

~~NOTICE OF INTENT~~ RULE

**Department of Health
Health Standards Section**

Nurse Aide Training and Competency Evaluation Program
Licensing Standards (LAC 48:I.Chapter 100)

The Department of Health, Health Standards Section (the department), ~~proposes to~~ **has** amended LAC 48:I.Chapter 100 as authorized by R.S. 36:254 and P.L. 100-203. This ~~proposed Rule~~ **is** ~~has been~~ promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. **This Rule is hereby adopted on the day of promulgation.**

~~The department proposes to amend the provisions governing the licensing of nurse aide training and competency evaluation programs in order to revise the~~

~~employer's requirements and responsibilities for checking certain databases/registries, to update the department's process for notifying an individual that has been implicated in an investigation and/or had charges substantiated, and to clarify the process for requesting an informal dispute resolution or administrative hearing.~~

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 100. Nurse Aide Training and Competency

Evaluation Program

Subchapter C. Nurse Aide Registry

§10033. General Provisions

A. - B. ...

C. Employers shall use the registry to determine if a prospective hire is a certified nurse aide (CNA) and to check if there is a finding placed on the registry that he/she has abused or neglected a resident, or misappropriated a resident's property or funds.

1. Employers shall ensure checks of the following databases prior to making an offer of employment or offer to contract with a CNA:

- a. Louisiana certified nurse aide registry (LCNAR);
- b. Louisiana adverse actions list; and
- c. Office of Inspector General's (OIG) list of excluded individuals and entities (LEIE).

2. Once a CNA is hired or contracted, the employer shall ensure monthly checks of the below databases:

- a. LCNAR;
- b. Louisiana adverse actions list; and
- c. OIG's LEIE.

3. If a finding exists on the LCNAR, the Louisiana adverse actions list, and/or the OIG's LEIE, the employer shall not continue to employ or contract with the CNA.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and P.L. 100-203.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2078 (November 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1246 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1936 (November 2023), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter D. Provider Participation

§10045. Employer Responsibilities

A. ...

B. A person shall not be employed or contracted to work as a CNA or CNA trainee if there is a final administrative or judicial court decision that the CNA or CNA trainee has:

1. committed abuse, neglect, or mistreatment of the elderly, infirm, or nursing facility resident;
2. misappropriated a resident's property;
3. been convicted of a non-hirable offense as specified in R.S. 40:1203.3; or

4. a finding of abuse, neglect, or misappropriation of a resident's property on the:

- a. LCNAR;
- b. Louisiana adverse actions list; and/or
- c. OIG's LEIE.

C. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and P.L. 100-203.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2079 (November 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1247 (May 2012), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter E. Violations

§10059. Notice of Violation

A. When there are substantiated charges against the CNA, either through oral or written evidence, the department shall notify the individual(s) implicated in the investigation of the following information by U.S. Postal Service mail, FedEx, United Parcel Service, or other document delivery service approved by the department, addressed to the address as reflected on the LCNAR, the CNAs last known address, or to the CNA's electronic mail address as reflected on the LCNAR:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and the Omnibus Budget Reconciliation Act of 1987, P.L. 100-203.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2079 (November 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1247 (May 2012), amended by the Department of Health, Health Standards Section, LR 51:

§10061. Informal Dispute Resolution

A. When a nurse aide feels that he/she has been wrongly accused, the following procedure shall be followed.

1. The CNA may request an informal dispute resolution (IDR) within 15 calendar days after the delivery or documented attempted delivery of the department's notice of violation by U.S. Postal Service mail, FedEx, United Parcel Service, or other document delivery service approved by the department, addressed to the address as reflected on the LCNAR, the CNA's last known address, or to the CNA's electronic mail address as reflected on the LCNAR. The request for an IDR must be made to the department in writing.

2. - 4.e....

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and P.L. 100-203.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2080 (November 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1247 (May 2012), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter F. Administrative Hearings

§10071. General Provisions

A. The CNA may request an administrative hearing within 30 calendar days after the delivery or documented attempted delivery of the department's notice of violation by U.S. Postal Service mail, FedEx, United Parcel Service, or other document delivery service approved by the department, addressed to the address as reflected on the LCNAR, the CNA's last known address, or to the CNA's electronic mail address as reflected on the LCNAR, of the department's notice of violation or the notice of the results of an IDR.

A.1. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and P.L. 100-203.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2080 (November 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1248 (May 2012), amended by the Department of Health, Health Standards Section, LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability, and autonomy as described in R.S. 49:972.

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 have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on the direct or indirect cost to small businesses.

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 have no impact on the staffing level requirements or qualifications required to provide the same level of service. It is anticipated that implementation of this proposed Rule will have no impact on the direct or indirect costs to providers.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, Post Office Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 4, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on July 14, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. July 29, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after July 14, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Bruce D. Greenstein
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Nurse Aide Training and Competency Evaluation Program—Licensing Standards

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

It is anticipated that implementation of this proposed Rule will have no programmatic fiscal impact to the state or local governmental units other than the cost of promulgation in FY 26. It is anticipated that \$756 will be expended in FY 26 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

This proposed Rule amends the provisions governing the licensing of nurse aide training and competency evaluation programs (NATCEPs) in order to revise the employer's requirements and responsibilities for checking certain databases/registries, to update the department's process for notifying an individual that has been implicated in an investigation and/or had charges substantiated, and to clarify the process for requesting an informal dispute resolution or administrative hearing.

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

It is anticipated that implementation of this proposed Rule will have no impact on state or local revenue collections. This is a licensing Rule that does not add any licensing fees.

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

It is anticipated that implementation of this proposed Rule will have no impact on the direct or indirect costs to providers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that this proposed Rule will have no effect on the staffing level requirements or qualifications required to provide the same level of service.

Tasheka Dukes, RN
Deputy Assistant Secretary
2506#058

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office