

POTPOURRI  
Louisiana Department of Health  
Office of Public Health  
Bureau of Emergency Medical Services

Public Hearing-Substantive Changes to Proposed Rule  
PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Emergency Medical Services Professionals  
(LAC 46:XXXVIII.Chapters 1-5)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health, Office of Public Health, Bureau of Emergency Medical Services (LDH-OPH-Bureau of EMS) and the Louisiana Emergency Medical Services Certification Commission (EMSCC) published a Notice of Intent in the May 20, 2023 edition of the *Louisiana Register* to amend LAC 46:XXXVIII.Chapters 1-5 regarding emergency medical services professionals as authorized by R.S. 40:1131-1133.16 and R.S. 40:1141. This potpourri includes additional substantive and technical changes to LAC 46:XXXVIII Chapter 3 §§301-307, Chapter 5 §§501, 505, 511-513.

In compliance with Act 31 of the 2020 2<sup>nd</sup> Extraordinary Session of the Louisiana Legislature, the LDH-OPH-BEMS and the EMSCC propose to amend the regulations governing the professional and occupational standards for emergency medical services professionals in order to: 1) clarify and align these provisions with the corresponding legislative authorities governing emergency medical services; 2) ensure that the provisions are consistent with the standard language used in other healthcare licensing regulations; and, 3) promulgate the provisions clearly and concisely in the *Louisiana Administrative Code*.

Part XXXVIII is proposed to be substantively rearranged as regards to the location of the bulk of the text content which exists in some particular Sections of the current rule housed within Title 46 of the Louisiana Administrative Code (LAC) but which is now proposed to be moved into another Section of the proposed rule. The text content of each Section which has been moved does contain one or more amendments within the proposed new location. In addition, currently existing headings labeled as a particular Subpart, a particular Chapter and a particular Subchapter are proposed to be repealed. For this reason, the table below summarizes the proposed rearrangement of the text content and which specific items are proposed to be repealed.

This Potpourri announces substantive changes to the provisions proposed in the May 20, 2023 Notice of Intent. Taken together, all of these revisions to the May 20, 2023 Notice of Intent will closely align the proposed Rule with the department's original intent and address the concerns brought forth during subsequent discussions with stakeholders relative to the Notice of Intent as originally published.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL STANDARDS**  
**Part XXXVIII. Emergency Medical Practitioners**  
**(Subpart 1. Rules or Procedure)**

**Chapter 3. Licensure and Certification**

**§301. State Licensure and National Certification**

A.-G. ...

H. Each license holder and each applicant for licensure must provide both a valid current mailing and email address at which the licensee or

applicant can receive correspondence and official notices from the Bureau. A licensee or applicant shall update either such address via the EMS information management system ~~portal~~ within five calendar days of any change thereto.

I.-K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1131.1(A), R.S. 40:1133.5(9), R.S. 40:1133.6, R.S. 40:1141, and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1821 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency medical Services, LR 49:

**§303. Denial of Licensure, Reinstatement, or the Right to Practice EMS  
as a Student**

A.1.-2. ...

3. has pled guilty, nolo contendere, or been convicted of, ~~or~~ any crime that directly relates se to the EMS profession generally or the specific type of EMS license type, permit, or eligibility sought.

B.-C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.1(A)(E), R.S. 40:1133.5(9), R.S. 40:1133.7(1)(2), R.S. 40:1133.4 and 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1821 (September

2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

**§305. Delay of Licensure, Reinstatement, or the Right to Practice EMS as a Student**

A.1. ...

2. has a pending criminal charge for any crime that directly relates to the EMS professional generally or the specific type of EMS license type, permit, or eligibility sought; or

3. has pled guilty, nolo contendere, or been convicted of ~~ex~~ ~~committed~~ a crime that directly relates to the EMS profession generally or the specific type of EMS license type, permit, or eligibility sought, and the conditions of the court have not been met, or is currently serving a court ordered probation or parole.

B.-C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.2(A)(E), R.S. 40:1133.5(9), R.S. 40:1133.7(1)(2), and R.S.2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1822 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 49:

\*\*\*

**§307. Application Eligibility determination; Criminal Convictions; Right to Hearing**

A.-C. ...

\*\*\*

## Chapter 5. Disciplinary Proceedings; Alternative to Disciplinary Proceedings

### §501. Definition of Terms Applying to EMS Practice as Used in This Chapter

A. As they apply to EMS practice and/or to the exercise of the commission's disciplinary authority, the following words and terms are hereby defined as used within this Chapter.

\*\*\*

*Collaborating* - a process involving two or more health care professionals working together, though not necessarily in each other's presence, each ~~and~~ contributing one's respective area of expertise to provide more comprehensive care than one alone can offer.

\*\*\*

*Probate* - to stay a sentence of license ~~certification~~ suspension during good behavior and placing under supervision of Bureau of a period of time. License is marked "probated" and specific requirements are identified.

\*\*\*

*Suspend* - to hold licensure ~~certification~~ to practice as an EMS Practitioner ~~professional~~ in abeyance for a definite or an indefinite period of time

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8) and R.S. 1133.5(9) and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Services Certification Commission, LR 29:1822 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission and the Bureau of Emergency Medical Services, LR 49:

**§503. Disciplinary Proceedings ~~E~~before the Commission**

A. ...

**§505. Proceedings against Licensed EMS Practitioners, Certified ~~Certification~~ Ambulance Operators, Licensed ~~Certification~~ EMS Practitioner Applicants, or Certified Ambulance Operator Applicants**

A.-B. ...

C. A complaint that an individual engaged in, or is engaging in, any conduct proscribed by R.S. 40:1133.7, 40:1133.10, 40:1133.18, or this Part, may be made by any person, staff, agency or the commission. Such complaints shall be in writing, and on a form prescribed by the commission. However, nothing shall prohibit the bureau or commission from acting upon an allegation of ~~f~~ license ~~e~~s wrongdoing learned of or submitted by other means.

D.1-2. ...

3. has pled guilty, nolo contendere, or been convicted of ~~or~~ ~~committed~~ a crime that directly relates to the EMS profession generally or the specific type of EMS license type, permit, or eligibility sought;

4.-17. ...

E.1. ...

2. has pled guilty, nolo contendere, or been convicted of ~~or~~ committed a crime that directly relates to the EMS profession generally or the specific type of EMS license type, permit, or eligibility sought.

3.-15. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), R.S. 40:1133.9, R.S. 40:1133.10 and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Medical Services Certification Commission, LR 29:1823 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 49:

\*\*\*

#### **§511. Formal Disciplinary Action**

A.-B. ...

C. Voluntary Surrender of License. An individual who is under investigation for violation of the provisions or requirements of this ~~the~~ Part may voluntarily surrender his or her license or certification to the bureau. The voluntary surrender invalidates the license or certification at the time of its relinquishment. An individual practicing as a licensed EMS practitioner after ~~or~~ a voluntary surrender is considered an illegal practitioner and is subject to the penalties provided by this chapter and R.S. 40.1131 et seq.

1.-3. ...

D.-E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9) and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1825 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 49:

### **§513. Formal Hearing**

A.-E. ...

F. Disciplinary Sanctions

1. ...

2. The commission may set forth guidelines with ranges of disciplinary sanctions from which disciplinary penalties may be imposed. These guidelines are intended to serve only as a guide for staff and commission members when considering penalties, which could be imposed for specific violations of the provisions or requirements of this Part. Guidelines are in no way binding on the commission when dealing with disciplinary matters. The commission may order license certification sanctions.

3.-5. ...

G.-I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 1133.4(A)(8), R.S. 40:1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1825 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 49:

\*\*\*

Interested persons may submit written comments to Susan Bailey, Director, Bureau of Emergency Medical Services, Office of Public Health, Louisiana Department of Health, P.O. Box 4489, Baton Rouge, LA 70821-4489. Ms. Bailey is responsible for responding to inquiries regarding these substantive changes to the proposed Rule. A public hearing on the substantive changes to the proposed Rule is scheduled for Tuesday, November 28, 2023 at 9:00AM in Room 173, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30PM on November 28, 2023.

Stephen R. Russo, JD  
Secretary

