

## NOTICE OF INTENT

### Department of Health Board of Nursing

#### Composition of Board (LAC 46:XLVII.3105)

Notice is hereby given 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, that the Louisiana State Board of Nursing (LSBN) is adding language to Chapter 31, Section 3015. The added language affects the composition of the Louisiana State Board of Nursing board members. Currently, we have nine registered nurse members and two physicians who serve as ex-officio non-voting members of the board. During the 2016 Legislative Session, the two seats that are currently held by physicians changed to allow any citizen of the United States and resident of Louisiana and who have never practiced nursing to obtain either seat. These two consumer members will be voting members of the Louisiana State Board of Nursing. In order to be in compliance, the Nurse Practice Act and the rules and regulations should have the same language, therefore we are adding additional language to the *Louisiana Administrative Code*, Title 46, Professional and Occupational Standards, Part XLVII, Nurses: Practical Nurses and Registered Nurses, Subpart 2, Registered Nurses, Chapter 31, Section 3105.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLVII. Nurses: Practical Nurses and Registered Nurses

#### Subpart 2. Registered Nurses

#### Chapter 31. Introductory Information

#### §3105. History

A. - D. ...

E.1. The 2016 Legislature amended the Nurse Practice Act, Act 598, to remove the two ex officio, non-voting physician members and replace them with two representatives of the consumers of Louisiana from the state at-large, appointed by the governor and neither of whom shall be a nurse. The consumer members must:

- a. be a citizen of the United States and a resident of Louisiana for at least one year immediately prior to appointment;
- b. have attained the age of majority;
- c. have never engaged in any activity directly related to the practice of professional nursing; and
- d. have never been convicted of a felony.

2. The consumer members will be fully active, voting members of the Louisiana State Board of Nursing.

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

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:183 (April 1977), amended by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), amended by the Department of Health, Board of Nursing, LR 43:

#### Family Impact Statement

The proposed additions and/or changes to the rules of the board, Louisiana State Board of Nursing should not have any known or foreseeable impact on any family as defined by

R.S. 49.972(D) or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. a family's earnings and budget;
5. the behavior and personal responsibility of the children; or
6. the family's ability or that of the local government to perform the function as contained in the proposed Rule.

#### 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 not have an impact on child, individual, or family poverty in relation to individual or community asset development as described on R.S. 49:973.

#### 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 not have an impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

#### Public Comments

Interested persons may submit written comments on the proposed Rule to Karen C. Lyon, 17373 Perkins Road, Baton Rouge, LA 70810, or by facsimile to (225) 755-7585. All comments must be submitted by 5 p.m. on or before May 10, 2017.

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

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Composition of Board**

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

Other than the publication fee associated with the proposed rule changes, which are estimated to cost the LA State Board of Nursing (LSBN) \$250, it is not anticipated that state or local governmental units will incur any other costs or savings. The proposed rule changes the composition of the members of LSBN in accordance with Act 598 of the 2016 Regular Legislative Session. Before the passage of this act, the board was comprised of nine registered nurse members and two physicians to serve as ex-officio, non-voting members of the board. Act 598 maintains the nine registered nurse members and replaces the two ex-officio, non-voting physician members with two representatives of the consumers of Louisiana, neither of whom should be a nurse. These two representatives will have voting rights.

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

The proposed rule change will not affect state or local government revenue collections.

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

The proposed rule changes the composition of the board. It replaces two physician members with two consumer representatives. This is not anticipated to result in costs and/or economic benefits to any person or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change does not affect competition and/or employment.

Karen C. Lyon, E.D.  
Executive Director  
1704#034

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Board of Nursing**

**Disciplinary Proceedings; Alternative to  
Disciplinary Proceedings (LAC 46:XLVII.3405)**

The Louisiana State Board of Nursing 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 is proposing to repeal Chapter 34, Section 3405, Subsection A, *other causes*, Subparagraph o under Title 46, Professional and Occupational Standards, Part XLVII. The request is to repeal the definition that states "failing to report to the board one's status when one performs or participates in exposure-prone procedures and is known to be a carrier of the hepatitis B virus or human immunodeficiency virus (HIV), in accordance with LAC XLVII.4005." This specific definition is no longer relevant with the deletion of Chapter 40, Prevention of Transmission of Hepatitis B Virus (HBV), Hepatitis C Virus (HBV) and Human Immunodeficiency Virus (HIV), which required that nurses report their status. With the removal of Chapter 40, the Louisiana State Board of Nursing would not have the authority to take disciplinary action if a nurse has not reported self-exposure to an infectious disease.

**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**

**§3405. Definition of Terms**

A. ...

\* \* \*

*Other Causes*—includes, but is not limited to:

a - n. ...

o. Repealed.

p - x. ...

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), R.S. 37:921, and R.S. 37:1744-1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:74 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1145 (September 1993), LR 21:271 (March

1995), LR 24:1293 (July 1998), LR 31:1585 (July 2005), LR 35:1535 (August 2009), LR 36:2278 (October 2010), amended by the Department of Health, Board of Nursing, LR 43:

**Family Impact Statement**

The proposed additions and/or changes to the rules of the board, Louisiana State Board of Nursing should not have any known or foreseeable impact on any family as defined by R.S. 49.972(D) or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. a family's earnings and budget;
5. the behavior and personal responsibility of the children; or
6. the family's ability or that of the local government to perform the function as contained in the proposed Rule.

**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 not have an impact on child, individual, or family poverty in relation to individual or community asset development as described on R.S. 49:973.

**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 not have an impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

**Public Comments**

Interested persons may submit written comments on the proposed Rule to Karen C. Lyon, 17373 Perkins Road, Baton Rouge, LA 70810, or by facsimile to (225) 755-7585. All comments must be submitted by 5 p.m. on or before May 10, 2017.

Karen C. Lyon, E.D.  
Executive Director

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

**RULE TITLE: Disciplinary Proceedings;  
Alternative to Disciplinary Proceedings**

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

Other than the publication fee associated with the proposed rule change, which is estimated to cost the Louisiana State Board of Nursing (LSBN) \$270, it is not anticipated that state or local governmental units will incur any other costs or savings. The proposed rule repeals Chapter 34, Section 3405, Subsection A, Other Causes, Subparagraph o under Title 46 Professional and Occupational Standards, Part XLVII. This section provides definitions for the exercise of disciplinary authority by the LSBN. The specific definition listed under Chapter 34, section 3405. A.o., which is being eliminated,