LOUISIANA DEPARTMENT OF INSURANCE
JAMES J. DONELON
COMMISSIONER

July 26, 2019

The Honorable John A. Alario
President of the Senate
P.O. Box 94183
Baton Rouge, LA 70804

Via email
apa.senatepresident@legis.la.gov

The Honorable Taylor F. Barras
Speaker of the House
P.O. Box 94062
Baton Rouge, LA 70804

Via email
apa.housespeaker@legis.la.gov

The Honorable John R. Smith
Senate Committee on Insurance
P.O. Box 94183
Baton Rouge, LA 70804

Via email
apa.s-ins@legis.la.gov

The Honorable Kirk Talbot
House Committee on Insurance
P.O. Box 94062
Baton Rouge, LA 70804

Via email
apa.h-ins@legis.la.gov

RE: Rule Summary Report – Notice of Intent to Amend Regulation 100

Dear Gentlemen:

The Louisiana Department of Insurance (LDI) hereby submits the following report required by La. R.S. 49:968(D)(1)(b) and announces its intention to proceed with rulemaking by finalizing the amendment of Regulation 100 as presented in the Notice of Intent (NOI) published in the Louisiana Register on January 20, 2019, and the Potpourri published in the Louisiana Register on May 20, 2019 (Regulation 100 – Coverage of Prescription Drugs through a Drug Formulary). A copy of this summary report has been placed on the LDI website in accordance with R.S. 49:968(D)(1)(c).

The LDI received one comment from Blue Cross and Blue Shield of Louisiana (BCBS) to amend the 120 day requirement found in section 14111 to a 60 day requirement. A compromise of 75 days was accepted by all. The compromise of the time period from BCBS' comment was substantive in nature and required a public hearing. The LDI subsequently published a Potpourri advising the public of a public hearing. The public hearing on the substantive change was held June 20, 2019. The LDI received no comment submissions at this hearing. As noticed in the NOI and the Potpourri, the public

and all interested persons were provided an opportunity to submit comments to the LDI on the proposed amendment.

Therefore, subject to legislative oversight, the LDI intends to submit the Regulation 100 to the Office of the State Register for publication. For your review and consideration, a copy of the NOI and the Potpourri regarding the amendment to Regulation 100 as it appeared in the Louisiana Register on May 20, 2019, is attached. A copy of the summary report has been placed on the LDI website in accordance with R.S. 49:968(D)(1)(c).

If you have any questions or need any clarification please contact Claire Lemoine. I assisted the Commissioner in the preparation of the amendment to Regulation 100 and I can be reached at (225) 342-4673, or electronically at clemoine@ldi.la.gov.

Enclosure: Notice of Intent and Potpourri to Amend Regulation 100– Coverage of Prescription Drugs through a Drug Formulary.
Letter from Blue Cross and Blue Shield of Louisiana

Thank you,

Claire Lemoine
Louisiana Department of Insurance
Division of Legal Services
P.O. Box 94214
Baton Rouge, LA 70804-9214
P: (225) 342-4673
E: clemoine@ldi.la.gov

Louisiana

David L. Lavergne | Senior Counsel, Legal Affairs

February 13, 2019

Ms. Claire Lemoine
Louisiana Department of Insurance
P.O. Box 94214
Baton Rouge, LA 70804

VIA Certified Mail - 7016 2070 0000 8198 5015

Dear Claire:

This is in response to the proposed changes to Regulation 100 as proposed by the Louisiana Department of Insurance in Volume 45, No. 01 of the Louisiana Register dated January 20, 2019. Louisiana Health Service & Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana and its subsidiary, HMO Louisiana Inc., (BCBSLA) have the following comments.

First, the proposed changes to Sections 14115, 14117, 14119, and 14120 are acceptable to BCBSLA as they are consistent with the provisions of R.S. 22:1068 and 1074.

Regarding the proposed changes to Section 14111, our understanding is that the changes to the regulation would remove the requirement that the commissioner approve any modifications of prescription drug coverage and would require that insurers simply notify the commissioner of the proposed modifications at least 120 days prior to the renewal date of the policy. We are supportive of the change to remove the commissioner's approval which is consistent with current law; however, we believe that a 120 day notice period is much too long.

Currently all changes to pharmacy coverage are made upon renewal of the policy as required by law. BCBSLA provides the requisite 60 day notice to its members prior to making such changes. Changes to prescription drug coverage are the result of a carefully planned process with input from a variety of resources. Ultimately, our Pharmacy and Therapeutics Committee approves prescription drug formulary and utilization management coverage changes. Often these final decisions are not made until two to three weeks before notice is sent to our members. While we understand that the department should remain informed of when these changes occur, we recommend that notice be sent to Department of Insurance at the same time it is sent to our members – 60 days prior to the renewal date.

Sincerely,

David L. Lavergne

DLL/mel

www.bcbsla.com
5525 Reitz Avenue | Baton Rouge, Louisiana 70809
David.Lavergne@bcbsla.com | (225) 298-1532 | Fax (225) 297-2760
P.O. Box 98029 | Baton Rouge, Louisiana | 70898-9029

Blue Cross and Blue Shield of Louisiana is an independent licensee of the Blue Cross and Blue Shield Association and is incorporated as Louisiana Health Service & Indemnity Company.

may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Pharmacy Benefits Management Program—Pharmacy Ingredient Cost Reimbursement

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in estimated state general fund net programmatic costs of approximately $88,521 for FY 18-19 due to the May 2019 implementation of the provisions, $1,109,380 for FY 19-20 and $1,132,016 for FY 20-21. The required state general fund match will be offset by the anticipated revenue collections from the Medicaid Assistance Trust Fund premium taxes in the amount of approximately $21,500 in FY 18-19, $270,000 in FY 19-20, $270,000 in FY 20-21. It is anticipated that $1,296 ($648 SGF and $648 FED) will be expended in FY 18-19 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 64.67 percent in FY 18-19 and 65.79 percent in FY 19-20 and FY 20-21 for the projected non-expansion population, and an FMAP rate of 93.5 percent in FY 18-19, 91.5 percent in FY 19-20 and 90.0 percent in FY 20-21 for the projected expansion population.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately $258,858 for FY 18-19, $3,267,620 for FY 19-20 and $3,244,984 for FY 20-21. The proposed rule will also increase revenue collections by approximately $21,500 in FY 18-19, $270,000 in FY 19-20, $270,000 in FY 20-21 from the Medicaid Assistance Trust Fund premium taxes. It is anticipated that $648 will be expended in FY 18-19 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 64.67 percent in FY 18-19 and 65.79 percent in FY 19-20 and FY 20-21 for the projected non-expansion population, and an FMAP rate of 93.5 percent in FY 18-19, 91.5 percent in FY 19-20 and 90.0 percent in FY 20-21 for the projected expansion population.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing reimbursement in the Pharmacy Benefits Management Program in order to change the pharmacy ingredient cost reimbursement methodology from average acquisition cost to the national average drug acquisition cost (NADAC). The proposed rule will increase payments to pharmacy providers. It is anticipated that implementation of this proposed rule will result in an increase in programmatic expenditures in the pharmacy program by approximately $346,083 for FY 18-19, $4,377,000 for FY 19-20 and $4,377,000 for FY 20-21 which will be paid for by an increase in drug rebate revenues from the implementation of a single preferred drug list for fee-for-service and managed care that allows the state to capture supplemental rebates on MCO pharmacy claims.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Jen Steele
Medicaid Director
1901#057

Evan Brasseaux
Staff Director
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Insurance
Office of the Commissioner

Regulation 100—Coverage of Prescription Drugs through a Drug Formulary (LAC 37:XIII.Chapter 41)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Regulation 100 to provide clarification in regards to the requirement of obtaining approval from the commissioner whenever a health insurance issuer implements a modification affecting drug coverage in accordance with Act No. 316 in the 2012 Regular Session.

Title 37
INSURANCE
Part XIII. Regulations

Chapter 41. Regulation 100—Coverage of Prescription Drugs through a Drug Formulary

§14101. Purpose

A. ....

B. The purpose of the amendment to Regulation 100 is to provide clarification set forth in R.S. 22:1068(F) and R.S. 22:1074(F) in regards to the requirement of obtaining approval from the commissioner whenever a health insurance issuer modifies health insurance coverage offered in the group and individual markets.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 1068(F) and R.S. 22:1074 (F).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 38:1028 (April 2012), amended LR 45:

§14111. Requirements for the Modification Affecting Drug Coverage

A. - A5. ...

B. A health insurance issuer shall notify the commissioner in writing of a modification affecting drug coverage 120 days prior to the renewal date of the policy form as to those modifications enumerated in R.S. 22:1061(5) and set forth in § 14111.A herein. A health insurance issuer shall provide the notice of modification affecting drug coverage as provided for in R.S. 22:1068(D)(3) and R.S. 22:1074(D)(3) and shall only modify the policy or contract of insurance at the renewal of the policy or contract of insurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1068(F) and R.S. 22:1074(F).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 38:1028 (April 2012), amended LR 45:

§14115. Requirements for Modifying a Group Insurance Product

A. Pursuant to R.S. 22:1068, a health insurance issuer may modify its drug coverage offered to a group health plan if each of the following conditions is met.

1. The modification occurs at the time of coverage renewal.

2. The modification is approved by the commissioner. However, modification affecting drug coverage as defined in R.S. 22:1061(5)(y) and found in §14111.A. of this regulation shall not require approval by the commissioner.

3. The modification is consistent with state law.

4. The modification is effective on a uniform basis among all small or large employers covered by that group health plan.

5. The health insurance issuer, on the form approved by the Department of Insurance, notifies the small or large employer group and each enrollee therein of the modification no later than the sixtieth day before the date the modification is to become effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1068(F) and R.S. 22:1074(F).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 38:1028 (April 2012), amended LR 45:

§14117. Requirements for Modifying an Individual Insurance Product

A. Pursuant to R.S. 22:1074, a health insurance issuer may modify its drug coverage offered to individuals if each of the following conditions is met.

1. The modification occurs at the time of coverage renewal.

2. The modification is approved by the commissioner. However, modification affecting drug coverage as defined in R.S. 22:1061(5)(y) and found in §14111.A. of this regulation shall not require approval by the commissioner.

3. The modification is consistent with state law.

4. The modification is effective on a uniform basis among all individuals with that policy form.

5. The health insurance issuer, on a form approved by the Department of Insurance, notifies each affected individual of the modification no later than the sixtieth day before the date the modification is to become effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1068(F) and R.S. 22:1074(F).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 38:1028 (April 2012), amended LR 45:

§14119. Modification Affecting Drug Coverage

A. To facilitate the ability of the commissioner to comply with his statutory duty, the commissioner shall have the authority to enter into a contract with any person or entity he deems applicable, relevant and/or appropriate to provide advice and/or make a recommendation to the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1068(F) and R.S. 22: 1074(F).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 38:1028 (April 2012), amended 45:

§141120. Effective Date

A. This regulation shall be effective upon final publication in the Louisiana Register.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1068(F) and R.S. 22:1074(F).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4 Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level Of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The Proposed Amended Regulation Will Have No Effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Such comments must be received no later than February 19, 2019 by close of business or by 4:30 p.m. and should be addressed to Claire Lemoine, Louisiana Department of Insurance, and may be mailed to P.O. Box 94214, Baton Rouge, LA 70804-9214, faxed to (225) 342-1632. If comments are to be shipped or hand-delivered, please deliver to Poydras Building, 1702 North Third Street, Baton Rouge, LA 70802.

James J. Donelon
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Regulation 100—Coverage of Prescription Drugs through a Drug Formulary

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will not result in additional costs or savings for state or local governmental units. The purpose of the proposed rule change is to provide clarification regarding the removal of the requirement for health insurers to obtain approval from the Commissioner of Insurance when implementing modifications to health insurance plans affecting drug coverage, in accordance with Act No. 316 of the 2012 Regular Session.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will not result in any costs and/or economic benefits to health insurers. The purpose of this amendment is to align the administrative rules with Act 316 of the 2012 Regular Session, regarding the coverage of prescription drugs through a drug formulary. Act 316 removes the requirement of health insurers to obtain approval from the Commissioner when implementing modifications to health insurance plans affecting drug coverage.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not affect competition or employment.

Nicholas Lorusso
Chief Deputy Commissioner
1901#039

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Natural Resources
Office of Conservation

Alternate Source Wells (LAC 43:XIX.Chapter 8)

The Department of Natural Resources, Office of Conservation proposes to amend LAC 43:XIX, Subpart 1 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed amendment is to condense rules and procedures from several departments and locations to provide a single location for a comprehensive compilation of procedural requirements for permitting, construction, operation, maintenance, plugging and abandonment of alternative source wells installed for production of subsurface water containing greater than 10,000 mg/l total dissolved solids (TDS).

Title 43
NATURAL RESOURCES
Part XIX. Office of Conservation—General Operations
Subpart 1. Statewide Order No. 29-B
Chapter 8. Alternative Source Well Requirements

§801. Purpose

A. The purpose of this Chapter is to provide a comprehensive compilation of procedural requirements for permitting, construction, operation, maintenance, plugging and abandonment of alternative source wells installed for production of subsurface water containing greater than 10,000 mg/l total dissolved solids (TDS).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

§803. Applicability

A. The procedural requirements herein are intended for alternative source wells installed to produce water from water-bearing strata other than ground water aquifers, underground sources of drinking water (USDW's), or at depths or locations within ground water aquifers containing water greater than 10,000 mg/l TDS. Specific procedures are provided for the installation of alternative source wells with well screens installed in strata that is hydraulically connected and in communication with a ground water aquifer or USDW, and for installations not hydraulically connected and in communication with a ground water aquifer or USDW. All other water wells installed to produce water from ground water aquifers or USDW's must comply with the notification, construction and registration requirements of LAC 43:VI.Subpart 1.Chapter 1 and LAC 56:Part I, as applicable. In the event a well is permitted and installed pursuant to this Chapter and, after well completion, analytical results of water withdrawn from the well are below 10,000 mg/l TDS, the requirements of this Chapter shall remain in effect throughout the life of the well. Nothing in this Chapter shall supersede, eliminate or alter operator responsibilities to comply with applicable Louisiana Mineral Code and/or other applicable requirements of LAC 43:XIX.Subpart 1 (Statewide Order No. 29-B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

§805. Definitions

A. Glossary of Terms

Agent—the commissioner, the director of the engineering division, any of the district managers, or any other designee.

Alternative Source Well (ASW)—a well that produces water from a water-bearing stratum other than a ground water aquifer, underground source of drinking water (USDW's), or at a depth or location within a ground water aquifer containing water greater than 10,000 mg/l TDS.

and measurements and individual differences and must renew this privileging designation every two years (as defined in Chapter 7). Formal training shall include a practicum and supervised practice with appraisal instruments.

f. *Graduate Degree*—the substance of which is professional mental health counseling from a regionally accredited university (as defined in Chapter 7) and must conform to one of the criteria below:

i. a CACREP accredited—program or its equivalent as determined by the board.

ii. a counseling program incorporating the word "counseling" or "counselor" in its title;

iii. a program incorporating a counseling-related term in its title (e.g., marriage and family therapy); or

iv. a program incorporating the eight content areas, a counseling practicum, and a counseling internship.

g. The requisite graduate degree may not consist of a degree in any disciplines otherwise licensed by the state of Louisiana including, but not limited to, psychology, clinical psychology, or social work, with the exception of counseling psychology and vocational rehabilitation counseling programs.

Provisional Licensed Professional Counselor—any person by title or description of services incorporating the words "provisional licensed professional counselor" and who, under board-approved supervision (i.e. may not practice independently), renders professional mental health counseling/psychotherapy services denoting a client-counselor relationship in which the licensee assumes the responsibility for knowledge, skill, and ethical consideration needed to assist individuals, groups, organizations, or the general public, and who implies that he/she is provisionally licensed to practice mental health counseling.

* * *

Temporary Registered LPC—

a. any person who:

i. holds a full and unrestricted license or certificate in mental health counseling/psychotherapy in another state or U.S. territory;

ii. are temporarily employed in Louisiana to render mental health counseling services for not more than 30 consecutive days a year or during a declared state of emergency

b. The board must pre-approve any exception to this Subsection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 371101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:83 (February 1988), amended by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 16:302 (April 1990), LR 18:51 (January, 1992), LR 22:101 (February 1996), LR 24:437 (March 1998), LR 24:2124 (November 1998), LR 26:493 (March 2000), LR 29:130 (February 2003), LR 33:2654 (December 2007), LR 39:1783 (July 2013), LR 41:710 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 45:

Jamie S. Doming
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Public Hearing—Substantive Change to Notice of Intent
Definitions for Licensed Professional Counselors and Provisional Licensed Professional Counselors

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes are not anticipated to result in any additional costs or savings for state or local governmental units. The proposed rule changes clarify, revise, and remove existing definitions and include new definitions regarding present practices of the LA Licensed Professional Counselors Board (LPC Board) pertaining to Licensed Professional Counselors and Provisional Licensed Professional Counselors. Specifically, the proposed rule changes add, remove, and revise definitions regarding supervision of provisional LPCs, application and licensure of LPCs, and criminal background checks of persons licensed by the LPC Board.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes benefit practitioners licensed by the LPC Board by clarifying, revising, and removing existing definitions, as well as including new definitions, regarding present practices of the board. Specifically, the proposed rule changes add, remove, and revise definitions regarding supervision of provisional LPCs, application and licensure of LPCs, and criminal background checks of persons licensed by the LPC Board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to affect competition or employment.

Jamie S. Doming
Executive Director
1905#048

Evan Brasseaux
Staff Director
Legislative Fiscal Office

POTPOURRI

Department of Insurance
Office of the Commissioner

Public Hearing—Substantive Change to Notice of Intent
Regulation 100—Coverage of Prescription Drugs through a Drug Formulary
(LAC 37:XIII.Chapter 101)

The Department of Insurance published a Notice of Intent to amend its rule, Regulation 100, in the January 20, 2019, Volume 45, No. 01 edition of the *Louisiana Register*. The Department of Insurance proposes to amend §14111 of the current Notice of Intent of Regulation 100 by reducing the time period from 120 days to 75 days that a health insurance issuer has to notify the Department of Insurance of a modification affecting drug coverage. Since this is a

substantive change, the Department of Insurance is giving the public an opportunity for a hearing as published in this Potpourri.

Title 37
INSURANCE
Part XIII. Regulations
Chapter 41. Regulation 100—Coverage of Prescription Drugs through a Drug Formulary
§14111. Requirements for the Modification Affecting Drug Coverage

A. - A5. ...

B. A health insurance issuer shall notify the commissioner in writing of a modification affecting drug coverage 75 days prior to the renewal date of the policy form as to those modifications enumerated in R.S. 22:1061(5) and set forth in § 14111.A herein. A health insurance issuer shall provide the notice of modification affecting drug coverage as provided for in R.S. 22:1068(D)(3) and R.S. 22:1074(D)(3) and shall only modify the policy or contract of insurance at the renewal of the policy or contract of insurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1068(F) and R.S. 22:1074(F).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 38:1028 (April 2012), amended LR 45:

Public Hearing

A public hearing on the proposed substantive change will be held by the Louisiana Department of Insurance on June 20, 2019, at 9:30 a.m. in the Poydras Hearing Room, Poydras Building, 1702 North Third Street, Baton Rouge, LA . Interested persons who wish to make comments may do so at the public hearing or by writing to Claire Lemoine, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214. Comments will be accepted no later than June 20, 2019 by close of business, 4:30 p.m.

James J. Donelon
Commissioner

1905#020

POTPOURRI

Department of Natural Resources
Office of Conservation
Environmental Division

Public Hearing Notice

Notice is hereby given that the Commissioner of Conservation will conduct a hearing at 6:00 p.m., Thursday, July 11, 2019, at the Red River Parish Courthouse, third floor assembly room, located at 615 East Carroll Street, Coushatta, Louisiana.

At such hearing, the Commissioner, or his designated representative, will hear testimony relative to the application of Pinnergy, LTD., 111 Congress Ave., Suite 2020, Austin, Texas 78701. The applicant requests approval from the Office of Conservation to construct and operate a commercial deep well injection waste disposal facility for disposal of exploration & production waste (E&P Waste) fluids located on Hwy 514 in Section 22, Township 14 North, Range 9 West in Red River Parish.

The application is available for inspection by contacting Mr. Stephen Olivier, Office of Conservation, Environmental Division, Eighth Floor of the LaSalle Office Building, 617 North Third Street, Baton Rouge, Louisiana. Copies of the application will be available for review at the Red River Parish Police Jury located at 615 East Carroll Street, Coushatta, Louisiana or the Red River Parish Public Library located at 410 East Carroll Street, Coushatta, Louisiana, no later than 30 days prior to the hearing date. Verbal information may be received by calling Mr. Olivier at (225) 342-7394.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 4:30 p.m., Thursday, July 18, 2019, at the Baton Rouge Office. Comments should be directed to:

Office of Conservation
Environmental Division
P.O. Box 94275
Baton Rouge, Louisiana 70804
Re: Docket No. ENV 2019-03
Commercial Facility Well Application
Red River Parish

Richard P. Ieyoub
Commissioner

1905#012

POTPOURRI

Department of Natural Resources
Office of Conservation

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Annona Productions, Inc.	Monroe	M	Annona	001	82920
Annona Productions, Inc.	Monroe	M	Williamson	001	147018
Annona Productions, Inc.	Monroe	M	O D Love	001	147019
Annona Productions, Inc.	Monroe	M	Antley	001	147127
Annona Productions, Inc.	Monroe	M	Antley	002	147128

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

Person Preparing Statement: Anita R. Robert
Phone: (225) 219-0609
Return Address: P. O. Box 94214, Baton Rouge, LA 70804-9214

Department: Louisiana Department of Insurance
Office: Management & Finance
Rule Title: Coverage of Prescription Drugs through Drug Formulary
Effective Date: Upon Publication

SUMMARY
(Use Complete Sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS. (Summary)

The proposed rule change will not result in additional costs or savings for state or local governmental units. The purpose of the proposed rule change is to provide clarification regarding the removal of the requirement for health insurers to obtain approval from the Commissioner of Insurance when implementing modifications to health insurance plans affecting drug coverage, in accordance with Act No. 316 of the 2012 Regular Session.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS. (Summary)

The proposed rule change will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS. (Summary)

The proposed rule change will not result in any costs and/or economic benefits to health insurers. The purpose of this amendment is to align the administrative rules with Act 316 of the 2012 Regular Session, regarding the coverage of prescription drugs through a drug formulary. Act 316 removes the requirement of health insurers to obtain approval from the Commissioner when implementing modifications to health insurance plans affecting drug coverage.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT. (Summary)

The proposed rule change will not affect competition or employment.

Nicholas Lorusso, Chief Deputy Commissioner
La. Department of Insurance

12/5/2014
Date of Signature

Legislative Fiscal Officer or Designee

12/6/13
Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriated legislative oversight subcommittee in its deliberations on the proposed rule.

A. **Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the Notice of Intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of the current and proposed rules with amended portions indicated).**

The proposed amended rule change will not result in additional costs or savings for state or local governmental units. The purpose of amending Regulation 100 is to provide clarification in regards to the requirement of obtaining approval from the Commissioner whenever a health insurance issuer implements a modification affecting drug coverage in accordance with Act No. 316 in the 2012 Regular Session. This regulation was amended September 2012; however, sections of the regulation needed to be amended for this clarity.

§14111, §14115, §14117, §14119 removes the approval by the Commissioner for modifications affecting drug coverage.

B. **Summarize the circumstances which require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.**

The Department of Insurance is tasked with administering the Insurance Code, which regulates the business of insurance in all of its phases. The purpose of amending Regulation 100 is to provide clarification in regards to the requirement of obtaining approval from the Commissioner whenever a health insurance issuer implements a modification affecting drug coverage in accordance with Act No. 316 in the 2012 Regular Session.

C. **Compliance with Act 11 of the 1986 First Extraordinary Session:**

(1) **Will the proposed rule change result in any increase in expenditure of funds? If so, specify the amount and the source.**
No increase in expenditure of funds is anticipated as a result of the proposed regulation.

(2) **If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?**

_____**No. If no, provide justification as to why this rule change should be published at this time.**

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM ACTION PROPOSED.

1. **What is the anticipated increase (decrease) in costs to implement the proposed action?**

LDI does not anticipate any implementation costs (savings) as a result of the proposed regulation.

COSTS	FY 18/19	FY 19/20	FY 20/21
OPERATING EXPENSES	0	0	0
PROFESSIONAL SERVICES	0	0	0
OTHER CHARGES	0	0	0
EQUIPMENT	0	0	0
TOTAL	0	0	0
MAJOR REPAIR/CONSTR	0	0	0
POSITIONS (Number)	0	0	0

2. **Provide a narrative explanation of the costs or savings shown in "A.1" above, including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.**

The proposed rule change will not result in additional costs or savings for state or local governmental units. The purpose of the proposed rule change is to provide clarification regarding the removal of the requirement for health insurers to obtain approval from the Commissioner of Insurance when implementing modifications to health insurance plans affecting drug coverage, in accordance with Act No. 316 of the 2012 Regular Session.

3. **Sources of funding for implementing the proposed rule or rule change.**

SOURCE	FY 18/19	FY 19/20	FY 20/21
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
DEDICATED	0	0	0
FEDERAL FUNDS	0	0	0
OTHER (SPECIFY)	0	0	0
TOTAL	0	0	0

4. **Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?**

No additional funding is necessary to implement the proposed regulation.

B. COSTS OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. **Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.**

The proposed regulation will have no impact on local governmental revenues.

2. **Indicate the sources of funding of local governmental unit(s) which will be affected by these cost or savings.**

No source of funding is necessary; there is no impact on local governmental units as a result of the proposed regulation.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET
(Continued)

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. **What increase (decrease) in revenues can be anticipated from the proposed action?**

The proposed rule change will not affect revenue collections for state or local governmental units.

SOURCE	FY 18/19	FY 19/20	FY 20/21
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
DEDICATED	0	0	0
FEDERAL FUNDS	0	0	0
OTHER (SPECIFY)	0	0	0
TOTAL	0	0	0

B. **Provide a narrative explanation of each increase or decrease in revenues shown in "A". Describe all data, assumptions and other methods used in calculating these increases or decreases.**

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS.

A. **What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.) they may have to incur as a result of the proposed action.**

The proposed rule change will not result in any costs and/or economic benefits to health insurers. The purpose of this amendment is to align the administrative rules with Act 316 of the 2012 Regular Session, regarding the coverage of prescription drugs through a drug formulary. Act 316 removes the requirement of health insurers to obtain approval from the Commissioner when implementing modifications to health insurance plans affecting drug coverage.

B. **Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.**

IV. EFFECTS ON COMPETITION AND EMPLOYMENT.

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule change will not affect competition or employment.

FAMILY IMPACT STATEMENT

Attachment to Regulation 100

COVERAGE OF PRESCRIPTION DRUGS THROUGH A DRUG FORMULARY

I. Describe the effect of the proposed regulation on the stability of the family.

The proposed amended regulation should have no measurable impact upon the stability of the family.

II. Describe the effect of the proposed regulation on the authority and rights of parents regarding the education and supervision of their children

The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

III. Describe the effect of the proposed regulation on the functioning of the family.

The proposed amended regulation should have no direct impact upon the functioning of the family.

IV. Describe the effect of the proposed regulation on family earnings and budget.

The proposed amended regulation should have no direct impact upon family earnings and budget.

V. Describe the effect of the proposed regulation on the behavior and personal responsibility of children.

The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

VI. Describe the effect of the proposed regulation on the ability of the family or a local government to perform the function as contained in the rule.

The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

POVERTY IMPACT STATEMENT

Attachment to Regulation 100

COVERAGE OF PRESCRIPTION DRUGS THROUGH A DRUG FORMULARY

I. Describe the effect on household income, assets, and financial security.

The proposed amended regulation should have no effect on household income assets and financial security.

II. Describe the effect on early childhood development and preschool through postsecondary education development.

The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

III. Describe the effect on employment and workforce development.

The proposed amended regulation should have no effect on employment and workforce development.

IV. Describe the effect on taxes and tax credits.

The proposed amended regulation should have no effect on taxes and tax credits.

V. Describe the effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

PROVIDER IMPACT STATEMENT

Attachment to Regulation 100

COVERAGE OF PRESCRIPTION DRUGS THROUGH A DRUG FORMULARY

I. Describe the effect on the staffing level requirements or qualifications required to provide the same level of service.

The proposed amended regulation will have no effect.

II. The total direct and indirect effect on the cost to the provider to provide the same level of service.

The proposed amended regulation will have no effect.

III. The overall effect on the ability of the provider to provide the same level of service.

The proposed amended regulation will have no effect.

SMALL BUSINESS STATEMENT

Attachment to Regulation 100

COVERAGE OF PRESCRIPTION DRUGS THROUGH A DRUG FORMULARY

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

I. Identification and estimate of the number of the small businesses subject to the proposed rule.

The proposed amended regulation should have no measurable impact upon small businesses.

II. The projected reporting, record keeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

The proposed amended regulation should have no measurable impact upon small businesses.

III. A statement of the probable effect on impacted small businesses.

The proposed amended regulation should have no measurable impact upon small businesses.

IV. Describe any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule.

The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.