

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Nurse Aide Training and Competency Evaluation Program (LAC 48:I.10001 and 10033)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.10001 and §10033 as authorized by R.S. 36:254. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Act 80 of the 2023 Regular Session of the Louisiana Legislature revised the qualifications for certified nurse aides (CNAs) to permit individuals who successfully complete one semester of a registered or practical nursing program, which includes a course on foundational nursing skills, to apply to take an approved nurse aide competency evaluation examination and after successfully passing the examination the CNA is allowed to register with the Louisiana Certified Nurse Aide Registry without completing a nurse aide training program. In compliance with Act 80, the Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the Nurse Aide Training and Competency Evaluation Program in order to update the qualifications for certified nurse aides to allow certification of individuals who have successfully completed a semester of a registered or practical

nursing program, which includes a course on foundational nursing skills, to take an approved nurse aide competency evaluation examination and to update the registration requirements for the Louisiana Certified Nurse Aide Registry.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 100. Nurse Aide Training and Competency Evaluation Program

Subchapter A. General Provisions

§10001. Definitions

Certified Nurse Aide—an individual who ~~has completed a nurse aide training~~ meets one of the following requirements and ~~competency evaluation program (NATCEP) approved by the state as meeting the requirements of 42 Code of Federal Regulations (CFR) 483.151–483.154, 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 ~~Louisiana's nurse aide registry.~~ the Louisiana Certified Nurse Aide Registry (LCNAR):

1. has completed a nurse aide training and competency evaluation program (NATCEP) approved by the state as meeting the requirements of 42 Code of Federal Regulations (CFR) 483.151–483.154; or

2. has been determined competent as provided in 42 CFR 483.150(a) and (b); or

3. has successfully completed one semester of a registered or practical nursing program, which includes a course on foundational nursing skills, and has successfully passed an approved nurse aide competency evaluation examination.

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 32:2074 (November 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1242 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Subchapter C. Louisiana Certified Nurse Aide Registry

§10033. General Provisions

A. The Department of Health ~~and Hospitals~~ (LDH) shall develop and maintain ~~a registry~~ the Louisiana Certified Nurse Aide Registry (LCNAR) for individuals who have successfully completed a nurse aide training and/or competency evaluation program. Each individual listed on the ~~registry~~ LCNAR will have the following information maintained and retrievable:

A.1. - 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:

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 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 direct or indirect cost to the provider to provide the same level of service, but may have a positive impact on the staffing level requirements and qualifications and on the provider's ability to provide the same level of service as described in HCR 170, since the proposed Rule permits another option for nurse aides to become certified and to register with the Louisiana Certified Nurse Aide Registry.

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 September 29, 2023.

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 September 11, 2023. 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 September 28, 2023 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 September 11, 2023. 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.

Stephen R. Russo, JD

Secretary