

entries of claimed horses and potentially a larger field size in the races. A larger number of entries is anticipated to increase the field size of the race (number of horses entered in a race), which is anticipated to increase betting on a race, and ultimately the handle of the race. This will be an anticipated economic benefit to trainers, owners, and licensed association race tracks.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Charles A. Gardiner, III
Executive Director
1801#020

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Real Estate Commission**

Compensation (LAC 46:LXVII.1805)

Under the authority of the Louisiana Real Estate License Law, R.S. 37:1430 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Real Estate Commission has initiated procedures to amend LAC 46:LXVII.1805. The purpose of the proposed Rule is to promote broker responsibility in the areas of supervision, record keeping, and compensation. The Rule is proposed to ensure that brokers are taking the task of supervising their agents seriously to ensure that practicing agents are serving the public to the best of their abilities.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXVII. Real Estate

Chapter 18. Broker Responsibilities

§1805. Compensation

A. Licensees who are part of a group or team shall not receive compensation for acts or services subject to R.S. 37:1431.(24) from anyone within their team.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1435.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 43:954 (May 2017), amended LR 44:

Family Impact Statement

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the January 20, 2018 *Louisiana Register*. The proposed Rule has no known impact on family, formation, stability, or autonomy.

Poverty Impact Statement

The proposed Rule has no known impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule has no known impact on providers of services for individuals with developmental disabilities.

Public Comments

Interested parties may submit written comments on the proposed regulations to Ryan Shaw, Louisiana Real Estate

Commission, P.O. Box 14785, Baton Rouge, LA 70898-4785 or 9071 Interline Avenue, Baton Rouge, LA 70809 or rshaw@lrec.state.la.us, through February 9, 2018 at 4:30 p.m.

Public Hearing

If it becomes a necessary to convene a public hearing to receive comments, in accordance with the Administrative Procedures Act, a hearing will be held on March 1, 2018 at 9 a.m. at the office of the Louisiana Real Estate Appraisers Board, 9071 Interline Avenue, Baton Rouge, LA 70809.

Bruce Unangst
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Compensation**

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

The proposed rule change will have no anticipated impact on expenditures to state or local governmental units. The proposed rule change eliminates the option for a sponsored broker to give written consent that the licensee can be paid directly at the point of sale, and reverts to the previous practice where only the sponsoring broker can pay the licensee.

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

The proposed rule change may generate additional revenues to the real estate commission to the extent brokers are non compliant, however the amount of revenue is indeterminable. The fine amount will be determined by the Commission on a case-by-case basis.

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

Sponsoring brokers and licensees will be impacted by the proposed rule change.

Sponsoring brokers will no longer be able to give written consent for the licensee to be paid directly at the point of sale, and to the extent they are non-compliant they would have to appear before the commission which will then determine an appropriate penalty.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Ryan Shaw
Public Information Director
1801#048

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Nursing**

**Alternative to Disciplinary Proceedings
(LAC 46:XLVII.3419)**

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. 37:918, that the Louisiana State Board of Nursing (LSBN) is proposing rule changes to Chapter 34, Section 3419, Subsection A, Subparagraph 1 and Chapter 34, Section 3419, Subsection

D, Subparagraph 3, admission criteria, Subparagraph i-j under Title 46, Professional and Occupational Standards, Part XLVII. One proposed change will update the terminology. The medical term has changed from chemical dependency to substance use disorder, mild, moderate or severe according to the *Diagnostic and Statistical Manual of Mental Disorders Fifth Edition (DSM 5)* edited and published by the American Psychiatric Association in 2013. The other change will correct a factual error. The factual error that will be corrected is as follows: "No substitution of narcotic medications destined for patients for the purpose of diversion" will be removed from the *Louisiana Administrative Code* since suboxone, an opioid medication, is used to treat narcotic (opiate) addiction. Chapter 34, Section 3419 offers an alternative to disciplinary proceedings for nurses. The Recovering Nurse Program (RNP) was established to assist registered nurses or student nurses who have demonstrated actual or potential inability to practice nursing with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition, so that such nurses or student nurses can be treated and return to the practice of nursing in a manner which will not endanger the public health, safety and welfare.

**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**

§3419. Alternative to Disciplinary Proceedings

A. - A.1. ...

2. In addition to being an alternative to disciplinary action, the RNP accepts individuals who have been diagnosed with a physical, and/or mental impairment, or substance use disorder and who have disciplinary action ordered by the board.

B. - B.7. ...

C. Operational Definitions

Board—the Louisiana State Board of Nursing.

Compliance—conformity in fulfilling the Recovering Nurse Program agreement.

Confidentiality—all records of a nurse or student nurse who has successfully completed or is in the non-disciplinary alternative program shall not be subject to public disclosure, and shall not be available for discovery proceedings except as required by federal and state confidentiality laws and regulations. The records of a nurse or student nurse who fails to comply with the program agreement or who leaves the program without enrolling in an alternative program in the state to which the nurse moves, or who subsequently violates the Nurse Practice Act or the rules of the board, shall not be deemed confidential except for those records protected by federal and state confidentiality laws and regulations.

Impaired Nurse—a registered nurse or student nurse who has demonstrated actual or potential inability to practice nursing with reasonable skill and safety to individuals

because of use of alcohol or drugs; or has demonstrated inability to practice nursing with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition.

Impairment—problems associated with the actual or potential inability to practice nursing with reasonable skill and safety to individuals because of the use of alcohol or drugs; or inability to practice nursing with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition.

Non-Compliance—failure to conform with the stipulations of the RNP agreement.

Recovering Nurse Program (RNP)—a program established by the board to identify and assist registered nurses, registered nurse applicants and student nurses whose capacity to practice nursing with reasonable skill and safety to patients has been, or may potentially be, compromised because of use of alcohol or drugs, or because of illness or as a result of any mental or physical condition.

Relapse—the use of a mind or mood altering chemical when total abstinence from all mind- or mood-altering chemicals has been directed.

Student Nurse—an individual who is enrolled in a Louisiana State Board of Nursing-approved program preparing for licensure as a registered nurse.

D. - D.3.d. ...

e. has no criminal convictions or pending criminal charge pertaining to any crime of violence or other crime referenced in LAC 46:XLVII.3331.A, any crime that involves the distribution of drugs, and/or any crime that demonstrates a lack of fitness to practice nursing;

f. - h. ...

i. no related nursing problems involving death or significant harm to patient;

j. agrees to comply with all RNP stipulations and signs program agreement including statement of admission of substance use disorder or other impairment.

E. - E.6.d. ...

F. Admission and Progression. The following procedures shall apply to RNP participants.

1. For nurses who have met criteria in §3419.D and have entered the program confidentially with no disciplinary action will upon entry:

a. sign RNP agreement for five years for substance use disorders. Agreements to rule out substance use disorder or medical, mental or physical agreements may be of shorter duration depending on treatment team recommendations;

b. refrain from the practice of nursing until approved by RNP;

c. complete and submit to the board a comprehensive inpatient evaluation and treatment as recommended from a board recognized treatment facility. Admission shall be within 10 days unless otherwise approved by RNP or board's professional staff;

1.d - 2.a. ...

b. complete a relapse evaluation as directed by RNP staff. Participants must follow all treatment recommendations. Admission shall be within 10 days unless otherwise approved by RNP;

2.c - 3.b.iii. ...

iv. board hearing or consent order will be required prior to reinstatement;

v. submit fine/costs as imposed.

4. A third relapse/non-compliance will result in an automatic suspension for a minimum of two years and show cause order for revocation.

G - I. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), amended LR 27:728 (May 2001), LR 31:1586 (July 2005), LR 35:1535 (August 2009), LR 36:1244 (June 2010), LR 37:3025 (October 2011), amended by the Department of Health, Board of Nursing, LR 44:

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 February 10, 2018.

Dr. Karen C. Lyon, E.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Alternative to Disciplinary Proceedings

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

The proposed rule changes will not result in any costs or savings to state or local governmental units other than publication costs associated with the proposed rule changes, which are estimated to be \$616 in FY 18. The first proposed rule change updates terminology regarding substance use disorders. The medical term has changed from "Chemical Dependency" to "Substance Use Disorder, Mild, Moderate or Severe" according to the *Diagnostic and Statistical Manual of Mental Disorders Fifth Edition (DSM 5)*, Edited and Published by the American Psychiatric Association in 2013. The second proposed change will correct a language error that is currently present in the administrative rules. The error reads, "No substitution of narcotic medications destined for patients for the purpose of diversion." This statement will be removed from the *Louisiana Administrative Code* since suboxone, an opioid medication, is used to treat narcotic (opiate) addiction.

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

The proposed rule changes will not affect state or local governmental revenue collections.

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

The proposed rule changes will not result in costs and/or economic benefits to any person or non-governmental group.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Karen C. Lyon
Executive Director
1801#047

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

**Intermediate Care Facilities for Persons with
Intellectual Disabilities—Public Facilities
Reimbursement Rate Increase
(LAC 50:VII.32969)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:VII.32969 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Due to an increase in the add-on amount to the per diem rate for the provider fee, the Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for intermediate