

1. Data sources for tables are:
 - a. Cost Index—Marshall and Swift Publication Co.;
 - b. Percent Good—Marshall and Swift Publication Co.;
 - c. Average Economic Life—various.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 10:944 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:317 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:496 (March 2007), LR 34:686 (April 2008), LR 35:500 (March 2009), LR 36:780 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1402 (May 2011), LR 38:810 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:681 (April 2015), LR 42:750 (May 2016), LR 43:656 (April 2017), LR 44:580 (March 2018), repromulgated LR 44:918 (May 2018).

Lawrence E. Chehardy
Chairman

1805#022

RULE

Department of Health Board of Nursing

Alternative to Disciplinary Proceedings (LAC 46:XLVII.3419)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:918, the Louisiana State Board of Nursing (LSBN) has made rule changes to Chapter 34, Section 3419, Subsection A, Subparagraph 1 and Chapter 34, Section 3419, Subsection D, Subparagraph 3, admission criteria, Subparagraphs i-j under Title 46, Professional and Occupational Standards, Part XLVII. One change updated the terminology. The medical term has changed from chemical dependency to substance use disorder, mild, moderate or severe according to the *Diagnostic and Statistical Manual of Mental Disorders Fifth Edition (DSM 5)* edited and published by the American Psychiatric Association in 2013. The other change has corrected a factual error. The factual error that has been corrected is as follows: “No substitution of narcotic medications destined for patients for the purpose of diversion” will be removed from the *Louisiana Administrative Code* since suboxone, an opioid medication, is used to treat narcotic (opiate) addiction. Chapter 34, Section 3419 offers an alternative to disciplinary proceedings for nurses. The Recovering Nurse Program (RNP) was established to assist registered nurses or

student nurses who have demonstrated actual or potential inability to practice nursing with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition, so that such nurses or student nurses can be treated and return to the practice of nursing in a manner which will not endanger the public health, safety and welfare. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses: Practical Nurses and Registered Nurses

Subpart 2. Registered Nurses

Chapter 34. Disciplinary Proceedings: Alternative to Disciplinary Proceedings

§3419. Alternative to Disciplinary Proceedings

A. - A.1. ...

2. In addition to being an alternative to disciplinary action, the RNP accepts individuals who have been diagnosed with a physical, and/or mental impairment, or substance use disorder and who have disciplinary action ordered by the board.

B. - B.7. ...

C. Operational Definitions

Board—the Louisiana State Board of Nursing.

Compliance—conformity in fulfilling the Recovering Nurse Program agreement.

Confidentiality—all records of a nurse or student nurse who has successfully completed or is in the non-disciplinary alternative program shall not be subject to public disclosure, and shall not be available for discovery proceedings except as required by federal and state confidentiality laws and regulations. The records of a nurse or student nurse who fails to comply with the program agreement or who leaves the program without enrolling in an alternative program in the state to which the nurse moves, or who subsequently violates the Nurse Practice Act or the rules of the board, shall not be deemed confidential except for those records protected by federal and state confidentiality laws and regulations.

Impaired Nurse—a registered nurse or student nurse who has demonstrated actual or potential inability to practice nursing with reasonable skill and safety to individuals because of use of alcohol or drugs; or has demonstrated inability to practice nursing with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition.

Impairment—problems associated with the actual or potential inability to practice nursing with reasonable skill and safety to individuals because of the use of alcohol or drugs; or inability to practice nursing with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition.

Non-Compliance—failure to conform with the stipulations of the RNP agreement.

Recovering Nurse Program (RNP)—a program established by the board to identify and assist registered nurses, registered nurse applicants and student nurses whose capacity to practice nursing with reasonable skill and safety

to patients has been, or may potentially be, compromised because of use of alcohol or drugs, or because of illness or as a result of any mental or physical condition.

Relapse—the use of a mind or mood altering chemical when total abstinence from all mind- or mood-altering chemicals has been directed.

Student Nurse—an individual who is enrolled in a Louisiana State Board of Nursing-approved program preparing for licensure as a registered nurse.

D. - D.3.d. ...

e. has no criminal convictions or pending criminal charge pertaining to any crime of violence or other crime referenced in LAC 46:XLVII.3331.A, any crime that involves the distribution of drugs, and/or any crime that demonstrates a lack of fitness to practice nursing;

f. - h. ...

i. no related nursing problems involving death or significant harm to patient;

j. agrees to comply with all RNP stipulations and signs program agreement including statement of admission of substance use disorder or other impairment.

E. - E.6.d. ...

F. Admission and Progression. The following procedures shall apply to RNP participants.

1. For nurses who have met criteria in §3419.D and have entered the program confidentially with no disciplinary action will upon entry:

a. sign RNP agreement for five years for substance use disorders. Agreements to rule out substance use disorder or medical, mental or physical agreements may be of shorter duration depending on treatment team recommendations;

b. refrain from the practice of nursing until approved by RNP;

c. complete and submit to the board a comprehensive inpatient evaluation and treatment as recommended from a board recognized treatment facility. Admission shall be within 10 days unless otherwise approved by RNP or board's professional staff;

1.d. - 2.a. ...

b. complete a relapse evaluation as directed by RNP staff. Participants must follow all treatment recommendations. Admission shall be within 10 days unless otherwise approved by RNP;

2.c. - 3.b.iii. ...

iv. board hearing or consent order will be required prior to reinstatement;

v. submit fine/costs as imposed.

4. A third relapse/non-compliance will result in an automatic suspension for a minimum of two years and show cause order for revocation.

G. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), amended LR 27:728 (May 2001), LR 31:1586 (July 2005), LR 35:1535 (August 2009), LR 36:1244 (June 2010), LR 37:3025 (October 2011), amended by the Department of Health, Board of Nursing, LR 44:919 (May 2018).

Dr. Karen C. Lyon, E.D.
Executive Director

1805#006

RULE

Department of Health Bureau of Health Services Financing

Medicaid Provider Screening Application Fee (LAC 50:I.1501)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:I.1501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 1. General Provisions

Chapter 15. Provider Screening and Enrollment §1501. General Provisions

A. - F.4. ...

G. Provider Screening Application Fee

1. In compliance with the requirements of the Affordable Care Act and 42 CFR 455.460, the department shall collect an application fee for provider screening prior to executing provider agreements from prospective or re-enrolling providers other than:

a. individual physicians or non-physician practitioners; and

b. providers who:

i. are enrolled in title XVIII of the Social Security Act;

ii. are enrolled in another state's title XIX or XXI plan; or

iii. have paid the applicable application fee to a Medicare contractor or another state.

2. The department shall return the portion of all fees collected which exceed the cost of the screening to CMS.

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, Office of Management and Finance, LR 39:1051 (April 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 44:920 (May 2018).

Rebekah E. Gee MD, MPH
Secretary

1805#044

RULE

Department of Health Bureau of Health Services Financing

Professional Services Program Reimbursement Methodology Supplemental Payments (LAC 50:IX.15151 and 15153)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:IX.15151 and §15153 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This