

a. - D.1.a.i. ...

ii. at least 90 hours of supervision of approved supervisees. These 90 hours of supervision must be completed in no less than one year with the oversight of his or her designated board-approved supervisor.

D.1.b. - 3.f. ...

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 38:1969 (August 2012), amended LR 41:746 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners, LR 43:1984 (October 2017), LR 45:

§3319. Responsibilities of the Provisional Licensed Marriage and Family Therapist

A. - C.3. ...

4. The board-approved supervisor shall attend a LMFT board-approved supervisor's orientation approved by the advisory committee within one year of the board-approved supervisor's date of certification. This orientation may also be counted as continuing education toward the board-approved supervisor's licensure renewal as a marriage and family therapist.

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 38:1970 (August 2012), amended LR 41:748 (April 2015), LR 45:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these rules on family has been considered. This proposal to create licensee statuses has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973.B In particular, there should be no known or foreseeable effect on:

1. The effect on household income, assets, and financial security;
2. The effect on early childhood development and preschool through postsecondary education development;
3. The effect on employment and workforce development;
4. The effect on taxes and tax credits;
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed change should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service;
2. The total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Jamie S. Doming, Licensed Professional Counselors Board of Examiners, 8631 Summa Avenue, Baton Rouge, LA 70809 by June 10, 2019 at 5:00 p.m.

Jamie S. Doming
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Definitions, Requirements and Clarification

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

The proposed rule changes are not anticipated to result in any additional costs or savings for state or local governmental units. The proposed rule changes clarify, revise, and remove existing definitions and include new definitions regarding present practices for the LA Licensed Professional Counselors (LPC) Board when regulating Licensed Marriage and Family Therapists and Provisional Licensed Marriage & Family Therapists. Specifically, the proposed rule changes add, remove, and revise definitions regarding supervision of provisional LMFTs and the application and licensure of LMFTs.

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 NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule changes benefit practitioners licensed by the LPC Board by clarifying, revising, and removing existing definitions, as well as including new definitions, regarding present practices of the board. Specifically, the proposed rule changes add, remove, and revise definitions regarding supervision of provisional LMFTs, application and licensure of LMFTs. As a result, persons regulated by the LPC Board will have access to the most current practices regarding the regulation of LMFTs and Provisional LMFTs in the proposed rule changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to affect competition or employment.

Jamie S. Doming
Executive Director
1905#049

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Nursing**

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

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 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 proposed 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 is proposed 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 are proposed 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.

**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:

§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:

§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:

- a. title of the continuing education program;
- b. quantification of credit hours awarded;
- c. attendee's name;
- d. date(s) of continuing education program;
- e. 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:

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 PM, on or before June 10, 2019.

Dr. Karen C. Lyon
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Advanced Practice Registered Nurses

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

The proposed rule changes will not result in any additional costs or savings to state or local governmental units other than one-time publication costs for the LA State Board of Nursing, which total approximately \$400 in FY 19. The proposed rule changes alter the requirements for continuing education for APRNs who prescribe controlled substances and possess a Controlled Dangerous Substance (CDS) license as required by Act 76 of Louisiana's 2017 Regular Session of the Legislature.

The proposed rule changes also make technical corrections to the references that provide for the requirement of national board certification of all APRNs applying for licensure. Furthermore, the proposed rules clarify the practice requirement for renewal of APRNs licensed under R.S. 37:912(B)(3)(4), to align with the recently-implemented

biennial renewal in that the practice requirement is annual rather than the previous language of "within a 12 month period".

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 changes require advanced practice registered nurses (APRNs) prescribing controlled substances (CDS) and who possess or will possess a CDS license to complete a one-time, 3-hour continuing education course on controlled dangerous substances, which will result in additional costs to APRNs. Furthermore, APRNs must notify the LA State Board of Nursing of the completion of the continuing education requirement in order to renew their licenses.

Failure to comply with the new continuing education requirement will result in lapsing of the license. To avoid the accidental lapsing of licenses, the proposed rules changes require the completion of the continuing education upon initial application and request for controlled substance privileges.

The proposed rule changes regarding continuing education will benefit APRNs by educating them on current standards of practice that assist them in remaining compliant with the laws and rules related to the practice of nursing. Practicing in a prudent manner promotes delivery of quality health care and averts disciplinary action against licensees and most importantly benefits patients under the care of an APRN as recipients of quality care.

Furthermore, the proposed rule changes include an exemption from the CDS continuing education requirement for APRNs who attest to not prescribing CDS medications during their previous licensure period upon license renewal. To the extent such APRNs prescribe a CDS during practice of their current license period, they will be required to complete the continuing education requirement prior to their next license renewal.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition or employment.

Dr. Karen C. Lyon, E.D.
Executive Director
1905#034

John D. Carpenter
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing and Office of Aging and Adult Services

Home and Community-Based Services Waivers Provider Requirements (LAC 50:XXI.Chapter 9)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend LAC 50:XXI.901 and §903 and to adopt §904 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.

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services