><b>Department of Health</b></p>	<p align="center"><b>Home and Community-Based Services Waivers Community Choices Waiver Home Delivered Meals and Assistive Technology Services</b></p>	<p>This proposed rule continues the provisions of the November 18, 2022 Emergency Rule, which amended the provisions governing the Community Choices Waiver (CCW) in order to add medically tailored meals and assistive technology as covered services, as authorized under section 9817 of the American Rescue Plan Act of 2021 (ARPA). This proposed rule will benefit CCW participants by providing low-cost, specialized meals to improve their health and decrease hospitalizations. The proposed rule also provides iPads/Tablets and Kindles to participants who otherwise would not have access to virtual technology, which will allow them to participate in their healthcare decisions and socialize with others virtually to improve their quality of life. Providers of CCW services will benefit from this proposed rule since it provides reimbursement for services that were previously not covered. It is anticipated that implementation of this proposed rule will increase payments to CCW providers by approximately \$1,012,630 for FY 22-23, \$899,230 for FY 23-24, and \$0 for FY 24-25.</p>
<p align="center"><b>Department of Health</b></p>	<p align="center"><b>Inpatient Hospital Services Coverage of Genetic Testing of Critically Ill Infants</b></p>	<p>This proposed rule adopts provisions governing coverage of genetic testing of critically ill infants participating in the Medical Assistance Program and provides Medicaid reimbursement outside of the inpatient hospital per diem, in compliance with Act 501 of the 2022 Regular Session of the Louisiana Legislature. Implementation of this proposed rule will provide access to genetic testing which may result in faster diagnosis for beneficiaries with rare conditions and allow parents to join physicians in making informed care decisions to avoid unnecessary additional testing and treatments. Implementation of this proposed rule is anticipated to increase payments for inpatient hospital services by \$3,103,975 for FY 22-23, \$3,582,112 for FY 23-24, and \$4,130,795 for FY 24-25, for genetic testing of critically ill infants.</p>
<p align="center"><b>Department of Health</b></p>	<p align="center"><b>Nursing Facilities—Licensing Standards</b></p>	<p>This proposed rule continues the provisions of the November 18, 2022 Emergency Rule, which amended the provisions governing the licensing of nursing facilities in order to: provide requirements for generators or other department approved alternate electrical power sources; adopt provisions concerning healthcare workplace violence; and adopt requirements and standards for nursing home emergency preparedness plans, in compliance with Acts 253, 461, and 522 of the 2022 Regular Session of the Louisiana Legislature. This proposed rule will be beneficial to staff and residents as it implements requirements to prevent workplace violence and procedures for ensuring safety during emergencies and disasters. This proposed rule may result in indeterminable costs to nursing facility providers for equipment and maintenance. Implementation of this proposed rule is anticipated to result in costs to the Department of Health of \$397,594 for FY 22-23, \$520,220 for FY 23-24, and \$520,220 for FY 24-25 for staffing; however, funding for the positions will be transferred from the Medical Vendor Administration and the Office of Public Health to the Health Standards Section.</p>

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Department of Insurance	Regulation 31—Holding Company	The proposed rule is not anticipated to have any costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups. The rule is being amended to comply with NAIC standards and to implement provisions from Act 713 of the 2022 Regular Legislative Session.
Corrections Services	Equal Employment Opportunity	There will be no effect on costs or benefits to directly affected person, small businesses, or non-governmental groups.
Corrections Services	Offender Mail and Publications	There is no estimated cost and/or economic benefit to directly affected persons or non-governmental groups.
Department of Wildlife and Fisheries	Louisiana Outdoors Forever Program	Non-governmental groups working in coordination with public agencies on projects that are rewarded grants by the Project Selection Board may benefit from the Program set up by the proposed rule change.
Department of Wildlife and Fisheries	Statewide Online Special Certificate Agent for Motorboat Registration and Titling	<p>The proposed rule change is expected to benefit motorboat registrants by providing more convenient alternatives for new registrations, title transfers, and decal and certificate replacements than the systems currently in place.</p> <p>The proposed rule change may increase the convenience fee of on-line motorboat registration renewals from \$5 to \$12 if the agent chooses to raise the fee to the maximum allowed under the proposed rule change. Revenues for the agent performing the registration services may increase by an undetermined amount, up to \$750,000 per year.</p> <p>Persons seeking motorboat renewals will retain the ability to renew their registrations at no charge by mail or in person at LDWF sites.</p>
Workforce Commission	Medical Treatment Guidelines	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.