

## NOTICE OF INTENT

### Department of Health Board of Nursing

#### Reinstatement of Licensure (LAC 46:XLVII.3415)

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. 37:917-918, that the Louisiana State Board of Nursing (LSBN) is proposing rule changes to Section 3415, Reinstatement 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 proposed rule change revises the criteria set forth in Title 46, Professional and Occupational Standards, Part XLVII Chapter 34, Disciplinary Proceedings: Alternative to Disciplinary Proceedings, Section 3415. The RN and/or APRN will be able to submit an application for reinstatement if his/her license has been revoked, but the application will not be considered for reinstatement if the license has been: 1. revoked permanently, 2. declared revoked permanently, or 3. less than five years from date the board's revocation order became a final judgement.

#### **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.**

#### **§3415 Reinstatement of License**

A. An 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 the 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.

D. In addition to the requirements of Paragraphs A, B, and C of this Section, an application for reinstatement of a revoked license shall not be submitted and shall not be considered by the board or by board staff until after five years pass from the date the board's revocation order became a final judgement.

E. The board and board staff shall not accept and shall not consider an application for reinstatement from a person

whose license or licenses were revoked permanently or were declared revoked permanently.

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), amended by the Department of Health, Board of Nursing 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 5:00 p.m. on or before November 10, 2018.

Dr. Karen C. Lyon  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR**

#### **ADMINISTRATIVE RULES**

#### **RULE TITLE: Reinstatement of Licensure**

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

The proposed rule changes will result in a one-time publication cost of \$500 for the LA State Board of Nursing (LSBN) in FY 19. The proposed rule changes will add language to the LSBN's Reinstatement of Licensure policy and will allow for Registered Nurses (RNs) and/or Advanced

Practice Registered Nurses (APRNs) whose licenses the Board has revoked to be considered for reinstatement. RNs/APRNs seeking such reinstatement must provide adequate proof that the circumstances leading to their license revocation no longer exist and/or do not impede their ability to practice safely. However, the potential reinstatement does not extend to RNs/APRNs whose licenses the LSBN has revoked permanently.

The proposed rule change will not affect expenditures of local governmental units.

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

The proposed rule changes may result in an indeterminable, though likely nominal increase in revenue collections for the LSBN to the extent the Board reinstates licenses for RNs and/or APRNs that were previously revoked. To the extent the Board reinstates revoked licenses, it would realize a revenue increase of \$100 per license annually. However, any revenue derived from reinstating revoked licenses is anticipated to be nominal, as the Board typically revokes three or fewer licenses annually. Furthermore, the total revenue increase is indeterminable because the number of revoked licenses the LSBN may reinstate is unknown.

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

The proposed rule changes may benefit RNs and/or APRNs whose licenses the LSBN previously revoked in the event that the Board reinstates their licenses. RNs/APRNs seeking such reinstatement must provide adequate proof that the circumstances leading to their license revocation no longer exist and/or do not impede their ability to practice safely. Previously, the LSBN only allowed persons with suspended or surrendered RN and/or APRN licenses to apply for reinstatement.

To the extent RNs and/or APRNs have licenses reinstated subsequent to the proposed rule change, they must pay a license fee of \$100 annually, but will also have the economic benefit of the ability to resume practice. However, reinstatement will not be offered from RNs and/or APRNs whose licenses have been revoked permanently or declared revoked permanently by the LSBN. Furthermore, the LSBN will not consider reinstatement of a revoked license until five years pass from the date a revocation order became a final judgment.

While the extent of the economic benefit for RNs and APRNs cannot be quantified, for illustrative purposes 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 changes may have a nominal effect on employment, as it may increase competition for nursing jobs in Louisiana to the extent additional RNs/APRNs are eligible to practice after having previously revoked licenses reinstated. However, the effect on employment will likely be nominal, as the LSBN typically revokes three or fewer licenses in a given year, and it is unknown how many licenses the Board will reinstate.

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