

~~NOTICE OF INTENT~~ **RULE**

**Department of Health
Health Standards Section**

Nurse Staffing Agencies—Licensing Standards
(LAC 48:I.Chapter 77)

The Department of Health, Health Standards Section (the department), ~~proposes to~~ **has** amended LAC 48:I.Chapter 77 as authorized by R.S. 36:254. 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 staffing agencies in order to add and update definitions, adjust social media policy requirements, revise administrator requirements, and modify initial licensure, renewal of licensure, and change of ownership requirements.~~

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification Chapter 77.

**Nurse Staffing Agencies Licensing
Standards**

Subchapter A. General Provisions

§7701. Introduction

A. ...

B. Any person, partnership, corporation, unincorporated association, or other legal entity that meets the definition of an NSA shall submit an initial licensing application and fee to the department within 90 days of the promulgation of the initial rules, regulations, and licensing standards.

B.1. - G.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1728 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

§7703. Definitions

* * *

Certified Nurse Aide (CNA)—an individual who has completed a Nurse Aide Training and Competency Evaluation Program approved by the state as meeting the requirements of 42 CFR 483.151 and 483.154, or has been determined competent as provided in 42 CFR 483.150(a) and (b) and is listed as certified and in good standing on the state's certified nurse aide registry. For purposes of this licensing rule, a CNA who is engaged through a licensed NSA may be considered an ~~independent~~ contractor, provided that such **classification is consistent with state and federal law, and the** CNA in his or her sole discretion bids on open shifts and chooses where, when, and how often to work.

* * *

Client—the licensed healthcare facility to which the registered nurse, licensed practical nurse, or certified nurse aide is assigned.

* * *

Employee or Contracted Staff—a person employed or engaged as an ~~independent~~ contractor by the nurse staffing agency (NSA) to perform healthcare services in a healthcare facility.

* * *

Healthcare Technology Platform or Platform—any person, partnership, corporation, unincorporated association or other legal entity that develops and operates, offers, or maintains a system or technology that provides an internet-based or application-based marketplace through which an ~~independent~~ **contracted nurse who has a current Louisiana license in good standing practicing within the scope of the nursing license,** or certified nurse aide bids on, **selects, or accepts** open shifts posted by a healthcare facility to provide services for the healthcare facility. **A NSA operating as a healthcare technology platform shall designate a nurse as a person of contact for all healthcare facilities.**

* * *

Licensed Practical Nurse (LPN)—a person who practices practical nursing and who is licensed to practice practical nursing in accordance with R.S. 38:961, or current law. For purposes of this licensing rule, an LPN who is engaged through a licensed NSA may be considered an ~~independent~~ contractor, provided that such **classification is consistent with the state and federal law, and the** LPN in his or her sole discretion bids on open shifts and chooses where, when, and how often to work. **The LPN shall have a current Louisiana license in good standing, and shall practice within the scope of the LPN license.**

Line of Credit—a credit arrangement with a federally insured, licensed lending institution that is established to ensure that the NSA has available funds as needed to continue the operations of the NSA. The line of credit shall be issued to the licensed entity. For purposes of NSA licensure, the line of credit shall not be a loan, credit card, or a bank balance.

Louisiana Adverse Actions List—the adverse actions database, or its successor, maintained by the department or its designee, containing all individuals or providers who are sanctioned, which may include exclusions or for-cause terminations through LDH.

* * *

Nurse—a registered nurse as defined in R.S. 37:913, or current law, or a licensed practical nurse as defined in R.S. 37:961, or current law. For purposes of this licensing rule, a nurse who is engaged through a licensed NSA may be considered an ~~independent~~ contractor, provided that such

classification is consistent with the state and federal law, and the nurse in his or her sole discretion bids on open shifts and chooses where, when, and how often to work. The nurse shall have a current Louisiana license in good standing, and shall practice within the scope of the nursing license.

Nurse Staffing Agency (NSA)—any person, partnership, corporation, unincorporated association, or other legal entity, including a healthcare technology platform, that employs, contracts with, assigns, or refers nurses or CNAs to render healthcare services in a healthcare facility for a fee. **For purposes of this definition, a fee does not mean damages recovered in a breach of contract matter.** For purposes of these regulations, NSA does not include the following:

1. - 3. ...

4. A recruitment organization engaged by a healthcare facility to identify foreign educated nurses or CNAs for direct employment by the healthcare facility.

Referral—the act of sending or directing, or facilitating the sending or directing, the registered nurse, licensed practical nurse, or CNA to a healthcare facility to provide healthcare services at the request of or for the benefit of the healthcare facility.

* * *

Registered Nurse (RN)—any individual licensed in accordance with R.S. 37:911 et seq., or current law, to engage in the practice of nursing as defined in R.S. 37:913, or current law. For purposes of this licensing rule, an ~~registered nurse~~ **RN who is engaged through a licensed NSA may be considered an independent contractor, provided that such registered nurse classification is consistent with the state and federal law, and the RN in his or her sole discretion bids on open shifts and chooses where, when, and how often to work. The RN shall have a current Louisiana license in good standing, and shall practice within the scope of the RN license.**

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1729 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

§7705. Licensure Requirements

A. - E. ...

F. The NSA shall maintain evidence of the following:

1. current professional liability insurance in an amount sufficient to provide coverage in accordance with the total amount recoverable for all malpractice claims as indicated in R.S. 40:1231.2, or current law; and

2. current compliance with the Louisiana Workers' Compensation Law, R.S. 23:1020.1, et seq., or current law, with a minimum coverage in the amount of \$1,000,000, or equivalent coverage, such as occupational accident insurance, for those ~~independent~~ contractors or other staff not subject to Louisiana Worker's Compensation law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1730 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

§7707. Initial Licensure Application Process

A. ...

B. The initial licensing application packet shall include:

1. - 5. ...

6. evidence of the following:

a. financial solvency comprised of:

i. a line of credit issued from a federally insured, licensed lending institution in the amount of at least \$25,000; or

ii. verification of sufficient assets equal to \$25,000 or the cost of three months of operation, whichever is less;

b. professional liability insurance in an amount sufficient to provide coverage in accordance with the total amount recoverable for all malpractice claims as indicated in R.S. 40:1231.2, or current law; and

c. compliance with the Louisiana Workers' Compensation Law, R.S. 23:1020.1 et seq., or current law, with a minimum coverage in the amount of \$1,000,000, or equivalent coverage, such as occupational accident insurance, for those ~~independent~~ contractors or other staff not subject to Louisiana Worker's Compensation law;

7. ...

8. a completed disclosure of ownership and control information form; and

9. any other relevant documentation or information required by the department for licensure;

10. - 11. Repealed.

C. If the initial licensing application packet is incomplete, the applicant shall be notified of the missing information and shall have 90 days from receipt of the notification to submit the additional requested information.

1. If the additional requested information is not submitted to the department within 90 days, the application shall be closed.

2. If an initial licensing application is closed, an applicant who is still interested in becoming a NSA shall submit a new initial licensing packet with a new initial nonrefundable licensing fee to start the initial licensing process.

3. - 8. Repealed.

D. Once the initial licensing application packet has been approved by the department, the NSA applicant shall submit to the department a verified readiness attestation that the NSA is in compliance with the NSA licensing laws, regulations, and standards. However, the department retains the discretion to conduct an on-site survey or inspection.

1. If an applicant fails to submit the required readiness attestation for initial licensure within 90 days of approval, the initial licensing application shall be closed. After an initial licensing application is closed, an applicant who is still interested in becoming a NSA must submit a new initial licensing packet with a new initial non-refundable licensing fee to start the initial licensing process.

2. Repealed.

E. Applicant shall be in compliance with all federal, state, departmental, or local statutes, laws, ordinances, rules, and regulations, and all non-refundable fees shall be paid before the NSA provider will be issued an initial license to operate.

1. The secretary of the department may, within his/her sole discretion, grant waivers to provisions of the NSA licensing rules. The NSA shall submit a waiver request in writing to the department on forms prescribed by the department.

2. In the waiver request, the NSA shall demonstrate the following:

a. how the health, safety, and welfare of an individual or individuals receiving services will not be compromised if such waiver is granted;

b. how the quality of care offered will not be compromised if such waiver is granted; and

c. all other requirements of the service, condition, or regulation.

3. The licensing section of the department shall have each waiver request reviewed by an internal waiver review committee. In conducting such internal waiver review, the following shall apply:

a. the waiver review committee may consult subject matter experts as necessary; and

b. the waiver review committee may require the NSA to submit risk assessments or other documentation to the department.

4. The director of the licensing section of the department shall submit the waiver review committee's recommendation on each waiver to the secretary, or the secretary's designee, for final determination.

5. The department shall issue a written decision of the waiver request to the NSA. The granting of any waiver may be for a specific length of time.

6. The written decision of the waiver request is final. There is no right to an appeal of the decision of the waiver request.

7. If any waiver is granted, it is not transferrable in an ownership change or change of location.

8. Waivers are subject to review and revocation upon any change of circumstance related to the waiver or upon a finding that the health, safety, or welfare of an individual or individuals may be compromised.

F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1730 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

§7709. Initial Licensing Reviews or Surveys

A. Prior to the initial license being issued to the NSA, an initial licensing review or survey shall be conducted to ensure compliance with the NSA licensing laws and standards. Except for existing NSAs who timely apply for a license under §7701 of this Chapter, no NSA services shall be provided by the NSA until the NSA has been found in compliance, and the initial license has been issued to the NSA by the department. An existing NSA that timely applies for a license must receive a license within 180 days in order to continue to provide services.

B. In the event that the initial licensing review or survey finds that the NSA is compliant with all licensing laws, regulations, and any other required statutes, laws, ordinances, rules, regulations, and non-refundable fees, the department shall issue a full license to the provider. The license shall be valid until the expiration date shown on the license, unless the license is revoked.

C. In the event that the initial licensing review or survey finds that the NSA is noncompliant with any licensing laws, regulations, or any other required statutes, laws, ordinances, rules or regulations that present a potential threat to the health, safety, or welfare of an individual or individuals receiving services, the department shall deny the initial license.

D. In the event that the initial licensing review or survey finds that the NSA is deficient or noncompliant with any licensing laws, regulations, or any other required statutes, laws, ordinances, rules or regulations, but the department in its sole discretion determines that the deficiency or noncompliance does not present a threat to the health, safety, or welfare of an individual or individuals receiving services, the department may issue a provisional initial license for a period not to exceed six months.

1. The provider shall submit an acceptable plan of correction to the department for approval, and the NSA shall be required to correct all such deficiencies or noncompliance(s) prior to the expiration of the provisional license.

a. If all such deficiencies or noncompliance(s) are corrected on the follow-up licensing review or survey, a full license will be issued.

b. If all such deficiencies or noncompliance(s) are not corrected on the follow-up licensing review or survey, or new deficiencies or noncompliance(s) affecting the health, safety, or welfare of an individual or individuals receiving services is cited, the provisional license shall expire and the provider shall be required to begin the initial licensing process again by submitting a new initial license application packet and the appropriate non-refundable licensing fee.

E. An initial licensing review or survey of a NSA shall be an announced survey. Follow-up licensing reviews or surveys to the initial licensing surveys shall be unannounced surveys.

F. Once a NSA has been issued an initial license, the department may conduct licensing reviews and other surveys at intervals deemed necessary by the department to determine compliance with licensing standards and regulations, as well as other required statutes, laws, ordinances, rules, regulations, and fees.

1. A plan of correction may be required from an NSA where deficiencies or noncompliance(s) have been cited. Such plan of correction shall be approved by the department.

2. A follow-up licensing review or survey may be conducted for any licensing review or survey where deficiencies or noncompliance(s) have been cited to ensure correction of the noncompliant or deficient practice(s).

G. The department's surveyors and staff shall be given access to all areas of the NSA and all relevant files during any licensing review, survey, or complaint investigation, and shall be allowed to interview any NSA staff as necessary to conduct the complaint investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1731 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

§7711. Types of Licenses and Expiration Dates

A. The department shall have the authority to issue the following types of licenses:

1. Full Initial License. The department shall issue a full license to the NSA when the initial licensing review or survey finds that the NSA is compliant with all licensing laws and regulations, and is compliant with all other required statutes, laws, ordinances, rules, regulations, and all non-refundable fees have been paid. The license shall be

valid until the expiration date shown on the license, unless the license is revoked.

2. Provisional Initial License. The department may issue a provisional initial license to the NSA when the initial licensing review or survey finds that the NSA is deficient or noncompliant with any licensing laws or regulations or any other required statutes, laws, ordinances, rules, regulations or non-refundable fees, but the department determines that the deficiencies or noncompliance(s) do not present a threat to the health, safety, or welfare of an individual or individuals receiving services.

3. ...

4. Provisional Renewal License. The department, in its sole discretion, may issue a provisional license to an existing licensed NSA for a period not to exceed six months.

a. The department will consider the following circumstances in making a determination to issue a provisional license:

i. - iv. ...

v. the existing NSA has failed to correct deficiencies or noncompliant practice(s) within 60 days of being cited for such deficiencies or noncompliant practice(s) or at the time of a follow-up review or survey; or

vi. ...

b. When the department issues a provisional license to an existing licensed NSA, the NSA shall submit a plan of correction to LDH for approval, and the NSA shall be required to correct all such deficiencies or noncompliant practice(s) prior to the expiration of the provisional license. The department shall conduct a follow-up review or survey of the NSA prior to the expiration of the provisional license.

i. If the follow-up review or survey determines that the NSA has corrected the deficiencies or noncompliant practice(s) and has maintained compliance during the period of the provisional license, the department may issue a full license until the anniversary date of the NSA license.

ii. If the follow-up review or survey determines that all deficiencies or noncompliance(s) have not been corrected, or if new deficiencies or noncompliance(s) that are a threat to the health, safety, or welfare of an individual or individuals receiving services are cited on the follow-up review or survey, the provisional license shall expire. The NSA shall be required to begin the initial licensing process again by submitting a new initial license application packet and appropriate nonrefundable fee.

iii. The department shall issue written notice to the NSA of the results of the follow-up review or survey.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1732 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

§7715. Change of Ownership of a Nurse Staffing Agency Provider

A. ...

B. Before a license can be issued to the new owner, the new owner shall meet all licensing application requirements. The new owner shall submit to the department for approval, a change of ownership (CHOW) application packet that includes:

1. - 5.
6. evidence of the following:
 - a. financial solvency comprised of:
 - i. a line of credit issued from a federally insured, licensed lending institution in the amount of at least \$25,000; or
 - ii. verification of sufficient assets equal to \$25,000 or the cost of three months of operation, whichever is less;
 - b. current professional liability insurance in an amount sufficient to provide coverage in accordance with the total amount recoverable for all malpractice claims as indicated in R.S. 40:1231.2, or current law; and
 - c. current compliance with the Louisiana Workers' Compensation Law, R.S. 23:1020.1 et seq., or current law, with a minimum coverage in the amount of \$1,000,000, or equivalent coverage, such as occupational accident insurance, for those ~~independent~~ contractors or other staff not subject to Louisiana Worker's Compensation Law;
7. ...
8. a completed disclosure of ownership and control information form;
9. any other relevant documentation or information required by the department for licensure.
10. Repealed.

C. - F. ...

G. Once all application requirements have been completed and approved by the department, a new license shall be issued to the new owner. The transferor shall remain responsible for the operation of the NSA until such time as a license is issued to the transferee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1733 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

§7717. Renewal of License

A. The NSA shall submit a completed license renewal application packet to the department at least 30 days prior to the expiration of the current license. The completed license renewal application packet shall include:

1. ...
2. evidence of the following:
 - a. financial solvency comprised of:
 - i. a line of credit issued from a federally insured, licensed lending institution in the amount of \$25,000; or
 - ii. verification of sufficient assets equal to \$25,000 or the cost of three months of operation, whichever is less;
 - b. evidence of current professional liability insurance in an amount sufficient to provide coverage in accordance with the total amount recoverable for all malpractice claims as indicated in R.S. 40:1231.2, or current law; and
 - c. evidence of current compliance with the Louisiana Workers' Compensation Law, R.S. 23:1020.1 et seq., or current law, with a minimum coverage in the amount of \$1,000,000, or equivalent coverage, such as occupational accident insurance, for those ~~independent~~ contractors or other staff not subject to Louisiana Worker's Compensation law;

A.3. - C.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1734 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

§7719. Denial of Initial Licensure, Revocation of License, Denial of License Renewal, Operation without License and Penalty

A. - E. ...

F. Operation without License and Penalty

1. An NSA shall not operate without a license issued by the department.
 - a. Any such person, partnership, corporation, unincorporated associations, or other legal entity operating a NSA without a license shall be guilty of a misdemeanor and upon conviction shall be fined no less than \$250 for each day of operation without a license, up to a maximum of \$1,000. Each day of violation shall constitute a separate offense.
 - 1.b. - 2.a. ...
 3. The department shall seek an injunction in the Nineteenth Judicial District Court against any person, partnership, corporation, unincorporated associations, or other legal entity operating an NSA that receives a cease and desist order from the department and who does not cease operations immediately.
 - a. Any such person, partnership, corporation, unincorporated association, or other legal entity operating an NSA against whom an injunction is granted shall be liable to the department for attorney fees, costs, and damages.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1734 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter B. Administration and Organization

§7735. Governing Body

A. An NSA shall have an identifiable governing body with responsibility for and authority over the policies and activities of the NSA.

A.1. - B.11. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1738 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

§7737. Policy and Procedures

A. The NSA shall develop, implement, and comply with NSA-specific written policies and procedures, approved by the owner(s) or governing body, related to compliance with this Chapter, including but not limited to the following policies and procedures:

1. - 13. ...

14. a written policy to address prohibited use of social media. The policy shall ensure that all employees or contracted staff, at a minimum, ensure preservation of dignity, respect, and confidentiality of an individual or individuals' receipt of healthcare services, and protection of an individual or individuals receiving healthcare services' privacy and personal and property rights.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1739 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

§7741. Branch Offices and Satellites of Nurse Staffing Agency Providers

A. Nurse staffing agency providers with branch offices or satellite locations shall meet the following:

1. No branch office or satellite location may be opened without prior written approval from HSS. In order for a branch office or satellite location to be approved, the parent NSA shall have maintained a full licensure for the previous 12-month period.

2. The department may consider the following in making a determination whether to approve a branch office or a satellite location:

- a. - c. ...
- d. if the parent NSA currently has a provisional license;
- e. if the parent NSA currently is in a settlement agreement with the department;
- f. if the parent NSA is currently under license revocation or denial of license renewal;
- g. if the parent NSA is currently undergoing a change of ownership; and
- h. if any adverse action has been taken against the license of other NSAs operated by the owner of the parent NSA within the previous two-year period.

3. The branch office or satellite location shall be held out to the public as a branch office or satellite of the parent NSA so that the public will be aware of the identity of the NSA operating the branch office or satellite.

3.a. - 8....

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1739 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter C. Provider Responsibilities

§7751. Core Staffing Requirements

A. - B.

C. The NSA shall not employ, assign, or refer for use in a healthcare facility in Louisiana, a nurse or CNA unless the nurse or CNA is certified or licensed in accordance with the applicable provision of state and federal laws or regulations, and meets the minimum mandatory qualifications and requirements for CNAs. Each nurse and CNA shall comply with all pertinent regulations of the department relating to the health and other qualifications of employees or contracted staff employed in healthcare facilities.

1. The NSA shall review the Louisiana certified nurse aide registry (LCNAR), the Louisiana adverse actions list, and the Office of Inspector General’s list of excluded individuals and entities (OIG-LEIE), to confirm that there has been no finding that any nurse or CNA has committed exploitation, extortion, abuse, neglect, or misappropriation of property or funds of an individual in the care of the nurse or CNA, prior to hire or contract and monthly thereafter. If such a finding exists, the NSA shall not employ, assign, or

refer the nurse or CNA, and existing employments, assignments, or referrals shall be terminated.

2. The NSA shall provide the healthcare facility, of which the nurse or CNA is assigned or referred, with documentation verifying the certification or licensure status of a nurse or CNA, as well as the certification and minimum mandatory qualifications for CNAs, in accordance with the applicable provision of state and federal laws or regulations.

D. Administrator/Director Responsibilities. The administrator/director shall:

- 1. ...
- 2. be available in person or by telecommunication at all times for all aspects of NSA operation or designate in writing an individual to assume the authority and control of the NSA if the administrator/director is temporarily unavailable;
- 3. be responsible for the day-to-day management and supervision of the operations of the NSA;
- 4. - 7. ...
- 8. implement an ongoing, accurate, and effective budgeting and accounting system; and
- 9. ensure that all employees or contracted staff receive proper orientation and training on policies and procedures, as required by law or as necessary to fulfill each employee or contracted staff person’s responsibilities.
- 10. Repealed.

E. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1740 (October 2023), amended by the Department of Health, Health Standards Section, LR 51:

§7753. Record Keeping

A. - A.10. ...

B. Personnel Records. An NSA shall maintain a personnel record for each employee or contracted staff. At a minimum, this file shall contain the following:

- 1. - 3. ...
- 4. evidence of reviews of the LCNAR, the Louisiana adverse actions list, and the Office of Inspector General’s list of excluded individuals and entities (OIG-LEIE), to confirm that there has been no finding that any CNA has committed exploitation, extortion, abuse, neglect, or misappropriation of property or funds of an individual in the care of the CNA, prior to hire or contract and monthly thereafter. If such a finding exists, the NSA shall not employ, assign, or refer the CNA, and existing employments, assignments, or referrals shall be terminated.

B.5. - C.2.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1740 (October 2023), 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 may result in an indeterminable decrease in costs to small business providers in FY 25-26, FY 26-27, and FY 27-28, since criminal background checks on all applicant(s), owner(s) with five percent or more ownership interest, or administrator(s)/director(s) for any state lived in within the last five years will no longer be required for initial licensure as a NSA or change of ownership of a NSA.

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 and no impact on the provider's ability to provide the same level of service as described in HCR 170. It is anticipated that this proposed Rule may result in an indeterminable decrease in costs to a NSA in FY 25-26, FY 26-27, and FY 27-28 since criminal background checks on all applicant(s), owner(s) with five percent or more ownership interest, or administrator(s)/director(s) for any state lived in within the last five years will no longer be required for initial licensure as a NSA or change of ownership of a NSA.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. 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. on 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 Staffing Agencies 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 \$2,700 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 staffing agencies (NSA) in order to add and update definitions, adjust social media policy requirements, revise administrator requirements, and modify initial licensure, renewal of licensure, and change of ownership requirements.

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 may result in an indeterminable cost savings to providers, as criminal background checks will no longer be required for initial licensure or change of ownership of a NSA for all applicants, owners with five percent or more ownership interest, or administrators/directors for any state of residence in within the past five years.

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
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