

**Laura Almond**

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**From:** Laura Almond  
**Sent:** Monday, December 9, 2024 1:11 PM  
**To:** apa.s-envq@legis.la.gov; 'apa.h-natr@legis.la.gov'; 'apa.senatepresident@legis.la.gov'; 'apa.housespeaker@legis.la.gov'  
**Cc:** Aurelia Giacometto (DEQ Secretary); Noah Hoggatt (DEQ); Jill Clark  
**Subject:** Summary Report for Proposed Rule AQ399  
**Attachments:** AQ399 NOI.pdf

December 9, 2024

The Honorable Eddie J. Lambert, Chairman  
c/o Committee Staff  
Senate Committee on Environmental Quality

The Honorable Brett F. Geymann, Chairman  
House Committee on Natural Resources and Environment  
c/o Committee Staff

**RE: Summary Report for Proposed Rule AQ399  
Emissions Inventory  
(LAC 33:III.919)  
Proposed on October 20, 2024**

Pursuant to the Louisiana Administrative Procedure Act, the Louisiana Department of Environmental Quality is submitting a report regarding the above-referenced proposed rule, which was published in the *Louisiana Register*. Neither oral nor written comments were received. No changes have been made to the proposed rule since the report provided for in R.S. 49:966(B) was submitted. Attached is the Notice of Intent for informational purposes. The original proposed rule was previously provided to you and is not being resubmitted with this report.

*We would appreciate it if you would acknowledge receipt of this message by return email.* Please contact Laura Almond at (225) 219-3981 if you have any questions regarding this material.

Sincerely yours,

W. Noah Hoggatt  
Executive Counsel

=====  
This concludes this transmission.

Laura Almond  
Environmental Project Specialist

Louisiana Department of Environmental Quality  
Legal Affairs Division  
(225) 219-3985

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### Small Business Analysis

The impact of the proposed Rule 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 rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

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

#### Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, November 9, 2024, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Special Education

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change aligns Board of Elementary and Secondary Education (BESE) policy with the following Acts of the 2024 RS: Act 198: early resolution process, Act 512: Individual Education Plan (IEP) scheduling and due process, and Act 689: tutorship. Further changes address recommendations from the Louisiana Legislative Audit on Risk-Based Monitoring and include updates in response to

public comments received during the Notice of Intent process regarding timelines for special education services.

The proposed revisions codify shifts being made to Department of Education (LDOE) processes for monitoring and dispute resolution, and will not result in additional costs. The tutorship information to be distributed is being incorporated into the parent handbook given at IEP meetings.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

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

There are no anticipated costs or economic benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

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

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux  
Deputy Superintendent  
24/01/2024

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division

Emissions Inventory  
(LAC 33:III.919) (AQ399)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq. and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.919 (AQ399).

This Rule change removes a requirement to receive a written release from reporting in order to discontinue submittal of emissions inventories when a facility is not required by an effective permit and no longer meets the reporting thresholds established by the regulations. The basis and rationale for this proposed Rule are to remove an unnecessary burden on the regulated community. A written release from reporting is no longer needed as a means to distinguish between facilities that failed to report an emissions inventory and those that no longer meet the requirements under the Rule. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

#### Title 33

#### Environmental Quality

#### Part III. Air

#### Chapter 9. General Regulations on Control of Emissions and Emission Standards

#### §919. Emissions Inventory

A. -A.3. ....

4. No facility classes or categories are exempted from emissions inventory reporting.

- B. - C. ....
- D. Reserved.
- E. - F.I.c. ...

d. Both the emissions inventory and the certification statement required by Subparagraph F.I.c of this Section shall be submitted to the administrative authority by April 30 of each year (for the reporting period of the previous calendar year that coincides with period of ownership or operatorship), unless otherwise directed by the department. Any subsequent revisions shall be accompanied by a certification statement.

i. The owner or operator of any facility located in a parish designated by EPA as a nonattainment area or within a nonattainment area after June 1, 2011, and that meets the applicability criteria in Subparagraph A.1.a of this Section, shall submit both an emissions inventory and the certification statement required by Subparagraph F.I.c of this Section to the administrative authority by April 30 of the year following the first full calendar year of the nonattainment designation by EPA, unless otherwise directed by the department.

ii. The owner or operator of any facility located in a parish that adjoins a parish designated by EPA as a nonattainment area or within a nonattainment area after June 1, 2011, and that meets the applicability criteria in Subparagraph A.1.a of this Section, shall submit both an emissions inventory and the certification statement required by Subparagraph F.I.c of this Section to the administrative authority by April 30 of the year following the first full calendar year of the nonattainment designation by EPA, unless otherwise directed by the department.

F.I.d.iii. -1. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2054.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:184 (February 1993), repromulgated LR 19:485 (April 1993), amended LR 19:1418 (November 1993), LR 20:1101 (October 1994), LR 22:339 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 29:2776 (December 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2438 (October 2005), LR 32:241 (February 2006), LR 33:2084 (October 2007), LR 37:3222 (November 2011), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2137 (November 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ399. Such comments must be received no later than December 3, 2024, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed regulation can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ399. The proposed regulation is available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

**Public Hearing**

A public hearing will be held on November 26, 2024, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or via Zoom at <https://deqlouisiana.zoom.us/j/95229352496?pwd=byma6joAEkV5bhy3iGt2utFaNNsg5UJ> or by telephone by dialing (646) 255-1997 using the meeting ID 952 2935 2496, passcode 067940. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed regulation is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Aurella S. Giacomello  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Emissions Inventory**

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

This rule change removes a requirement to receive a written release from reporting in order to discontinue submittal of emissions inventories when a facility is not required by an effective permit and no longer meets the reporting thresholds established by the regulations. The cost and workload adjustments are negligible.

There are no anticipated implementation costs or savings to state or local governmental units as a result of this proposed rule change.

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

There are no anticipated effects on revenue collections for state or local governmental units as a result of this proposed rule change.

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

Small businesses that no longer meet the regulatory applicability will no longer need to request and receive approval to discontinue reporting. This will reduce their need to submit one letter/form to the department. Instead, they can simply stop reporting.

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

There are no anticipated effects on competition and employment as a result of this proposed rule change.

Aurelia S. Giacometto  
Secretary  
2410#046

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health Bureau of Health Services Financing

#### Professional Services Program Reimbursement Methodology (LAC 50:IX.15113)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:IX.15113 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq.

The Department of Health, Bureau of Health Services Financing, proposes to amend the provisions governing reimbursement methodology in the Professional Services Program in order to allow coverage of physician-administered biosimilar drugs in Mary Bird Perkins Cancer Centers and establish the reimbursement methodology for their use.

#### Title 50

#### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part IX. Professional Services Program

#### Subpart 15. Reimbursement

#### Chapter 151. Reimbursement Methodology

#### Subchapter B. Physician Services

#### §15113. Reimbursement Methodology

A - M. ...

N. Effective for dates of service on or after January 20, 2025, the department allows for the coverage of certain physician administered drugs (specifically biosimilars) by all Mary Bird Perkins (MBP) Cancer Center locations throughout Louisiana. Coverage of biosimilar medications will be made for CPT codes listed on the Louisiana Medicaid/MBP biosimilars fee schedule and reimbursement will be determined using the following methodology:

1. Reimbursement and periodic updates to the rates shall be made in accordance with the approved Louisiana Medicaid State Plan provisions governing physician-administered drugs in a physician office setting:

a. average sales price (ASP) plus 6 percent, for drugs appearing on the Medicare file;

b. reimbursement rates for drugs that do not appear on the Medicare file shall be determined utilizing the following alternative methods:

1. the wholesale acquisition cost (WAC) of the drug, if available;

ii. if there is no WAC available, the reimbursement rate will be 100 percent of the provider's current invoice for the dosage administered.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1252 (June 2010), amended LR 36:2282 (October 2010), LR 37:904 (March 2011), LR 39:3300, 3301 (December 2013), LR 41:541 (March 2015), LR 41:1119 (June 2015), LR 41:1291 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018), LR 47:477 (April 2021), LR 47:887 (July 2021), LR 48:1100 (April 2022), LR 51:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

#### Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972, as it will facilitate easier access to cancer treatments and medications.

#### Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973, as it will facilitate easier access to cancer treatments and medications.

#### Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is expected that this proposed Rule will have no impact on small businesses.

#### Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may reduce the total direct or indirect cost to the provider to provide the same level of service, and may enhance the provider's ability to provide the same level of service as described in HCR 170 since it provides reimbursement for physician administered drugs that were not previously covered.

#### Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on November 29, 2024.

## Laura Almond

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**From:** APA - House Natural Res <apa.h-natr@legis.la.gov>  
**Sent:** Monday, December 9, 2024 1:10 PM  
**To:** Laura Almond  
**Subject:** Request received

**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

### ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Natural Resources, Louisiana House.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.*

## Laura Almond

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**From:** APA - House Speaker <apa.housespeaker@legis.la.gov>  
**Sent:** Monday, December 9, 2024 1:10 PM  
**To:** Laura Almond  
**Subject:** Request received

**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

### ELECTRONIC RECEIPT FROM THE OFFICE OF THE SPEAKER

Your Administrative Procedure Act (APA) submission has been received by the Office of the Speaker, Louisiana House of Representatives.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees*

*<https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees*

*<https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.*

## Laura Almond

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**From:** APA - Senate Environment <apa.s-envq@legis.la.gov>  
**Sent:** Monday, December 9, 2024 1:10 PM  
**To:** Laura Almond  
**Cc:** APA - Senate Environment  
**Subject:** Request received

**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

### ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Environment, Louisiana Senate.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees*

<https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees

<https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.



## Laura Almond

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**From:** APA - Senate President <APA.senatepresident@legis.la.gov>  
**Sent:** Monday, December 9, 2024 1:10 PM  
**To:** Laura Almond  
**Subject:** Request received

**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

### ELECTRONIC RECEIPT FROM THE OFFICE OF THE PRESIDENT

Your Administrative Procedure Act (APA) submission has been received by the Office of the President, Louisiana Senate.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.*

**Laura Almond**

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**From:** Microsoft Outlook  
**To:** Jill Clark  
**Sent:** Monday, December 9, 2024 1:11 PM  
**Subject:** Delivered: Summary Report for Proposed Rule AQ399

**Your message has been delivered to the following recipients:**

Jill Clark (Jill.Clark@la.gov)

Subject: Summary Report for Proposed Rule AQ399



Summary Report  
for Proposed Ru...

## Laura Almond

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**From:** Microsoft Outlook  
**To:** Aurelia Giacometto (DEQ Secretary)  
**Sent:** Monday, December 9, 2024 1:11 PM  
**Subject:** Delivered: Summary Report for Proposed Rule AQ399

### Your message has been delivered to the following recipients:

[Aurelia Giacometto \(DEQ Secretary\) \(Aurelia.Giacometto@LA.GOV\)](mailto:Aurelia.Giacometto@LA.GOV)

Subject: Summary Report for Proposed Rule AQ399



Summary Report  
for Proposed Ru...

**Laura Almond**

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**From:** Microsoft Outlook  
**To:** Noah Hoggatt (DEQ)  
**Sent:** Monday, December 9, 2024 1:11 PM  
**Subject:** Delivered: Summary Report for Proposed Rule AQ399

**Your message has been delivered to the following recipients:**

Noah Hoggatt (DEQ) (Noah.Hoggatt@la.gov)

Subject: Summary Report for Proposed Rule AQ399



Summary Report  
for Proposed Ru...