

LOUISIANA REVISED STATUTES OF 1950

TITLE 37

CHAPTER 11. NURSES

PART II. PRACTICAL NURSES

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§ 961. Definitions

As used in this Part:

- (1) “Board” means the Louisiana State Board of Practical Nurse Examiners;
- (2) The “practice of practical nursing” means the performance for compensation of any acts, not requiring the education, training, and preparation required in professional nursing, in the care, treatment, or observation of the ill, injured, or infirm and for the maintenance of the health of others and the promotion of health care, including the administration of medications and treatments or in on-job training or supervising licensed practical nurses, subordinate personnel, or instructing patients consistent with the licensed practical nurse’s education and preparation, under the direction of a licensed physician, optometrist, or dentist acting individually or in his capacity as a member of the medical staff, or registered nurse. The licensed practical nurse may perform any of the foregoing duties, and with appropriate training may perform additional specified acts which are authorized by the Board of Practical Nurse Examiners when directed to do so by the licensed physician, optometrist, or dentist acting individually or in his capacity as a member of the medical staff, or registered nurse.
- (3) “Accredited school” means a school of practical nursing approved by the board;
- (4) “Practical nurse” means a person who practices practical nursing and who is licensed to practice under this Part.

§ 962. Louisiana State Board of Practical Nurse Examiners; method of appointment

- A. The Louisiana State Board of Practical Nurse Examiners is hereby created within the Department of Health and Hospitals and is subject to the provisions of R.S. 36:803. The board shall consist of thirteen members appointed by the governor. Each appointment by the governor shall be submitted to the Senate for confirmation.
 - B. Six members of the board shall be practical nurses, two shall be registered nurses, and five shall be licensed physicians.
 - C. The appointment of members of the board shall be made from a list, containing twice the number of eligibles to be appointed, submitted to the governor by the Louisiana State Medical Society where the appointee shall be a licensed physician, by the Louisiana Federation of Licensed Practical Nurses, Inc., for one of the practical nurses, by the Licensed Practical Nurses of Louisiana, Inc., for one of the practical nurses, by the Louisiana Nursing Home Association, for one practical nurse, by the Louisiana Hospital Association, for one practical nurse, or by the Louisiana State Nurses Association where the appointee shall be a registered nurse.
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§ 963. Domicile of board

The domicile of the board shall be New Orleans, Louisiana .

§ 964. Terms of members

The terms of the members of the board shall be for six years; provided that initially three members shall serve two years, three shall serve four years and three shall serve six years. Board members shall hold office until their successors are appointed and qualified.

§ 965. Vacancies on board

Vacancies occurring on the board shall be filled, for unexpired terms, by the governor according to the procedure provided in R.S. 37:962.

§ 966. Meetings; quorum

The board shall meet annually at a time and place to be fixed by it, and at such other times as may be necessary.

A majority of the board constitutes a quorum.

§ 967. Officers of the board

The board shall elect a chairman and a secretary-treasurer from its membership to serve a two year term; the election shall be held within thirty days of July 1 of each odd-numbered year. The board shall appoint an executive director who need not be a member of the board.

§ 968. Compensation of members; expenses

A. Each member of the board shall receive a per diem of seventy-five dollars for each day actually engaged on board business and reimbursement for necessary expenses incurred while engaged on board business.

B. The board shall expend funds received under this Part for the purpose of meeting the expenses incurred by the board in the performance of its functions under this Part.

§ 969. Duties and powers of the board

A. The board shall:

- (1) Prescribe minimum curricula and minimum standards for practical nurses and courses for practical nurses.
- (2) Approve practical nursing training at all schools making application, public or private, accredited by a national or regional accrediting agency recognized by the United States Department of Education, and hospitals with courses meeting the requirements of the board. All other requirements such as enrollment, staffing, tuition, etc. will be regulated by the criteria established by the recognized accrediting agency of the schools.
- (3) Examine and license qualified applicants, and renew licenses.
- (4) Conduct hearings upon charges calling for discipline of a licensee, or for revocation, denial or suspension of a license issued or applied for under this Part upon proof that the person:
 - (a) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing; or
 - (b) Is guilty of a crime; or
 - (c) Is unfit, or incompetent by reason of negligence, habit, or other causes; or
 - (d) Is habitually intemperate or is addicted to the use of habit forming drugs; or
 - (e) Is mentally incompetent; or
 - (f) Is guilty of unprofessional conduct; or
 - (g) Has violated any provisions of this Part.
- (5) Have all other powers necessary and proper to the performance of its duties.

B. The board may:

- (1) Issue subpoenas and administer oaths to persons giving testimony at hearings;
- (2) Employ and fix compensations of persons necessary to carry on the work of the board;
- (3) Appoint an attorney to represent the board in all matters pertaining to the administration of this Part and fix his compensation and define his duties; or
- (4)(a) Request and obtain state and national criminal history record information on any

person applying for any license or permit which the board is authorized by law to issue, including permission to enroll as a student in nurse training courses.

(b) Charge and collect from an applicant for any license or permit which the board is authorized to issue, including permission to enroll as a student in nursing courses, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining criminal history record information on the applicant.

(c) Promulgate the rules, regulations, and procedures, in cooperation with the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections, in accordance with the Administrative Procedure Act, that are necessary to implement the provisions of this Paragraph.

(5) Adopt and revise all rules and regulations necessary to implement the provisions of this Part.

§ 969.1 Louisiana State Board of Practical Nurse Examiners; authorization to obtain criminal history record information

A. As used in this Section, the following terms shall have the following meanings:

(1) “Applicant” means a person who has made application to the board for the issuance or reinstatement of any form of licensure.

(2) “Board” means the Louisiana State Board of Practical Nurse Examiners.

(3) “Bureau” means the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections.

(4) “Criminal history record information” means information collected by state and federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising therefrom, including sentencing and criminal correctional supervision and release, but does not include intelligence for investigatory purposes, nor does it include any identification information which does not indicate involvement of the individual in the criminal justice system.

(5) “FBI” means the Federal Bureau of Investigation of the United States Department of Justice.

(6) “Licensure” means any license or permit which the board is authorized to issue, including permission to enroll as a student in clinical nursing courses.

B.(1) In addition to any other requirements established by law or board rules, the board

may:

(a) Require that any person applying for any license or permit which the board is authorized by law to issue provide written consent to the board to request and obtain state and national criminal history record information on such person as a condition for consideration of his application.

(b) Charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.

(2) The board shall provide each applicant with a copy of the written standards specifying the requirements that must be met by an applicant for licensure and the grounds on which a license may be denied or revoked.

C. In accordance with the provisions and procedures prescribed by this Section, or any other law or board rule, the board may request and obtain state and national criminal history record information from the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections and the Federal Bureau of Investigation of the United States Department of Justice relative to any person applying for a license to determine the applicant's suitability and eligibility for licensure.

D. Upon request by the board, the bureau shall conduct a search of its criminal history record information relative to the applicant and report the results of its search to the board within sixty days after receipt of any such request. The bureau may charge the board a reasonable processing fee for conducting and reporting on any such search.

E. Any and all state or national criminal history record information obtained by the board from the bureau or FBI which is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents, and attorneys in evaluating the applicant's eligibility or disqualification for licensure. No such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

§ 970. Qualifications of applicants

An applicant for a license to practice as a practical nurse shall:

(1) Be of good moral character;

(2) Be a citizen of the United States or have taken out his first citizenship papers;

(3) Have successfully completed the course in an accredited school for the training of

practical nurses.

§ 971. Examination; licensing

Applicants for licenses under this Part shall pass a written examination in all subjects required by the board. The written examination may be supplemented by an oral or practical examination.

If the applicant passes the examination, the board shall issue a license to practice as a practical nurse and authorize the use of the title “Licensed Practical Nurse” or the abbreviation “L.P.N.”

§ 972. Licensing by endorsement

The board may by endorsement issue licenses without examination to persons who are licensees as practical nurses under the laws of other states if these licensees meet the requirements for practical nursing in this state.

§ 973. Renewals

Every person licensed under the provisions of this Part shall annually renew his license on or before January 31 of each year. Upon the receipt of the application for renewal and the renewal fee, the board shall verify the accuracy of the application for renewal and issue to the applicant a certificate of renewal for the current calendar year.

§ 974. Reinstatement of license

A licensee who allows his license to lapse by failing to renew the license may be reinstated upon satisfactory explanation for the failure to renew and upon payment of both the renewal fee and the reinstatement fee as prescribed in R.S. 37:977.

§ 975. Retirement from practice

A licensee who is retiring from practice shall send a written notice to the board. Upon receipt of this notice the board shall place the name of the licensee upon an inactive list. While on this list, the licensee shall not be subject to the payment of any renewal fees and shall not practice practical nursing in the state. When the licensee desires to resume practice, a renewal license shall be issued to a licensed practical nurse who submits the required fee.

§ 976. Schools of practical nursing; application; hearings

A school of practical nursing which wishes to be accredited may make application to the board. After investigation and approval of the curricula of the school the board may approve the school and issue a certificate as an accredited school of practical nursing.

If the board finds that an accredited school is not adhering to the requirements of this Part or to the courses prescribed by the board, the board shall give reasonable notices to correct these conditions within a reasonable time. If the conditions are not corrected, the board may, after a hearing with charges detailed and specified, revoke the certificate issued to such school.

Appeals from decisions of the board shall be to the Civil District Court of Orleans Parish within 30 days from the final ruling.

§ 977. Fees

A. The board is authorized, by rule promulgated in accordance with the Administrative Procedure Act, to establish fees and costs which shall be within the range prescribed by the following schedule:

		Minimum	Maximum
(1) License fees:			
	(a) License by examination	\$85.00	\$200.00
	(b) License by endorsement	50.00	100.00
	(c) Duplicate license	20.00	30.00
	(d) Renewal of license	30.00	60.00
	(e) Reinstatement of license which has been suspended, revoked, or has lapsed by nonrenewal	100.00	300.00
	(f) Duplicate renewal	10.00	20.00
	(g) Delinquency fee in addition to renewal fee for nursing license (per year)	50.00	100.00

	delinquent)		
(2) Survey fee		250.00	500.00
(3) Renewal of certificate of accreditation		100.00	200.00
(4) Evaluation of credits:			
	(a) Applicants for admission to approved program	25.00	50.00
	(b) Out-of-state applicants for Louisiana practical nurse license	50.00	100.00
(5) Verification of Louisiana license to out-of-state board		15.00	30.00
(6) Miscellaneous fees and costs			
	(a) Photocopies of documents per page	.50	1.00
	(b) Certificate of document as true copy	5.00	10.00
	(c) Certification of good-stand license	5.00	10.00
	(d) Handling and mailing per page	1.00	2.00

B. All fees collected under this Section shall be paid to the treasurer of the board, who shall deposit them to the credit of the board in a national banking institution designated by the board.

§ 978. Violations; penalties

A. No person shall engage in any of the following activities:

(1) Steal or fraudulently obtain or furnish any nursing diploma, license, or record, or aid or

abet therein.

(2) Practice as a practical nurse under cover of any diploma, license, or record illegally or fraudulently obtained or signed, or issued unlawfully or under fraudulent representation.

(3) Practice practical nursing unless duly licensed to do so under the provisions of this Part.

(4) Use in connection with his name any designation tending to imply that he is a practical nurse, unless licensed to practice under the provisions of this Part.

(5) Practice practical nursing during the time his license has lapsed because of his intentional failure to renew the license.

(6) Conduct a school of practical nursing, or a school or course for the training of practical nurses, unless the school or course has been accredited by the board.

(7) Aid or abet anyone in the violation of this Part.

(8) Violate any provisions of this Part.

B. Whoever violates this Section shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both. If a person licensed to practice practical nursing is found guilty of any of the offenses in this Section, the board may suspend or revoke the license of the practical nurse.

§ 979. Exemptions

The provisions of this Part shall not apply to:

(1) The nursing by friends or members of the family; or

(2) The incidental care of the sick by domestic servants or persons primarily employed as housekeepers or otherwise as long as they do not practice as practical nurses; or

(3) The giving of practical nursing assistance in the case of emergency; or

(4) Practical nursing by students enrolled in accredited schools of practical nursing by students in training in clinics and hospitals, where nursing is part of the prescribed courses for the students; or

(5) Service by auxiliary workers in hospitals or institutions if the service is supervised by a licensed physician; or

(6) The practice of Christian Science or religious rules or ceremonies as a form of

religious worship, devotion or healing if the person administering or making use of, or assisting or prescribing, relies on faith and prayer alone, and does not prescribe or administer drugs or medicine, or assist in surgical or physical operations, assume the title of, or hold himself out to be a practical nurse.