

Notice of Intent
Department of Health
Board of Nursing

Reinstatement of License (LAC 46: XLVII. 3415)

At its meeting held on April 20, 2017, the Louisiana State Board of Nursing approved the proposed rule change to add language to Chapter 34, Section 3415 A-C, under Title 46 Professional and Occupational Standards, Part XLVII. The current rule allows a nurse whose license has been suspended or surrendered to apply to the Board to have their license reinstated. Proposed rule adds that a nurse whose license has been revoked may also apply to have their license reinstated by requesting a hearing.

Title 46

PROFESSIONAL AND OCUPATION STANDARDS

Part XLVII. Practical Nurses and Registered Nurses

Subpart 2. Registered Nurses

Chapter 34. Disciplinary Proceedings; Alternative to Disciplinary Proceedings

§3415. Reinstatement of License

A. Application for reinstatement of a suspended, revoked, or surrendered license shall be in writing in the form prescribed by the board. Applications and supporting documentation shall be submitted to the board at least 21 days prior to the scheduled hearing or conference.

B. The application for reinstatement of a suspended or a revoked license does not require satisfaction of the requirements for initial licensure. However, the requirements of LAC 46:XLVII.3333 and 3335 shall be met.

C. Prior to reinstatement of a license previously suspended (except for nonpayment of fees) or revoked, a hearing or conference is held before the board or staff to afford the applicant with the opportunity to present evidence that the cause for the revocation or suspension no longer exists and to provide an opportunity for the board or staff to evaluate changes in the person or conditions. In certain situations, the license may be reinstated by consent order or settlement order. The burden of proof is on the applicant to prove that conditions that led to the suspension or revocation no longer exist and/or no longer affect applicant's ability to practice safely. If reinstatement is granted, a period of probation with stipulations may be imposed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, R.S. 37:921, R.S. 37:922 and R.S. 37:923.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:77 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 16:1060 (December 1990), LR 24:1293 (July 1998), LR43:

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 September 10, 2017.

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

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Reinstatement of License

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) \$250, there are no other anticipated costs or savings to the board or other state or local governmental units. The current rule allows a nurse whose license has been suspended or surrendered to apply to the Board to have their license reinstated. Proposed rule adds that a nurse whose license has been revoked may also apply to have their license reinstated.

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

The total revenue generated as a result of this rule change is indeterminable, but expected to be minimal, and is dependent on the number of nurses that apply to have their license reinstated and the outcome of the reinstatement hearing. Historically, there have been less than 5 licenses revoked each year.

If a nurse whose license has been revoked applies to have their license reinstated, the LSBN will generate additional revenue collections as a result of this rule change. The application fee to apply for license reinstatement is \$100. If a reinstatement is granted, the board will also generate additional revenue each year the nurse's license is active. The annual fee a nurse must pay to maintain an active license is \$100 for an RN and an additional \$100 for an advanced practice nurse.

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

The proposed rule change may have an economic benefit to a nurse whose license has been revoked. Currently, these nurses are no longer able to practice as an RN. However, this rule change gives them an opportunity to have their license reinstated under certain circumstances as approved by the board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may have an impact on the employment opportunities of a nurse whose license has been revoked. If a reinstatement is granted, then the nurse may practice as an RN.

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

Evan Brasseaux
Staff Director
Legislative Fiscal
Office