

1. the name and number of any license or other certification issued by the commissioner to the petitioner and a statement regarding whether the petitioner is subject to the regulatory jurisdiction of the commissioner and if the petitioner is or may be affected by the laws included within the scope of the commissioner's jurisdiction;

2. in the case of a petition for the adoption of a new rule, set forth a concise statement of the nature, purpose, and intended effect of the rule which petitioner requests be adopted, and the citation to the statutory authority for the commissioner's exercise of or rulemaking authority in the manner and on the subject requested;

3. in the case of a petition for amendment of an existing rule, specify by citation to the *Louisiana Administrative Code* the rule or rules which the petitioner requests be amended, together with a concise statement of the manner in which it is proposed that the rule or rules be amended, the purpose and intended effect of the requested amendment, and citation to the statutory authority for the commissioner's exercise of or rulemaking authority in the manner and on the subject requested;

4. in the case of a petition for repeal of an existing rule, specify by citation to the *Louisiana Administrative Code* the rule or rules which the petitioner requests be repealed, together with a concise statement of the purpose and intended effect of such repeal;

5. provide an estimate of the fiscal and economic impact of the requested adoption, amendment, or repeal of the rule on the revenues and expenses of the Office of Financial Institutions and any other state and local governmental units, on the costs/benefits to directly affected persons, and on the competition and employment in the public and private sectors. If the petitioner has insufficient information or is otherwise unable to provide a reasonable estimate of such impact, the petitioner shall include a statement attesting to the lack of such information;

6. an estimate of any impact on family formation, stability, and autonomy as described in R.S. 49:972;

7. an estimate of any impact on poverty as described in R.S. 49:973;

8. an estimate of any impact on small business as described in R.S. 49:965.5;

9. an estimate of any impact on providers as described in HCR 170 of 2014;

10. all pertinent allegations of facts, circumstances, and reasons supporting the action sought by the petitioner;

11. a statement or prayer expressing the action sought by the petition;

12. any other information deemed necessary by the commissioner, in his discretion, in order that he may properly consider the petition.

D. The commissioner may refuse to accept for filing or defer consideration of any petition for adoption, amendment, or repeal, of a rule, which does not conform to the requirements of this section.

E. After submission of a petition pursuant to this section, the Office of Financial Institutions shall either deny the petition in writing stating the reasons for denial, or shall initiate rulemaking proceedings in accordance with the Louisiana Administrative Procedure Act.

F. Nothing herein shall be construed to require that the commissioner, in granting a petition for the adoption,

amendment, or repeal of a rule, adopt or employ the specific form or language requested by the petitioner, provided that the commissioner's action gives effect to the substance and intent of the petition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:952(2) 49:953(C)(1), R.S. 6:101, R.S. 36:4.1(C)(1), and R.S. 36:801.1(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions LR 45:247 (February 2019).

John Ducrest, CPA  
Commissioner

1902#009

## RULE

### Department of Health Board of Nursing

#### Disciplinary Proceedings (LAC 46:XLVII.3405)

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, the Louisiana State Board of Nursing (LSBN) has made amendments that 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 five years after revocation of a license. The revised definition aligns with recent changes in Chapter 34, §3415 of the administrative rules, which modifies the reinstatement of licenses process for RNs and APRNs. The changes in Chapter 34, §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, §3415 were published in October 2018.

Additionally, the rule changes amend the definition of "suspend" regarding the licensure of RNs and APRNs, implementing a maximum cap on license suspensions of three 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. 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 1. Practical Nurses

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

#### §3405 Definition of Terms

A. ...

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*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 five 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.

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*Suspend*—to hold license to practice as a registered nurse, an advanced practice 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 years. A suspended registered nurse or advanced practice registered nurse remains a registered nurse, an 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.

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**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 45:248 (February 2019).

Dr. Karen C. Lyon  
Executive Director

1902#001

**RULE**

**Department of Health  
Board of Speech-Language Pathology and Audiology**

Speech-Pathology and Audiology  
(LAC 46:LXXV.Chapters 1-7)

In accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:3085, the Board of Speech-Language Pathology and Audiology has amended its current regulations to make technical changes and clarifications, add definitions for telehealth/telepractice, remove hearing aid dispensing fee from renewal and initial applications, and add telehealth registration fees. This Rule is hereby adopted on the day of promulgation.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LXXV. Speech Pathology and Audiology**

**Chapter 1. General Rules**

**§103. Definitions**

A. ...

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*Accredited Educational Institution*—college or university that holds regional accreditation.

*Accredited Educational Program*—a graduate program in audiology or speech-language pathology that is accredited by the Council for Academic Accreditation in Audiology and Speech-Language Pathology (CAA) or the Accreditation Commission for Audiology Education (ACAE).

*Aides*—individuals not licensed by the Louisiana Board of Examiners for Speech-Language Pathology and Audiology (LBESPA) who, after appropriate training, perform tasks that are prescribed, directed, and supervised by audiologists or speech-language pathologists licensed in accordance with R.S. 37:2659(A) or (B). Licensed audiologists and licensed speech-language pathologists are legally, ethically, and morally responsible for the services provided by aides working under their direction.

*Assistant Licensee*—an individual who meets the qualifications established by R.S. 37:2659(F), and works under the direct supervision of a licensed speech-language pathologist and performs only those duties specified in §119.

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*Criminal History Record Information*—information collected by state and federal criminal justice agencies consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information or any other formal criminal charges, and any disposition arising therefrom, including sentencing, criminal correctional supervision and release.

*Direct Patient/Client Contact*—practicum experience obtained during performance of a clinical activity with a patient/client.

*Direct Supervision*—the supervisor observing the licensee engaging in a specified clinical activity with a patient/client in order to obtain knowledge and provide guidance regarding the supervisee’s clinical work. The supervisor shall accomplish this task either by being physically present in the room or through the use of a secure live video, live stream or web cam.

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*Facilitator*—the individual at the client site who assists with the delivery of telehealth services at the direction of the audiologist or speech-language pathologist.

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*Full-time Supervised Professional Employment/Experience*—a minimum of thirty-six weeks engaged in the provision of clinical services. Volunteer services are not acceptable.

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*Grace Period*—the period in which an applicant may be employed while an initial application for licensure is being considered by the board. The grace period cannot exceed 60 days from the date that the application is received by the board.

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*Indirect Supervision*—the utilization of alternative methods, other than direct supervision, to acquire knowledge of a supervisee’s clinical work, e.g. review of client folders and record keeping, scheduling, and planning.

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*Nine Months of Full-Time Supervised Postgraduate Professional Employment/Experience*—Repealed.

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