

1975), repromulgated LR 5:79 (April 1979), amended by the Office of the Governor, Office of Facility Planning and Control, LR 45:1200 (September 2019).

Mark A. Moses
Director

1909#008

RULE

Department of Health Board of Nursing

Advanced Practice Registered Nurses (LAC 46:XLVII.Chapter 45)

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 Title 46, Professional and Occupational Standards, Part XLVII Chapter 45, Advanced Practice Registered Nurses §4507 Licensure as Advanced Practice Registered Nurse and §4513 Authorized Practice and §4516 Continuing Education Requirement for APRNs Prescribing Controlled Substances. This Rule provides for revisions to Chapter 45 to comply with §978.3 ("Continuing education for the prescribing of controlled substances") in Section 2 of Act 76 of Louisiana's 2017 regular legislative session. Act 76 mandates that prescribers of controlled substances in Louisiana with a CDS license must obtain three credit hours of continuing education (CE) as a prerequisite of license renewal. Content of the CE must include drug diversion training, best practices for the prescribing of controlled substances, appropriate treatment for addiction, and any other content deemed appropriate by the regulatory agency. This is a one-time requirement under Act 76. CEs obtained for this purpose may be utilized to meet the usual CE requirements of the agency. Currently, APRNs with prescriptive authority have an annual CE requirement as do grandfathered APRNs upon renewal of licensure under commensurate requirements.

In addition, a clarification to Chapter 45 that the practice requirement for renewal for grandfathered APRNs be aligned to consider the newly implemented biennial renewal in that the practice requirement is annual rather than the previous language of "within a 12 month period".

Three technical changes to clarify references to citations including LAC 46:XLVII. 4507.A.1.b.h, which references LAC 46:XLVII.4507.A.1.a-d and should be revised to refer to LAC 46:XLVII.4507.A.1.a-e. Previous rule changes published in 2016 resulted in renumbering of sections of §4507 that inadvertently were not adjusted in subsequent sections. Prior to 2016, §4507.A.1.a.-d referred to and required national certification to be licensed as an APRN in an additional specialty, thus the revised reference includes §4507.A.1.a-e in order to include national certification. Secondly, LAC 46:XLVII.4507.D.1.c. which references LAC 46:XLVII.4507.A.1.b and d and should be revised to refer to LAC 46:XLVII.4507.A.1.e and e. Previous rule changes published in 2016 resulted in renumbering of sections of §4507 that inadvertently were not adjusted in subsequent sections. Prior to 2016, §4507.A.1.b and d

referred to and required national certification to be licensed as an APRN via endorsement, thus the revised reference includes §4507.A.1.b and e in order to include national certification. Thirdly, LAC 46:XLVII.4507.F.2. which references Subparagraphs F.1.a; b; and e and should be revised to refer to Subparagraphs F.1.a., c; and e. Prior to 2016, §4507.F.1.a, b, and e referred to and required national certification to be licensed as an APRN via reinstatement, thus the revised reference includes §4507.F.1.a, c, and e in order to include national certification. In summary, all technical changes clarify the reference to and inadvertent omission of the previous and ongoing requirement for national certification when APRNs are applying for licensure in an additional specialty, for reinstatement, and for endorsement. 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 45. Advanced Practice Registered Nurses §4507. Licensure as Advanced Practice Registered Nurse

A. Initial Licensure

1. The applicant shall meet the following requirements:

a. - g. ...

h. after initial licensure, applicants seeking licensure for advanced practice in an additional specialty and/or functional role shall meet the requirements stated in LAC 46:XLVII.4507 A.1.a.-e;

A.1.i. - C.4. ...

D. Temporary Permit: Endorsement Applicants

1. - 1.b. ...

c. evidence of meeting the educational and certification requirements specified in LAC 46:XLVII.4507. A.1.b and e; or

2. - 3. ...

E. Renewal of Licenses by Certification or Commensurate Requirements

1. - 2. ...

a. a minimum of 300 hours of practice annually in advanced practice registered nursing, as defined in R.S. 37:913.a.; and

2.b. - 4. ...

F. Reinstatement of an APRN License

1. - 1.e. ...

2. Reinstatement of an APRN license for an applicant seeking to meet §4507.F.1.c or d, in addition to meeting the above requirements in Subparagraphs F.1.c, and e, the applicant shall:

2.a. - 4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:281 (April 1996), amended LR 27:724 (May 2001), LR 29:580 (April 2003), LR 31:1340 (June 2005), LR 31:2015 (August 2005), LR 32:247 (February 2006), LR 37:3027 (October 2011), LR 40:61 (January 2014), LR 42:406 (March 2016), LR 45:1201 (September 2019).

§4513. Authorized Practice

A. - D.2.a.v. ...

b. **Controlled Substances.** The board may authorize an APRN with prescriptive authority to prescribe or distribute controlled substances as defined, enumerated or included in federal or state statutes or regulations 21 CFR 1308.11-15, R.S. 40:964, on an individual practice basis. Upon initial application with the board and request for approval to prescribe controlled substances, the APRN must provide evidence of successful completion of three hours of continuing education approved by the board on controlled substance prescribing practices as delineated in LAC 46:XLVII.4516. Such board approved continuing education shall include instruction relating to drug diversion training, best practices regarding prescribing of controlled substances, and appropriate treatment for addiction. An APRN who is so authorized shall provide their Drug Enforcement Administration registration number on all written, electronic, oral, or faxed prescriptions for controlled substances and shall comply with all scheduled drug prescription requirements in accordance with LAC 46:LIII.2511:

2.b.i. - 5.d. ...

6. **Continued Competency for Prescriptive Authority.** Each year an APRN with prescriptive authority shall obtain six contact hours of continuing education in pharmacotherapeutics in their advanced nursing role and population foci. Documentation of completion of the continuing education contact hours required for prescriptive authority shall be submitted at the request of the board in a random audit procedure at the time of the APRN's license renewal. Continuing education completed to meet the requirements of LAC 46:XLVII.4516, Continuing Education Requirement for APRNs Prescribing Controlled Substances, shall be applied to the aforementioned required continuing education related to Continued Competency for Prescriptive Authority for the year in which the continuing education related to controlled substance prescribing was completed. In order for the continuing education program to be approved by the board, the program shall:

6.a. - 17.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K) and R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:598 (August 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 22:283 (April 1996), amended by the Department of Health and Hospitals, Board of Nursing and Board of Medical Examiners, LR 22:981 (October 1996), LR 25:1245 (July 1999), LR, amended by the Department of Health and Hospitals, Board of Nursing, 27:727 (May 2001), amended by the Department of Health and Hospitals, Board of Nursing and Board of Medical Examiners, LR 28:487 (March 2002), repromulgated LR 28:1205 (June 2002), amended by the Department of Health and Hospitals, Board of Nursing, LR 31:2023 (August 2005), LR 33:1870 (September 2007), LR 40:63 (January 2014), LR 40:2249 (November 2014), LR 42:572 (April 2016), amended by the Department of Health, Board of Nursing, LR 44:276 (February 2018), LR 45:1202 (September 2019).

§4516. Continuing Education Requirement for APRNs Prescribing Controlled Substances.

A. Every APRN with both active prescriptive authority and who holds an active controlled dangerous substance (CDS) license prior to promulgation of this section and who is seeking the renewal of the APRN license and renewal of

the prescriptive authority credential, shall, as part of the continuing education required by this Part, and as a one-time prerequisite to licensure renewal, successfully complete three hours of continuing education approved by the board on controlled substance prescribing practices. After promulgation of this section, successful completion of three hours of continuing education approved by the board on controlled substance prescribing practices shall be provided upon application and request for approval for controlled substance privileges with the board and will meet the requirements for subsequent renewal relative to controlled substance prescribing. Such continuing education shall include instruction relating to drug diversion training, best practices regarding prescribing of controlled substances, and appropriate treatment for addiction. The continuing education requirement may be satisfied by completing a three-hour continuing education program, three one-hour continuing education programs, or any other combination of continuing education programs totaling three hours.

B. **Approved Continuing Education.** In order for the continuing education program to be approved by the board, the program shall:

1. be provided by a board approved national certifying body, a board approved accrediting organization, a provider approved by the board, or be provided by the board;

2. adequately address the topics of required instruction at the advanced practice level with the focus and objectives of the continuing education program on content relevant to drug diversion training, best practices regarding prescribing of controlled substances, and appropriate treatment for addiction;

C. **Documentation.**

1. Continuing education certificate(s) must be provided as evidence of completion of the program(s) and as requested by the board. The certificate must contain:

- title of the continuing education program;
- quantification of credit hours awarded;
- attendee's name;
- date(s) of continuing education program;
- name of accrediting organization, certifying body, or approved provider; and

f. sponsoring organization (if applicable)

2. Information on how to access approved, qualifying continuing education courses will be maintained by the board and made available on its website.

D. **Noncompliance.** The license of an APRN:

1. Who fails to comply with the continuing education requirement of this part shall not be renewed by the board, and the RN and APRN licenses and prescriptive authority credential shall become inactive. The individual will not be authorized to practice and prescribe until the licenses and prescriptive authority have been reinstated;

2. Which has not been renewed for failure to satisfy the continuing education requirement, may be reinstated upon application for reinstatement submitted to the board, in addition to all applicable fees and costs, and evidence of completion of the continuing education required by this section.

E. **Exception.** An APRN renewing his/her license may be exempt from the continuing education requirement upon the submission of certification, in a form and manner specified by the board, attesting that he/she has not prescribed,

administered or dispensed any controlled substance during the entire period covered by the APRN's expiring APRN license. The certification shall be verified by the board through the Louisiana Prescription Monitoring Program Act, R.S. 40:1001 et seq. An exempted individual who subsequently prescribes, administers or dispenses any controlled substance shall satisfy the continuing education requirement as a condition to license renewal for the renewal period immediately following that in which the controlled substance was prescribed, administered or dispensed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K) and R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Nursing, LR 45:1202 (September 2019).

Dr. Karen C. Lyon
Executive Director

1909#019

RULE

Department of Health Bureau of Health Services Financing

Termination of Radiology Utilization Management Services
(LAC 50:V.6105 and XIX.4501)

The Department of Health, Bureau of Health Services Financing has repealed LAC 50:V.6105 and XIX.4501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This 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 V. Hospital Services

Subpart 5. Outpatient Hospital Services

Chapter 61. Other Outpatient Hospital Services

Subchapter A. General Provisions

§6105. Radiology Utilization Management

Repealed.

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, Bureau of Health Services Financing, LR 36:67 (January 2010), amended LR 36:1782 (August 2010), repealed by Department of Health, Bureau of Health Services Financing, LR 45:1203 (September 2019).

Part XIX. Other Services

Subpart 3. Laboratory and Radiology Services

Chapter 45. Radiology Utilization Management

§4501. General Provisions

Repealed.

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, Bureau of Health Services Financing, LR 35:2758 (December 2009), amended LR 36:1781 (August 2010), repealed by Department of Health, Bureau of Health Services Financing, LR 45:1203 (September 2019).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

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Secretary

1909#071

RULE

Department of Health Licensed Professional Counselors Board of Examiners

Definitions, Requirements, and Clarification
(LAC 46:LX.3105 and Chapter 33)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Louisiana Licensed Professional Counselors Board of Examiners amends definitions, supervisor requirements and academic requirements.

The Louisiana Licensed Professional Counselors Board of Examiners hereby amends chapters 31 and 33 for publication in the September 20, 2019 edition of the Louisiana Register. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS REVISED

Part LX. Licensed Professional Counselors Board of Examiners

Subpart 2. Professional Standards for Licensed Marriage and Family Therapists and Provisional Licensed Marriage and Family Therapists

Chapter 31. License of Title for Marriage and Family Therapy

§3105. Definitions for Licensed Marriage and Family Therapists and Provisional Licensed Marriage and Family Therapists

Active Supervision—the process by which a supervisee receives one hour of face-to-face supervision with his/her board-approved supervisor for every 20 hours of direct client contact. The supervisor and supervisee must meet at least one hour within a three-month period. Active Supervision is based on direct client contact hours. Supervision hours shall be adjusted if the PLMFT has less than 20 hours of direct contact, or more than 20 hours of direct client contact.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:154 (February 2003), amended LR 29:2784 (December 2003), LR 41:741 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners, LR 43:1981 (October 2017), LR 45:1203 (September 2019).