

**Department of Health
Health Standards Section**

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

The Department of Health, Health Standards Section, proposes to amend LAC 48:I.Chapter 100 as authorized by R.S. 36:254 and R.S. 37:1026.1 et seq. 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, Health Standards Section proposes to amend the provisions governing the nurse aide training and competency evaluation program (NATCEP) in order to comply with the requirements of Acts 253 and 568 of the 2024 Regular Session of the Louisiana Legislature, which provide for medication attendant certified (MACs) licensed or certified in states outside Louisiana, to work in Louisiana by means of reciprocity.

In compliance with Acts 253 and 568, the Department of Health, Health Standards Section, proposes to amend the provisions governing the NATCEP in order to update the certification requirements for MACs that provide services in licensed long-term care facilities. The Department of Health, Health Standards Section also proposes to amend the provisions governing the NATCEP in order to clarify the process of suspension, revocation, denial of renewal certificate, or reprimand of a certificate holder, and to revise the requirements for provider participation and responsibilities.

Title 48

PUBLIC HEALTH-GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 100. Nurse Aide Training and Competency Evaluation Program

Subchapter G. Medication Attendant Certified

§10083. Certification Requirements

A. - C. ...

D. Reciprocity. A person who holds a valid license or certificate as a MAC issued by another state may be certified in Louisiana.

1. - 2. ...

3. The application shall include a certified copy of the license or certificate for which the reciprocal license or certificate is requested.

4. The department shall contact the issuing agency to verify the applicant's status with the agency, and confirm that:

a. the applicant holds a current and valid MAC license or certification in another state with a similar scope of practice;

b. the applicant has held the MAC license or certification in the other state for at least one year;

c. the other state required the applicant to pass an examination, or to meet education, training, or experience standards;

d. the other state holds the applicant in good standing;

e. the applicant does not have a disqualifying criminal record as determined by the department; and

f. the applicant does not have a disciplinary action or investigation pending in another state.

i. If the applicant has a disciplinary action or investigation pending, the department shall not issue or deny MAC certification to the person until the disciplinary action or investigation is resolved or the person otherwise

meets the criteria for a MAC certification in this state to the satisfaction of the department.

5. Repealed.

E. – E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1415 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1249 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:31 (January 2020), LR 49:692 (April 2023), amended by the Department of Health, Health Standards Section, LR 51:

§10089. Allegations of Medication Attendant Certified Wrong-Doing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1417 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1250 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:33 (January 2020), LR 49:695 (April 2023), repealed by the Department of Health, Health Standards Section, LR 51:

§10090. Suspension, Revocation, Denial of Renewal, or Reprimand

A. The department may suspend, revoke, deny renewal of a certificate, or reprimand a certificate holder for a violation of this Chapter.

B. The following grounds for disciplinary actions include, but are not limited to:

B. 1. - G.1 ...

H. When a MAC feels that the basis for the suspension, revocation, denial of renewal of his or her MAC certificate, or reprimand was based on wrongful accusation(s), the following procedure shall be followed.

1. The MAC may request an informal dispute resolution (IDR) within 15 calendar days of the receipt of the agency's notice of violation. The request for an IDR must be made to the department in writing.

2. The IDR shall be designed:

a. to provide an opportunity for the MAC to informally review the situation;

b. for the agency to offer alternatives based on corrections or clarifications, if any; and

c. for the MAC to evaluate the necessity for seeking an administrative hearing.

3. An IDR meeting shall be arranged within 20 days of the request.

4. During the IDR, the MAC shall be afforded the opportunity to:

a. talk with agency personnel involved in the situation;

b. review pertinent documents on which the alleged violation is based;

c. ask questions;

d. seek clarifications; and

e. provide additional information.

I. Within 30 calendar days after receipt of the department's notice of violation or the notice of the results of an informal dispute resolution, the MAC may request an

administrative hearing. The request for administrative hearing shall be in accordance with the procedures set forth in §10071.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1417 (July 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1250 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 46:33 (January 2020), LR 49:695 (April 2023), amended by the Department of Health, Health Standards Section, LR 51:

§10091. Provider Participation and Responsibilities

A. - D.6. ...

E. An approved licensed long-term care facility shall have written policies and procedures that at a minimum, address the MACs role, responsibilities, authorized duties, prohibited duties, and medication errors.

F. A facility's application that is not complete within 90 calendar days of receipt by the department shall be considered null and void.

G. The provider shall complete and send the appropriate form or approved electronic submission to the registry to verify employment or termination of a MAC.

H. When a change of ownership (CHOW) occurs, the new owner or the administrator, or the administrator's designee, shall be responsible for ensuring that all reporting of employment and termination to the registry is current.

I. Disqualification of MAC program. The department may sanction a facility and/or revoke a facility's participation in the MAC program for a period of two years, if it is determined by the department that:

1. based upon the facility's compliance history, the safety and well-being of residents were jeopardized by the facility's non-compliance with federal, state, or local laws and regulations;

2. the facility has provided false statements and/or documentation concerning the facility's MAC program; and/or

3. the facility has not provided an acceptable plan for correcting deficiencies.

J. If the facility's participation has been revoked, the facility may ask for a reconsideration and review of the circumstances that contributed to the revocation of participation in the MAC program.

K. If the facility has not utilized a MAC within its facility and/or served as a MAC clinical site within a two year period, the facility's MAC program shall be considered voluntarily terminated.

L. A licensed long-term care facility who has lost its MAC program may re-apply to participate in the MAC program upon the end of the two year period of the prohibition timeframe. If the facility's participation in the MAC program has been revoked for providing false statements or documentation, the facility may not reapply for reinstatement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1026.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:696 (April 2023), amended by the Department of Health, Health Standards Section, LR 51: