



LOUISIANA DEPARTMENT OF INSURANCE
JAMES J. DONELON
COMMISSIONER

November 21, 2023

The Honorable Patrick Page Cortez
President, Louisiana State Senate
P.O. Box 94183
Baton Rouge, LA 70804

ELECTRONIC TRANSMISSION
apa.senatepresident@legis.la.gov

The Honorable Clay Schexnayder
Speaker, Louisiana House of Representatives
P.O. Box 94062
Baton Rouge, LA 70804

ELECTRONIC TRANSMISSION
apa.housespeaker@legis.la.gov

The Honorable Kirk Talbot
Chairman of the Senate Insurance Committee
P.O. Box 94183
Baton Rouge, LA 70804

ELECTRONIC TRANSMISSION
apa.s-ins@legis.la.gov

The Honorable Mike Huval
Chairman of the House Insurance Committee
P.O. Box 94062
Baton Rouge, L A 70804

ELECTRONIC TRANSMISSION
apa.h-ins@legis.la.gov

RE: Summary Report for Regulation 126—Louisiana Fortify Homes Program

Dear President Cortez, Speaker Schexnayder, Senator Talbot, and Representative Huval:

The Louisiana Department of Insurance (LDI) hereby submits the following summary report required by La. R.S. 49:968(D)(1)(b) and announces its intention to finalize the amended Regulation 126—Louisiana Fortify Homes Program, which was published as a Notice of Intent in the October 2023 edition of the *Louisiana Register*.

Interested persons were invited to submit comments to the LDI concerning the proposed regulation; however, no written or oral comments were received during the applicable comment period.

Subject to legislative oversight, the LDI intends to submit Regulation 126 to the Office of the State Register for final publication in the January 2024 edition of the *Louisiana Register*. A copy of this summary report will be placed on the LDI's website in accordance with La. R.S. 49:968(D)(1)(c).

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Doula Registry Board

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

Other than publication costs associated with the proposed rule, which are estimated to be \$825, it is not anticipated that state or local governmental units will incur any costs or savings as a result of this rule.

In compliance with Act 182 of the 2021 RS, the Office of Public Health proposes to adopt Subpart 57 of Part V (Preventive Health Services) of Title 48 (Public Health—General) of the Louisiana Administrative Code (LAC): Doula Registration. Specifically, the rule establishes the framework for the Louisiana Doula Registry Board within the Louisiana Department of Health for the purpose of reviewing and approving doula registration for doulas seeking health insurance reimbursement.

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

There is no anticipated effect on revenue collections of state or local governmental units.

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 businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Registered doulas may experience an increase in patients, as the ability for doula services to be reimbursed by insurance would expand access to their services. Conversely, this may result in a decrease in maternity patients for doulas not participating in the registry.

Doris Brown
Assistant Secretary
2310#037

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

Regulation 126—Louisiana Fortify Homes Program
(LAC 37:XIII.Chapter 182)

The Department of Insurance, pursuant to the authority of the 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 126 to provide clarification with respect to the administration of the Louisiana Fortify Homes Program (LFHP) in accordance with Act No. 554 of the 2022 Regular Session.

Title 37

INSURANCE

Part XIII. Regulations

**Chapter 182. Regulation Number 126—Louisiana
Fortify Homes Program**

§18201. Purpose

A. ...

B. The purpose of the amendment to Regulation 126 is to provide additional clarification with respect to the

administration of the LFHP in accordance with Act No. 554 of the 2022 Regular Session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and R.S. 22:1483.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:698 (April 2023), amended LR 50:

§18202. Definitions

A. - A.4. ...

5. *Louisiana Citizens* (when capitalized)—the Louisiana Citizens Property Insurance Corporation and includes the residual market insurance programs known as the “Coastal Plan” and the “FAIR Plan.”

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and R.S. 22:1483.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:698 (April 2023), amended LR 50:

**§18203. Contractor Eligibility Requirements and
Conflicts of Interest**

A. Contractor Eligibility Requirements. To be eligible to work as a Louisiana Fortify Homes Program contractor (LFHP-approved contractor), the contractor must meet all of the following program requirements:

1. - 9. ...

10. agree to follow the LFHP procedures and rules established by the Commissioner of Insurance.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and R.S. 22:1483.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:698 (April 2023), amended LR.

**§18204. Evaluator Eligibility Requirements and
Conflicts of Interest**

A. Evaluator Eligibility Requirements. To be eligible to work on the LFHP, an evaluator must meet all of the following program requirements:

1. submit and maintain a copy of all current program certificates with the LFHP;

A.2. - B.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and R.S. 22:1483.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:698 (April 2023), amended LR 50:

§18205. Louisiana Fortify Homes Program Grants

A. Grant Eligibility. To be eligible for a LFHP grant, an applicant must meet the following requirements.

1. The home must be a residence with a homestead exemption that is not a condominium or mobile home.

A.2. - B.3. ...

4. The homeowner must access the LFHP online application portal and obtain bids from three LFHP-approved contractors of their choice to improve the home to meet the IBHS fortified roof standard. If an LFHP-approved contractor is not available in the area where the home is located, the minimum number of bids required for the application will be reduced to reflect the number of contractors that are available in the area. A list of eligible contractors can be found at www.lti.la.gov/fortifyhomes. The LFHP may remove a contractor from the list of eligible contractors at any time upon a finding that the contractor

failed to meet any of the program requirements listed in §18203 of this Regulation.

C. ...

D. Maximum Grant Award. The amount of a grant award shall equal the total cost to retrofit to the IBHS fortified roof standard not to exceed \$10,000. The Commissioner of Insurance may periodically update the amount of the grant award.

E. - F.6. ...

G. The Commissioner of Insurance may establish additional procedures as necessary to allocate grant funds to Louisiana Citizens policyholders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and R.S. 22:1483.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:698 (April 2023), amended LR 50:

§18207. Effective Date

A. Regulation 126, as amended, shall be effective upon final publication in the Louisiana Register.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and R.S. 22:1483.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 50:

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 parents 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.

Small Business Analysis

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.

1. 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.

2. 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.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. 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, there is no less intrusive or less costly alternative method of achieving the purpose of the proposed regulation.

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

Interested persons who wish to make comments may do so by writing to Philip Dominique, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA

70804-9214, or by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., November 10, 2023.

James J. Donelon
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Regulation 126
Louisiana Fortify Homes Program**

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

The proposed rule is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule is being amended to provide clarification to the administration of the Louisiana Fortified Home Program by updating website addresses containing program information and procedures as well as defining LA Citizens Property Insurance Corporation. Also, the proposed rule states the maximum award is equal to the lesser of the retrofit cost or \$10,000.

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

The proposed rule will have no impact on state or local governmental units.

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

The proposed amended rule will provide clarification to the administration of the Louisiana Fortified Home Program to homeowners, contractors, and evaluators that participate in the program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule outlines contractor eligibility requirements, evaluator eligibility requirements and outlines conflicts of interest. It is unknown whether these changes will impact contractor or evaluator participation in the Louisiana Fortified Home Program.

Lance Herrin
Deputy Commissioner
2310#042

Deborah Vivien
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Natural Resources
Office of Conservation**

Termination of Units (LAC 43:XIX.3105)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950, et seq.) and Title 30 of the Revised Statutes of 1950 (R.S. 30:4 et seq.), the Department of Natural Resources, Office of Conservation hereby gives notice of its intent to amend LAC 43:XIX and Subpart 13 (Statewide Order No. 29-L-3) Chapter 31 (Termination of Units) to codify policy established by memorandum. Specifically, the additions clarify when an operator of record should apply for a hearing if production is reestablished in a

terminated unit, establishment of new units overlapping terminated units, and termination of units subsequent to dissolution.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation—General Operations

Subpart 13. Statewide Order No. 29-L-3

Chapter 31. Termination of Units

§3105. Order

A. - A.4. ...

a. Any well which was not officially plugged and abandoned on the effective date of unit termination which is sidetracked around junk to the same bottomhole location and brought back on production shall require the operator of record to be subject to the requirements of §3105.A.4 of this Part.

b. Any well which was not officially plugged and abandoned on the effective date of unit termination which is sidetracked to a different bottomhole location shall be considered a new well and the operator of record shall not be subject to the requirements of §3105.A.4 of this Part.

c. The re-entry of a well which was officially plugged and abandoned on the effective date of unit termination shall be considered a new well and the operator of record shall not be subject to the requirements of §3105.A.4 of this Part.

B. - E. ...

F. Establishment of Unit(s) Overlapping Terminated Units

1. An application for a public hearing to create a drilled or undrilled unit(s) overlapping a terminated unit(s) for what the applicant considers to be the same or a different pool or for a multiple pool zone which overlies and includes lands within a previously terminated unit(s), shall be allowed.

2. The vertical extent of any zonal, multi-pool defined unit interval shall be based upon industry and Office of Conservation accepted economic, efficient and safe operation reasons and such reasons shall be stated by the applicant at the public hearing to create such unit(s).

G. Any party desiring to terminate a unit previously dissolved by order of the commissioner shall apply for a public hearing in accordance with rules of procedure within Chapter 39 of this Part (30-day legal notice) to accomplish same.

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 15:741(September 1989), amended LR 19:776 (June 1993), repromulgated LR 19:1030 (August 1993), amended LR 21:1084 (October 1995), LR 30:255 (February 2004), repromulgated LR 30:437 (March 2004), amended LR 50:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.