

B. ...

C. If the commissioner determines that sufficient evidence of SBA approval has not been provided to him within the time frame described in Subsection A. hereinabove, the commissioner's conditional licensure shall be void, and the applicant shall have no right to any judicial, administrative, or other relief. The applicant may request new licensure subject to conditions pursuant to Subsection A. at least 10 business days prior to the expiration of an existing conditional license without filing a new application pursuant to this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq., and R.S. 51:2389.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 18:26 (January 1992), amended by the Office of the Governor, Office of Financial Institutions, LR 44:1009 (June 2018).

Christine O. Kirkland  
Deputy Commissioner

1806#026

**RULE**

**Department of Health  
Board of Dentistry**

**Anesthesia/Analgesia Administration  
(LAC 46:XXXIII.1511)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760(8), the Department of Health, Board of Dentistry has amended LAC 46:XXXIII.1511. This Rule is hereby adopted on the day of promulgation.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XXXIII. Dental Health Profession**

**Chapter 15. Anesthesia/Analgesia Administration**

**§1511. Required Facilities, Personnel and Equipment  
for Sedation Procedures**

A. - A.7.c. ...

d. adequate equipment for the establishment of an intravenous infusion;

A.7.e. - B.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 42:55 (January 2016), amended by the Department of Health, Board of Dentistry, LR 43:956 (May 2017), amended by the Department of Health, Board of Dentistry, LR 43:1964 (October 2017), LR 44:1010 (June 2018).

Arthur F. Hickham, Jr.  
Executive Director

1806#040

**RULE**

**Department of Health  
Board of Nursing**

**Denial or Delay of Licensure (LAC 46:XLVII.3331)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:917-918, the Louisiana State Board of Nursing (LSBN) has amended §3331, denial or delay of licensure. Our mission is "To safeguard the life and health of the citizens of Louisiana by assuring persons practicing as registered nurses and advanced practice registered nurses are competent and safe". The Rule revises the criteria set forth in Title 46, Professional and Occupational Standards, Part XLVII, Chapter 33, General, Subchapter C, Registration and Registered Nurse Licensure, Section 3331, Denial or Delay of Licensure, Licensure by Endorsement, Reinstatement, or the Right to Practice Nursing as a Student Nurse. *Louisiana Revised Statute* 14:2(B) enumerates the crimes of violence by which LSBN has aligned Rule changes for applicants that apply for licensure, licensure by endorsement, reinstatement, or the right to practice as a student nurse set forth in §3331. *Louisiana Revised Statute* 14:2(B) enumerates the crimes of violence by which LSBN has aligned Rule changes for applicants that apply for licensure, licensure by endorsement, reinstatement, or the right to practice as a student nurse set forth in §3331. LSBN has more broadly enumerated violations that will be considered for denial and delay of nursing licensure. The scope became broader by allowing the board to use its discretion in determining the number of years that a nursing applicant for licensure, licensure by endorsement, reinstatement, or the right to practice as a student nurse shall be delayed or denied approval for licensure, for reinstatement, to receive a temporary working permit, to be eligible for NCLEX-RN, or to enter or progress into any clinical nursing course. The LSBN has changed the timeframe from a minimum of five years to up to five years. 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 33. General**

**Subchapter C. Registration and Registered Nurse  
Licensure**

**§3331. Denial or Delay of Licensure, Licensure by  
Endorsement, Reinstatement, or the Right to  
Practice Nursing as a Student Nurse**

A. Denial of Licensure, Licensure by Endorsement, Reinstatement, or the Right to Practice Nursing as a Student Nurse

1. Applicants for licensure, licensure by endorsement, reinstatement, or the right to practice as a student nurse shall be denied approval for licensure, for reinstatement, to

receive a temporary working permit, to be eligible for NCLEX-RN, or to enter or progress into any clinical nursing course, if the applicant has pled guilty, *nolo contendere*, or "best interest of" to, or the equivalent thereto in jurisdictions other than Louisiana, or has been convicted of committing, attempting to commit, or conspiring to commit:

- a. any of the following crimes:
  - i. R.S. 14:28.1, solicitation for murder;
  - ii. R.S. 14:30, first degree murder;
  - iii. R.S. 14:30.1, second degree murder;
  - iv. R.S. 14:32.6, first degree feticide;
  - v. R.S. 14:34, aggravated battery;
  - vi. R.S. 14:34.1, second degree battery;
  - vii. R.S. 14:34.7, aggravated second degree battery;
  - viii. R.S. 14:37.1, assault by drive-by shooting;
  - ix. R.S. 14:42, aggravated or first-degree rape;
  - x. R.S. 14:42.1, forcible or second-degree rape;
  - xi. R.S. 14:43, simple or third-degree rape;
  - xii. R.S. 14:43.1, sexual battery;
  - xiii. R.S. 14:43.2, second degree sexual battery;
  - xiv. R.S. 14:43.3, oral sexual battery;
  - xv. R.S. 14:43.5, intentional exposure to AIDs virus;
  - xvi. R.S. 14:44, aggravated kidnapping;
  - xvii. R.S. 14:44.1, second degree kidnapping;
  - xviii. R.S. 14:44.2, aggravated kidnapping of a child;
  - xix. R.S. 14:45, simple kidnapping;
  - xx. R.S. 14:46.2, human trafficking;
  - xxi. R.S. 14:46.3, trafficking of children for sexual purposes;
  - xxii. R.S. 14:52, aggravated arson;
  - xxiii. R.S. 14:64, armed robbery;
  - xxiv. R.S. 14:64.1, first degree robbery;
  - xxv. R.S. 14:64.3, armed robbery use of firearm, additional penalty;
  - xxvi. R.S. 14:64.4, second degree murder;
  - xxvii. R.S. 14:81.1, pornography involving juveniles;
  - xxviii. R.S. 14:81.2, molestation of a juvenile or a person with a physical or mental disability;
  - xxix. R.S. 14:84.4, prohibited sexual conduct between educator and student;
  - xxx. R.S. 14:82.2 (C)(4)(5), purchase of commercial sexual activity;
  - xxxi. R.S. 14:89, crime against nature;
  - xxxii. R.S. 14:89.1, aggravated crime against nature;
  - xxxiii. R.S. 14:93.2.3, second degree cruelty to juveniles;
  - xxxiv. R.S. 14:93.3, cruelty to persons with infirmities;
  - xxxv. R.S. 14:93.5, sexual battery of persons with infirmities;
  - xxxvi. R.S. 14:128.1, terrorism; or
  - xxxvii. an equivalent crime in jurisdictions other than Louisiana; or
- b. a crime designated or defined as an "aggravated offense," as a "criminal offense against a victim who is a minor," as a "sexual offense," or as a "sexual offense against a victim who is a minor," as listed, defined, enumerated, or designated within R.S. 15:541, or any other later-enacted and comparable law(s); or an equivalent crime in jurisdictions other than Louisiana.

2. For purposes of this Section, a first offender pardon, suspension of imposition of sentence, expungement, or similar action shall not negate or diminish the applicability of this Section.

3. ...

4. These provisions of this Section shall not apply to the reinstatement of a license that has been revoked, suspended, or surrendered as a result of disciplinary action taken against a licensee by the board or which reinstatement otherwise would be subject to the provisions of LAC 46:XLVII.3415.

B. Denial of Licensure, Reinstatement, or the Right to Practice Nursing as a Student Nurse for up to Five Years

1. Applicants for licensure, licensure by endorsement, reinstatement, or the right to practice as a student nurse shall be denied approval for licensure, for reinstatement, to receive a temporary working permit, to be eligible for NCLEX-RN, or to enter or progress into any clinical nursing course for up to five years, if the applicant has pled guilty, *nolo contendere*, or "best interest of" to, or the equivalent thereto in jurisdictions other than Louisiana, or has been convicted of committing, attempting to commit, or conspiring to commit:

a. felony which reflects an inability to practice nursing safely with due regard for the health and safety of clients or patients not previously mentioned or related to the aforementioned Paragraph A.1-A.1.b of this Section, or any of the following crimes:

- i. R.S. 14:31, manslaughter;
- ii. R.S. 14:32.1, vehicular homicide;
- iii. R.S. 14:32.7, second degree feticide;
- iv. R.S. 14:34.2, battery of a police officer;
- v. R.S. 14:37, aggravated assault;
- vi. R.S. 14:37.2, aggravated assault upon a peace officer;
- vii. R.S. 14:37.4, aggravated assault with a firearm;
- viii. R.S. 14:37.7, domestic abuse aggravated assault;
- ix. R.S. 14:38.1, mingling harmful substances;
- x. R.S. 14:40.2, stalking;
- xi. R.S. 14:46.1, false imprisonment; offender armed with a dangerous weapon;
- xii. R.S. 14:55, aggravated criminal damage to property;
- xiii. R.S. 14:60, aggravated burglary;
- xiv. R.S. 14:62.8, home invasion;
- xv. R.S. 14:64.2, carjacking;
- xvi. R.S. 14:65, simple robbery;
- xvii. R.S. 14:65.1, purse snatching;
- xviii. R.S. 14:66, extortion;
- xix. R.S. 14:67.3, unauthorized use of "access card" as theft;
- xx. R.S. 14:67.11, credit card fraud by persons authorized to provide goods and services;
- xxi. R.S. 14:67.16, identity theft;
- xxii. R.S. 14:67.21, theft of assets of a person who is aged or person with a disability;
- xxiii. R.S. 14:67.22, fraudulent acquisition of a credit card;
- xxiv. R.S. 14:68.2, unauthorized use of supplemental nutrition assistance program benefits or supplemental nutrition assistance program benefit access devices;

- xxv. R.S. 14:70.1, Medicaid fraud;
- xxvi. R.S. 14:70.4, access device fraud;
- xxvii. R.S. 14:80, felony carnal knowledge of a juvenile;
- xxviii. R.S. 14:81, indecent behavior with juveniles;
- xxix. R.S. 14:81.3, computer-aided solicitation of a minor;
- xxx. R.S. 14:82.1, prostitution; persons under 18;
- xxxi. R.S. 14:82.2, purchase of commercial sexual activity;
- xxxii. R.S. 14:83, soliciting for prostitutes;
- xxxiii. R.S. 14:83.1, inciting prostitution;
- xxxiv. R.S. 14:83.2, promoting prostitution;
- xxxv. R.S. 14:84, pandering;
- xxxvi. R.S. 14:85, letting premises for prostitution;
- xxxvii. R.S. 14:86, enticing persons into prostitution;
- xxxviii. R.S. 14:92, contributing to the delinquency of a minor;
- xxxix. R.S. 14:94, illegal use of weapons or dangerous instrumentalities;
- xl. R.S. 14:102, cruelty to animals, simple;
- xli. R.S. 14:106(A)(5), obscenity (by solicitation of a person under the age of 17);
- xlii. R.S. 14:108.1(C), aggravated flight from an officer;
- xliii. R.S. 14:283, video voyeurism;
- xliv. R.S. 14:283.1, voyeurism (second or subsequent conviction); or
  - b. a crime involving the production, manufacturing, distribution or dispensing of a controlled dangerous substance as provided for and defined in R.S. 40:961 through 40:995, otherwise referred to as the uniform controlled dangerous substances law, or an equivalent crime in jurisdictions other than Louisiana, including without limitation:
    - i. R.S. 40:962.1.1, possession of 12 grams or more of ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, and salts of optical isomers;
    - ii. R.S. 40:962.1.2, restriction on the sale and purchase of nonprescription products containing dextromethorphan, its salts or optical isomers, and salts of optical isomers;
    - iii. R.S. 40:966, penalty for distribution or possession with intent to distribute narcotic drugs listed in schedule I; possession of marijuana, possession of synthetic cannabinoids, possession of heroin;
    - iv. R.S. 40:967, prohibited acts—schedule II, penalties;
    - v. R.S. 40:968, prohibited acts—schedule III, penalties;
    - vi. R.S. 40:969, prohibited acts—schedule IV, penalties;
    - vii. R.S. 40:970, prohibited acts—schedule V, penalties;
    - viii. R.S. 40:971, prohibited acts; all schedules;
    - ix. R.S. 40:971.1, prohibited acts; false representation;
    - x. R.S. 40:971.2, unlawfully prescribing, distributing, dispensing, or assisting in illegally obtaining controlled dangerous substances;
    - xi. R.S. 40:979, attempt and conspiracy;

- xii. R.S. 40:981, distribution to persons under 18;
- xiii. R.S. 40:981.1, distribution to a student;
- xiv. R.S. 40:981.2, soliciting minors to produce, manufacture, distribute, or dispense controlled dangerous substances;
- xv. R.S. 40:981.3, violation of uniform controlled dangerous substances law; drug free zone;
- xvi. R.S. 40:983, creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance; definition; penalties;
- xvii. R.S. 40:983.1, creation or operation of a clandestine laboratory for the unlawful manufacture of controlled dangerous substance on or within one thousand feet of school property;
- xviii. R.S. 40:989, dangerous chemical substances; butyl nitrate, nitrous oxide, and amyl nitrate; use and transference;
- xix. R.S. 40:989.1, unlawful production, manufacture, distribution, or possession of hallucinogenic plants;
- xx. R.S. 40:989.2, unlawful production, manufacturing, distribution, or possession of prohibited plant products;
- xxi. R.S. 40:989.3, unlawful distribution of products containing *Mitragyna speciosa* to minors;
- xxii. R.S. 40:996.6, violations (stop order); or
  - c. two or more misdemeanors which reflect an inability to practice nursing safely with due regard for the health and safety of clients or patients, including but not limited to:
    - i. R.S. 14:35, simple battery;
    - ii. R.S. 14:37, aggravated assault;
    - iii. R.S. 14:43, sexual battery;
    - iv. R.S. 14:59, criminal mischief;
    - v. R.S. 14:63.3, entry on or remaining in places after being forbidden;
    - vi. R.S. 14:83, soliciting for prostitutes;
    - vii. any crimes related to alcohol or drugs; or
  - d. a misdemeanor which reflects an inability to practice nursing safely with due regard for the health and safety of clients or patients where aggravating circumstances also exist, including but not limited to ongoing substance abuse or dependency, discovered as part of an investigation.
- 2. Applicants who are denied licensure, licensure by endorsement, reinstatement, or the right to practice nursing as a student nurse as set forth in Paragraph B.1 of this Section shall not be eligible to submit a new application until the following conditions are met:
  - a. the applicant presents evidence of:
    - i. the final disposition of the criminal case involving the applicant including, if applicable, the completion of all court-ordered probation and/or parole; community supervision, restitution; and
    - ii. the applicant can practice nursing safely. The evidence may include, but not be limited to, certified court documents, comprehensive evaluations by board approved-evaluators, employer references, and other evidence of rehabilitation. Prior to requesting a board hearing, all evidence the applicant desires to be considered shall be presented to board staff; and
  - b. a hearing or conference shall be held before the board to review the evidence, to afford the applicant the

opportunity to prove that the cause for the denial no longer exists, and to provide an opportunity for the board to evaluate the evidence presented and determine whether or not a new application can be submitted and considered without being subject to the mandatory delay provisions of Paragraph B.1 of this Section when no new or other grounds for such delay exist.

C. Delay of Licensure, Licensure by Endorsement, Reinstatement, or the Right to Practice Nursing as a Student Nurse

1. Applicants for licensure, licensure by endorsement, reinstatement, and for practice as a student nurse may be delayed approval for licensure, for reinstatement, to receive a temporary working permit, to be eligible for NCLEX-RN, or to enter or progress into any clinical nursing course, if the applicant:

a. has a pending criminal charge involving any violence or danger to another person, or involving a crime that constitutes a threat to patient care, or one that involves drug possession, use, production, manufacturing, distribution or dispensing; or

b. has any pending disciplinary action or any restrictions of any nature by any licensing/certifying board in any state; or

c. has pled guilty, *nolo contendere*, "best interest of", or the equivalent thereto in jurisdictions other than Louisiana, or has been convicted of committing, attempting to commit, or conspiring to commit, or allowed to participate in a pre-trial diversion program or a district attorney's probation program in lieu of prosecution for, a crime which may not constitute grounds for denial, but nonetheless reflects the inability of the applicant to practice nursing safely; and the conditions of the court or the pre-trial diversion program have not been met; or the applicant is currently serving a court ordered probation or parole at the time the applicant submits an application; or

d. has been diagnosed with or treated for a physical or mental condition which may interfere with or affect the ability of the applicant to practice nursing safely;

e. has been diagnosed with or treated for substance dependence or substance use disorders.

2. Applicants who are delayed licensure, licensure by endorsement, reinstatement, or the right to practice nursing as a student nurse are not eligible for consideration of a new application until the following conditions are met:

a. if the delay is based on the existence of a pending criminal charge, the applicant shall present evidence the charge(s) has/have been dismissed, said evidence to include documents indicating the dismissal was predicated upon the applicant's successful completion of a pre-trial diversion program, a district attorney's probation program, or completion of conditions imposed for consideration of suspension of sentence under La. C.Cr.P. arts. 893 or 894 or their respective equivalents in jurisdictions other than Louisiana; or

i. if the charge results in a felony conviction, other than for the commission of a crime which constitutes

grounds for denial of the application, the applicant shall present evidence of the final disposition of the criminal case involving the applicant including, if applicable, the completion of all court-ordered probation and/or parole;

ii. if the charge results in a misdemeanor conviction, other than for the commission of a crime which constitutes grounds for denial of the application, the applicant shall present evidence of the final disposition of the criminal case including, if applicable, the completion of all court ordered probation and/or parole;

b. if the delay is based upon pending disciplinary action, the applicant shall present evidence of unencumbered license(s) or certification from all affected jurisdictions, which evidence shall prove the matter has been resolved satisfactorily; or

c. if the delay is based upon the existence of a physical or mental condition, the applicant shall present comprehensive psychological, psychiatric, chemical dependency and/or other appropriate medical evaluations completed with board-approved evaluators, which may include, but not be limited to, forensic evaluations with polygraph examination, and any other evidence which demonstrates the ability of the applicant to practice nursing safely;

d. if the delay is based on the existence of a substance use disorder or dependency and/or treatment for that disorder/dependency, the applicant shall demonstrate to the board's satisfaction continuous, on-going, and consistent sobriety and successful participation in, or completion of, all treatment recommendations, all of which shall be reviewed on a case-by-case basis;

e. a hearing or conference may be held before the board to review and to evaluate any evidence, to afford the applicant an opportunity to prove the cause for the delay no longer exists, or the cause is being treated successfully, or is in remission, and to provide an opportunity for the board to determine whether or not a new application may be submitted and considered without being subject to the delay provisions of Paragraph B.1 of this Section when no new or other grounds for such a delay exist.

3. The provisions of this Section shall not apply to the reinstatement of a license which has been revoked, suspended, or surrendered as a result of disciplinary action taken against a licensee by the board or which reinstatement otherwise would be subject to the provisions of LAC 46:XLVII.3415.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, 920 and 921.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 23:961 (August 1997), repromulgated LR 24:1293 (July 1998), amended LR 27:202 (February 2001), LR 38:818 (March 2012), amended by the Department of Health, Board of Nursing, LR 44:1010 (June 2018).

Dr. Karen C. Lyon  
Executive Director

1806#001