

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 May 10, 2019.

Dr. Karen C. Lyon
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Application Fee for Compact Licensure

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

The proposed rule changes will not result in additional costs or savings for state or local governmental units. The proposed rule changes add a one-time \$50 fee to offset costs for the LA State Board of Nursing (LSBN) to convert licenses of registered nurses (RNs) licensed prior to June 30, 2019, from a single-state license to a multi-state license under the auspices of the Nurse Licensure Compact (NLC) for RNs (See Part II). Act 577 of the 2018 Regular Session codified Louisiana's participation in the NLC, which allows for RNs with multi-state licensure to practice in states that belong to the Compact. For reference, RNs licensed on or after July 1, 2019, will receive multi-state licensure during the process of normal licensure. As a result, the amount of people who may convert their license from a single-state to a multi-state is limited only to persons licensed prior to June 30, 2019.

The LSBN will utilize the fee to offset administrative costs and overtime costs as needed associated with its duty to review and process applications for multi-state licensure to ensure that the applicant meets the criteria for NLC licensure. Once the applicant submits the application, LSBN staff estimate that it will take two hours to review and process each application. Additional processing time may be needed if the applicant has current disciplinary issues or has a criminal background check report that warrants additional investigatory review. The board anticipates the fee will offset any aforementioned administrative and overtime costs.

For reference, LSBN currently has 66,534 active RNs. Based on information gathered from other compact states, the LSBN anticipates that 5% of licensees will elect to convert their single state license to the multi-state license in the first year, resulting in 3,327 applications to be processed. Using the application review and processing estimate of two hours, it will take 6,654 man-hours (3,327 * 2) to process 3,327 new applications. The current hourly rate for LSBN licensure staff is \$23 per hour. To the extent all applications require overtime expenses, the LSBN's expenditures for this service will total \$153,042 in FY 20.

Furthermore, the proposed rule changes make technical revisions.

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

The proposed rule changes will increase SGR collections for the LSBN by an indeterminable amount beginning in FY 20 and in subsequent fiscal years. The proposed rule changes add a

one-time \$50 fee for registered nurses (RNs) regulated by the LA State Board of Nursing (LSBN) licensed prior to June 30, 2019, who elect to convert their license to practice from a single-state license to a multi-state license under the auspices of the Nurse Licensure Compact (NLC) for RNs. The LSBN will begin processing license conversions in FY 20. For reference, RNs licensed on or after July 1, 2019, will receive multi-state licensure during the process of their normal licensure, which limits the number of persons who may convert their license from a single-state to a multi-state.

For reference, LSBN currently has 66,534 active RNs. Based on information gathered from other compact states, the LSBN anticipates that 5% of licensees will elect to convert their single state license to the multi-state license in the first year, resulting in 3,327 applications to be processed. To the extent this occurs, the LSBN will realize an aggregate one-time SGR increase of \$166,350 in FY 20. However, because the number of licensees who will seek license conversion is unknown, the exact FY 20 revenue increase is indeterminable. Furthermore, to the extent additional RNs holding single-state licenses seek conversion to multi-state licensure in FY 21 or after, the LSBN will realize an additional \$50 per licensee.

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

The proposed rule changes benefit Louisiana RNs licensed prior to June 30, 2019, who elect to convert their single state license to a multi-state license, which will allow them expanded mobility and will help eliminate duplicative licensure when practicing in multiple states. However, RNs seeking multi-state licensure will be required to pay an application fee of \$50 to offset expenses incurred because of the additional workload associated with the new application.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated material effect on competition and employment as a result of the proposed rule changes.

Wanda Matthews
Chief Regulatory Officer
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Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Nursing

Undergraduate Clinical Courses (LAC 46:XLVII.3324)

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 LAC 46:XLVII 3324.C. and E. that will allow discretion in rendering a decision for nursing students who falsify their application or fail to disclose information which should have been reported to LSBN. Some students are being penalized for actions that were taken at a young age or that they assumed were expunged from their record. The current rule denies enrollment/progression in clinical courses and the ability to resubmit an application for a minimum of five years. Because of the broad range of case-by-case circumstances, all students should be evaluated individually and decisions rendered in accordance with our current Just Culture philosophy as we do for other disciplinary actions. The proposed rule change will state "up to five years"

instead of a “minimum of five years” and will allow staff and the appointing authority discretion in adjudicating each application. This allows for the situation to be evaluated and a fair decision rendered according to the severity of the infraction(s). A technical change in Chapter 33, Section 3324 C. is deemed necessary to give the appointing authority the flexibility to render a decision that is not aligned with a permanent action(s).

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

§3324. Permission to Enroll or Progress in Undergraduate Clinical Nursing Courses

A. – B.6. ...

C. Applicants who falsify the application or fail to disclose information that should have been reported to the board may be denied enrollment/progression in clinical nursing courses and may not be eligible to resubmit an application until completion of the disciplinary process. Falsifying an application may result in denial of permission to enroll in clinical nursing courses or application for licensure as a registered nurse in Louisiana for up to five years.

D. ...

E. Evidence of violation of R.S. 37:911 et seq., or of grounds for denial or delay of approval to enroll in clinical nursing courses as specified in LAC 46:XLVII.3331 or acts of omissions which constitute grounds for disciplinary action as defined in R.S. 37:921 and LAC 46: XLVII.3403 and 3405 may result in immediate denial to progress in clinical nursing courses until completion of the disciplinary process.

F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 42:753 (May 2016), 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 May 10, 2019.

Dr. Karen C. Lyon
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Undergraduate Clinical Courses

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

The proposed rule changes will not result in any costs or savings to state or local governmental units other than costs for the LA State Board of Nursing (LSBN) to publish the proposed rules changes in the Louisiana Register, which are estimated to be \$200 in FY 19. The proposed rule changes to LAC 46:XLVII 3324.C. and E. will allow discretion in rendering a decision for nursing students who falsify their application or fail to disclose information which should have been reported to the LSBN.

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)

The proposed rule change may benefit prospective nursing students who are seeking to apply for undergraduate nursing courses but falsify or omit certain information on their applications. The current rules deny enrollment/progression in clinical courses and the ability to resubmit an application for a minimum of five years if students falsify or omit information on their applications. The proposed rule changes amend the timeline for which a student may be prohibited from reapplying from a minimum of five years to up to five years and will allow staff and the LSBN discretion in adjudicating each application. This allows for the situation to be evaluated and a fair decision

rendered according to the severity of the infraction(s). Furthermore, a technical change in Chapter 33, Section 3324 C. is deemed necessary to give the LSBN the flexibility to render a decision that is not aligned with a permanent action(s).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition and/or employment.

Wanda Matthews
Chief Regulatory Officer
1904#032

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Pharmacy**

**Marijuana Pharmacies
(LAC 46:LIII.2441, 2443 and 2457)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Pharmacy Practice Act, R.S. 37:1161 et seq., the Louisiana Board of Pharmacy hereby gives notice of its intent to amend §2441, §2443 and §2457 of its rules for marijuana pharmacies. The proposed amendments for §2441 will amend the definition of advertising so as to permit the dissemination of educational information about marijuana products; it will also update the definition of marijuana to conform to the current statutory definition. The proposed amendments for §2443 will repeal the limits on the amount of tetrahydrocannabinol (THC) in the dosage form and the packaging for marijuana products, and will also require the inclusion of a product identification code on the label of a marijuana product. The proposed amendments for §2457 will remove the requirements for the physician recommendation to exist in written form and will add the requirement for the patient's debilitating medical condition to be recorded on the recommendation.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 24. Limited Service Providers

Subchapter E. Marijuana Pharmacy

§2441. Definitions

A. As used in this Subchapter, the following terms shall have the meaning ascribed to them in this Section:

Advertisement—all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of marijuana, excluding information of an educational nature designed to inform citizens of the nature and form of the state's therapeutic marijuana program and its legally permitted products.

Marijuana—all parts of plants of the genus *Cannabis*, whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature

stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination, or cannabidiol when contained in a drug product approved by the United States Food and Drug Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1538 (August 2017), amended LR.

§2443. Marijuana Products

A. - C.3. ...

D. Packaging and Labeling Requirements

1. Packaging.

a. ...

b. Repealed.

c. Repealed.

d. - e.v. ...

2. Labeling

a. - a.vii. ...

viii. A product identification code registered with the board.

D.2.b. - E.4.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1540 (August 2017), amended LR.

§2457. Standards of Practice

A. - C.2.a. ...

D. Recordkeeping Requirements

1. Prescription/recommendation/order (hereinafter, "request") for Marijuana

a. - c. Repealed.

d. ...

e. The request shall identify the physician issuing the request as well as the person and the person's debilitating medical condition for which the marijuana product is intended.

2. - 6. ...

E. Professional Practice Standards

1. ...

2. Labeling of Marijuana Product Dispensed

a. - b.viii. ...

ix. Directions for use of the product;

2.b.x. - 5.e.iv. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1550 (August 2017), amended LR 45:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the rule proposed for adoption, repeal, or amendment. The following statements will be published in the Louisiana Register with the proposed agency rule.