

### 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 not have an 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 may have an impact on staffing level requirements or qualifications required to provide the same level of service, and may have an impact on the direct or indirect cost to the provider and on the provider's ability to provide the same level of service as described in HCR 170. However, the full impact is indeterminable since there is no way to determine how many BHSPs will choose to provide mobile dosing unit services.

### 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 March 3, 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 February 10, 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 February 26, 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 February 10, 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.

Michael Harrington, MBA, MA  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Rural Health Clinics 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 other than the cost of promulgation in FY 24-25. It is anticipated that \$1,296 will be expended in FY 24-25 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 behavioral health service providers (BHSPs) of opioid treatment programs in order to remove outdated eligibility criteria, expand the types of eligible practitioners, adjust the provisions related to take-home doses of medication, and include provisions for mobile dosing units. This may result in additional Medicaid expenditures by an indeterminable amount due to a potential increase in the types of behavioral health services provided.

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

It is anticipated that implementation of this proposed Rule may result in an increase in state revenue collections in FY 24-25, FY 25-26, and FY 26-27, since behavioral health service providers (BHSPs) who chose to provide additional behavioral health services will be required to pay a nonrefundable application fee. However, the total increase in state revenue collection is indeterminable as there is no way to estimate how many BHSPs will be impacted by this proposed rule.

#### 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 increase in state licensure application fees for BHSP who choose to provide additional behavioral health services.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed Rule has no known effect on competition and employment.

Tasheka Dukes, RN  
Deputy Assistant Secretary  
2501#059

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health Health Standards Section

Behavioral Health Service Providers  
Licensing Standards  
(LAC 48:I.5603 and 5617)

The Department of Health, Health Standards Section (the department), proposes to amend LAC 48:I.5603 and §5617 as authorized by R.S. 36:254 and R.S. 40:2151-2161. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The department proposes to amend the provisions governing the licensing of behavioral health service providers (BHSPs) in order to comply with the requirements of Act 737 of the 2024 Regular Session of the Louisiana Legislature relative to the acceptance, with certain exceptions, of documents, records, photos, testimonials, and other significant health-related collateral information provided by a client's family member, caregiver, friend, or healthcare professional.

In compliance with Act 737, the department hereby proposes to amend the provisions governing the licensing of BHSPs in order to adjust requirements for the minimum contents of client records. The department also proposes to

revise the definition of Clinically Managed Low Intensity Residential Treatment Services, and to update licensing standards related to deemed status.

#### **Title 48**

### **PUBLIC HEALTH—GENERAL**

#### **Part I. General Administration**

#### **Subpart 3. Licensing and Certification**

### **Chapter 56. Behavioral Health Service Providers**

#### **Subchapter A. General Provisions**

#### **§5603. Definitions**

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*Clinically Managed Low Intensity Residential Treatment Services (ASAM Level 3.1)*—a residential program that offers at least five hours a week of a combination of low-intensity clinical and recovery-focused services for substance-related disorders. Services may include individual, group and family therapy, medication management and medication education, and treatment is directed toward applying recovery skills, preventing relapse, improving emotional functioning, promoting personal responsibility and reintegrating the client into the worlds of work, education, and family life.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1682 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1380 (July 2017), LR 46:587 (April 2020), LR 48:1277 (May 2022), LR 48:2755 (November 2022), LR 50:394 (March 2024), amended by the Department of Health, Health Standards Section, LR 51:

#### **Subchapter B. Licensing**

#### **§5617. Deemed Status**

A. - B.3....

C. If deemed status is approved, accreditation may be accepted as evidence of satisfactory compliance with this Chapter in lieu of conducting periodic re-licensure surveys.

D. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1692 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1381 (July 2017), amended by the Department of Health, Health Standards Section, LR 51:

#### **Subchapter D. Provider Operations**

#### **§5637. Client Records**

A. - A.15. ...

B. Contents. The provider shall ensure that a client record, at a minimum, contains the following:

1. - 2. ...

3. all pertinent medical, psychological, social and other therapeutic information, including:

a. - n. ...

o. discharge summary;

p. documents, records, photos, testimonials, and other significant health-related collateral information provided by a client's family member, caregiver, friend, or healthcare professional, except in the event the healthcare professional or healthcare provider believes that acceptance and inclusion of the information in the medical record is not relevant to the client's care or treatment; and

q. other pertinent information related to client as appropriate.

4. - 4.c....

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1697 (September 2015), 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, the direct or indirect cost to the provider, or to the provider's ability to provide the same level of service as described in HCR 170.

#### **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 March 3, 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, Louisiana 70821-0629; however, such request must be received no later than 4:30 p.m. on February 10, 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 February 26, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, Louisiana. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after February 10, 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.

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**  
**RULE TITLE: Behavioral Health Service Providers  
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 other than the cost of promulgation in FY 24-25. It is anticipated that \$756 will be expended in FY 24-25 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 behavioral health service providers (BHSPs) in order to adjust the requirements for the minimum contents of client records. Additionally, this proposed Rule revises the definition of Clinically Managed Low Intensity Residential Treatment Services, and updates licensing standards related to deemed status. This proposed Rule may result in additional costs to the state since additional re-licensure surveys may be required.

**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 revenue collections in FY 24-25, FY 25-26, or FY 26-27.

**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 not result in costs to providers in FY 24-25, FY 25-26, or FY 26-27.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

This proposed Rule has no known effect on competition and employment.

Tasheka Dukes, RN  
Deputy Assistant Secretary  
2501#060

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Office of Public Health**

Administration and Treatment of  
Human Immunodeficiency Virus  
(LAC 48:I.Chapter 136)

Under the authority of R.S. 37:1218.2, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Health intends to promulgate Chapter 136 (Administration and Treatment of Human Immunodeficiency Virus) of Subpart 7 (Human Immunodeficiency Virus/AIDS) of Part 1 (General Administration) of Title 48 (Public Health—General) of the Louisiana Administrative Code (LAC).

The proposed Chapter is necessary to implement the procedures and statewide protocol by which a Louisiana-licensed pharmacist ("pharmacist") shall follow to dispense and/or administer pre-exposure and post-exposure

prophylaxis medications for the prevention of Human Immunodeficiency Virus (HIV) infection pursuant to R.S. 37:1218.2.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part 1. General Administration**

**Subpart 7. Human Immunodeficiency Virus/AIDS**

**Chapter 136. Administration and Treatment of Human  
Immunodeficiency Virus**

**§13601. Definitions**

A. As used in this Chapter, the following terms shall, unless the context clearly requires otherwise, have the following meanings:

*CDC*—the Centers for Disease Control and Prevention, U.S. Department of Health and Human Services

*CDC Guidelines*—with respect to PrEP, means the guidelines set forth in the CDC's "Preexposure Prophylaxis for the Prevention of HIV Infection in the United States – 2021 Update Clinical Practice Guideline", and with respect to PEP, means the guidelines set forth in the CDC's "Updated Guidelines for Antiretroviral Postexposure Prophylaxis After Sexual, Injection Drug Use, or Other Nonoccupational Exposure to HIV—United States, 2016".

**§13603. Scope**

A. This statewide protocol establishes the rules a Louisiana-licensed pharmacist ("pharmacist") shall follow to dispense and/or administer pre-exposure and post-exposure prophylaxis medications for the prevention of HIV infection pursuant to Act 711 of 2024 (R.S. 37:1218.2).

B. Pharmacists may dispense and administer HIV pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP) medication(s) approved by the U.S. Food and Drug Administration (FDA) to eligible patients according to the indications and recommendations in the current guidelines from the U.S. Centers for Disease Control and Prevention (CDC). Contraindications should be considered before the medication is dispensed and/or administered.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1218.2.

**HISTORICAL NOTE:** Promulgated by the Department of Health, Office of Public Health, LR 51:

**§13605. Pre-Requisites**

A. Prior to dispensing and/or administering HIV prevention medication per this protocol, the pharmacist must:

1. hold a current pharmacy license that is in good standing to practice in the state of Louisiana;
2. be a current practicing pharmacist;
3. have earned a Doctor of Pharmacy (PharmD) degree or have at least five years of experience as a licensed registered pharmacist (RPh);
4. maintain professional liability insurance of at least \$1,000,000 or participate in the Louisiana Patient's Compensation Fund, which allows a provider to have financial responsibility for the first \$100,000 of exposure per claim whether through insurance or security deposit and enroll in the Fund for the excess coverage and be under an umbrella of the cap on damages;
5. review this statewide protocol and related standing order;
6. complete a training program as described in this protocol;