

NOTICE OF INTENT

**Department of Health
Board of Nursing**

Disciplinary Proceedings (LAC 46:XLVII.3405)

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 proposing rule changes that will add clarifying language to the definitions “revoke” and “suspend” in Chapter 34, Section 3405 of the administrative rules. This change may affect the licensure of Registered Nurses (RNs) and Advanced Practice Registered Nurses (APRNs). Amendments to the definition of “revoke” include language allowing for the reinstatement of a revoked license 5 years after revocation of a license. The revised definition aligns with recent changes in Chapter 34, Section 3415 of the administrative rules, which modifies the reinstatement of licenses process for RNs and APRNs. The changes in Chapter 34, Section 3415 allow for the RN and/or the APRN to submit an application for the consideration of reinstatement by the board if his/ her license has been revoked. The rule changes to Chapter 34, Section 3415 were published in October 2018.

Additionally, the proposed rule changes amend the definition of “suspend” regarding the licensure of RNs and APRNs, implementing a maximum cap on license suspensions of 3 years. Under the prior definition the LSBN could suspend licenses indefinitely. The revised definition further clarifies the powers of an RN or APRN under license suspension.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

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

Subpart 1. Practical Nurses

**Chapter 34. Disciplinary Proceedings: Alternative to
Disciplinary Proceedings.**

§3405 Definition of Terms

A. ...

Revoke—to annul or make void by calling back. A person who is licensed as a registered nurse, an advanced practice registered nurse, or both, and whose license or licenses are revoked, but not declared “permanently revoked,” loses his/her license (s) to practice registered nursing, advanced practice registered nursing or both, is no longer a registered nurses, advanced practice registered nurse, or both, but may apply for reinstatement for (5) years from the date the board’s revocation order became a final judgement. A person whose license or licenses are revoked permanently or are declared permanently revoked, however, never again shall be allowed to practice registered nursing in Louisiana, and an application for reinstatement shall not be considered.

Suspend—to hold license to practice as a registered nurse, an advanced Patrice register nurse, or both, in abeyance for a definite period of time. A suspension shall not exceed a maximum term or time period of three (3) years. A suspended registered nurse or advanced practice registered

nurse remains a registered nurse, a n advanced practice registered nurse, or both, during the period of suspension and retains a license to practice. But cannot practice, and shall not practice, registered nursing, advanced practice registered nursing, or both, during the term of suspension.

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 43:1379 (July 2017), LR 45:

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 December 10, 2018.

Dr. Karen C. Lyon
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Disciplinary Proceedings**

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

The proposed rule changes will result in a one-time publication cost of \$300 in FY 19 for the LA State Board of Nursing (LSBN) to publish the rule changes in the Louisiana Register. The proposed rule change will not result in any savings to state or local governmental units.

The LSBN is adding clarifying language to the definition of “revoke” regarding the licensure of Registered Nurses (RNs) and Advanced Practice Registered Nurses (APRNs) in Chapter 34, Section 3405 of the administrative rules. Amendments to the definition of “revoke” include language allowing for the reinstatement of a revoked license 5 years after revocation of a license. The revised definition aligns with recent changes in Chapter 34, Section 3415 of the administrative rules, which modifies the reinstatement of licenses process for RNs and APRNs. The changes in Chapter 34, Section 3415 allow for the RN and/or the APRN to submit an application for the consideration of reinstatement by the board if his/ her license has been revoked. The rule changes to Chapter 34, Section 3415 were published in October 2018.

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

The proposed rule changes will not affect revenue collections for state or local governmental units.

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

There may be economic benefits to RNs and/or APRNs whose licenses are suspended, as they may only be suspended for up to 3 years under proposed rule changes, rather than indefinitely. If RNs or APRNs have their licenses suspended subsequent to this rule change, they will have the potential economic benefit of their license reinstatement sooner with the ability to practice as an RN or APRN. The average annual salary for RNs is \$63,560 and the average annual salary for APRNs is \$107,480.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to affect competition or employment.

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Legislative Fiscal Office