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**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL STANDARDS**  
**Part XLVII. Nurses: Practical Nurses and Registered Nurses**

**Subpart 1. Practical Nurses**

**Chapter 1. Foreword**

**§101. Foreword**

A. This manual of administrative rules and minimum requirements contains the approved rules and regulations of the Louisiana State Board of Practical Nurse Examiners relating to practical nurse education, the development, progression and discontinuation of practical nursing programs, and practical nurse licensure in the state of Louisiana. These rules and requirements have been adopted and promulgated in accordance with the law relating to the practice of practical nursing with the authorization vested in the board by the Louisiana Revised Statutes of 1950, Title 37, Chapter 11. Nurses, Part II. Practical Nurses, Section 961 et seq., as amended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:961 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:192 (April 1977), amended LR 5:355 (November 1979), LR 10:335 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1126 (October 1992), repromulgated LR 18:1259 (November 1992), amended LR 26:2614 (November 2000).

**Chapter 3. Board of Practical Nurse Examiners**

**§301. Organization**

A. The Louisiana State Board of Practical Nurse Examiners consists of members appointed by the Governor and is the regulatory agency created by statute to act with legal authority on matters related to practical nursing education and the practice of practical nursing in Louisiana as determined by the Louisiana Revised Statutes, Title 37, Section 961 et seq., as amended.

B. Public comment shall be allowed at open meetings of the board subject to the following rules.

1. Public comment shall be limited to matters set by the board's agenda for discussion at that meeting.

2. Public comment shall be limited to three minutes per individual unless a majority of the board members in attendance vote to extend this limit.

3. Anyone wishing to offer public comment under these rules must present a written request prior to the convening of the meeting. This request must include the name of the individual who will make public comment, the name of the party this individual represents, and the specific

agenda item the individual will address. A separate request must be completed for each agenda item to be addressed.

4. The time(s) at which public comment is allowed as to any given agenda item shall be subject to the discretion of the board chair and may vary from meeting to meeting.

5. Unless otherwise provided by law, public comment is not part of the evidentiary record of any adjudication, disciplinary hearing or case unless sworn, offered by a party as relevant testimony, subject to cross examination and offered and received in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and these rules and regulations of the Louisiana State Board of Practical Nurse Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969, and 37:962 as amended Act 272, 1982 and Act 642, 1990.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:192 (April 1977), amended LR 5:355 (November 1979), LR 10:335 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1126 (October 1992), repromulgated LR 18:1259 (November 1992), amended LR 26:2614 (November 2000), LR 30:1478 (July 2004).

**§303. Additional Duties and Powers of the Board**

A. In accordance with the Louisiana Statutes, Title 37, Section 969, the board shall have all such powers and duties as written. In addition the board shall:

1. appoint an executive director and associate executive director who shall be professional nurses currently licensed in the state of Louisiana and who shall serve as the executive staff of the board. The executive director, or in her absence the associate executive director, serves as the appointing authority of the board;

2. adopt, amend or repeal rules in accordance with procedures set forth in the provisions of the R.S. 49:950 et seq.;

3. determine the passing score for the practical nursing licensure examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:193 (April 1977), amended LR 10:335 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 26:2614 (November 2000), LR 28:2353 (November 2002), LR 29:127 (February 2003), LR 30:1478 (July 2004).

**§305. Procedure for Adoption of Rules**

A. All rules of the board shall be adopted, amended or repealed in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

B. The board, on its own motion or on the petition of any interested person, may request the promulgation, amendment, or repeal of a rule.

1. Such petition shall:
  - a. be in writing;
  - b. state the name and address of its author;
  - c. contain a statement of either the terms or substance of the proposed rule, amendment, or repeal;
  - d. state the reasons or grounds for the proposed rule, amendment, or repeal;
  - e. include any data, views or arguments in support of the rules, amendment, or repeal.

2. The board shall consider the petition within 90 days after receipt of said petition, at which time the board shall deny the petition in writing, stating reasons therefore, or shall initiate rulemaking proceedings in accordance with this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 2:274 (September 1976), amended LR 3:193 (April 1977), LR 10:336 (April 1984), LR 26:2614 (November 2000).

**§306. Adjudication Proceedings**

A. All adjudication proceedings (as defined in R.S. 49:951) conducted by the board shall be in accordance with the Administrative Procedure Act, R.S. 49:955 et seq.

B. All proceedings calling for disciplinary action, as set forth in R.S. 37:969(4) or as set forth in this Section 306(R), regarding a license, shall begin with the receipt by the board of allegation(s) pertaining to the violation(s) of any provisions of R.S. 37:961 et seq., as stated in that statute, or any provision of these rules and regulations of the Louisiana State Board of Practical Nurse Examiners.

C. Communications received by the board expressing such allegation(s) shall be privileged, confidential, and shall not be revealed to any person except when such document(s) are offered for evidence in a formal hearing.

D. The allegation(s) shall be investigated by the executive director, his/her designee, and/or staff. Any information and/or documents generated pursuant to such investigation of the allegation(s) shall be considered the work product of the board and shall be privileged, confidential, and shall not be revealed to any person except when such investigative information and/or documents are offered for evidence in a formal hearing.

E. Unless precluded by law, informal disposition may be made of any case of adjudication by stipulation, agreed settlement, consent order, or default. A consent order or agreed settlement shall be presented to the board for approval before it becomes binding on the board.

F. If formal proceedings are deemed necessary by the executive director, a formal hearing shall be conducted before a hearing officer designated by the board. A decision to initiate formal proceedings may be made if one or more of the following conditions exist.

1. The allegation(s) are sufficiently serious.
2. The respondent fails to reply to the board's correspondence concerning the allegation(s).
3. The response to the board's correspondence is deemed insufficient or unsatisfactory.

a. In furtherance of the objective(s) set forth in R.S. 37:961 et seq., and these rules and regulations of the Louisiana State Board of Practical Nurse Examiners, a respondent shall, upon written request, provide the board with any and all information, document(s) and/or thing(s) requested, within 10 days, including weekends and holidays, from the date of the board's request.

b. Failure to respond to a request by the board, or failure to provide a response that the board deems satisfactory or sufficient, may result in the immediate suspension of the respondent's license or may result in the board taking any other action the board deems necessary commensurate with its philosophy of commitment to the health, safety and welfare of the public.

4. An informal proceeding has failed to resolve all of the issues or allegation(s).

G. Proceedings that require an opportunity for hearing shall commence with the filing of a formal complaint by the board. The complaint shall serve as the notice required by the Administrative Procedure Act 49:955(B) and shall include the following:

1. a statement of the time, place and nature of the hearing;
2. a statement of the legal authority and jurisdiction under which the hearing is to be held;
3. a reference to the particular sections of R.S. 37:961 et seq., and a reference to the particular section of the rules and regulations of the Louisiana State Board of Practical Nurse Examiners;

4. a short and plain statement of the matters asserted. If the board is unable to state the matters in detail at the time the complaint is served, the initial complaint may be limited to a statement of the issues involved. Thereafter, upon request, a more definite and detailed statement shall be furnished.

H. The formal complaint shall be sent by certified mail, at least 20 days, including weekends and holidays, prior to the hearing date, to the last known address of the respondent. It is the licensee's obligation and duty to keep the board informed of his/her whereabouts.

I. The respondent shall return his/her reply to the complaint to the board at least 10 days, including weekends and holidays, prior to the date fixed for the hearing or shall be deemed to have waived his/her right to a hearing. In reply, the respondent shall either deny or admit the allegations of the complaint and may either:

1. appear for the scheduled hearing;
2. submit a written response to the hearing officer to be presented at the hearing in lieu of the respondent's live testimony; or
3. waive his/her right to a hearing.

J. If the respondent waives his/her right to a hearing, the board may take any appropriate disciplinary action by default. If the respondent does not reply in writing within the time allotted, the hearing may proceed as scheduled in the respondent's absence or the board may take any appropriate disciplinary action by default.

K. Opportunity shall be afforded to all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

L. Except for conditions of extreme emergency, motions requesting the continuance of a formal hearing must be received by the board at least seven days, including weekends and holidays, prior to the date fixed for a formal hearing. Such motion must express the specific reason(s) and show good cause why a continuance is warranted and necessary in promoting due process.

M. Discovery

1. Prior to a formal hearing, a respondent shall have the right to retain an attorney to represent his/her interest before, during, and after the proceedings. All costs and/or expenses incurred by a respondent as a result of his/her exercise of said right shall be the sole responsibility and obligation of the respondent.

2. Prior to a formal hearing, the executive director or his/her designee will, upon written request received by the board at least 10 days, including weekends and holidays, prior to the formal hearing, issue subpoenas on behalf of the board and/or the accused. Such subpoenas include or are for the purpose of:

- a. requiring that a person appear and give testimony in the formal hearing; and/or
- b. requiring that a person produce books, records, correspondence, or other materials over which he/she has control providing:
  - i. the information requested is reasonable in terms of amount; and
  - ii. the scope of the information requested is limited to documentary material that is relevant to the proceeding;
  - iii. the information requested does not include those documents referred to in §306.C-D; and
  - iv. the requesting party deposits with the board a sum of money sufficient to pay all fees and expenses to which a witness in the proceedings is entitled pursuant to R.S. 13:3661 and R.S. 13:3671.

3. Prior to a formal hearing, the respondent shall, upon written notice received by the board at least seven days, including weekends and holidays, prior to said hearing, be given a list of all witnesses the board will or may call to give testimony during a formal hearing.

4. Prior to a formal hearing the respondent, his/her attorney, or any party representing his/her interest is prohibited from having any contact whatsoever with any witness who will or may be called to give testimony in a formal hearing.

5. Depositions for the purposed of discovery are permitted and may also be allowed for the perpetuation of a witness' testimony upon good showing to the board that a witness will be unavailable to appear in person at a formal hearing. All costs of a deposition are borne by the requesting party.

6. Motions may be made before, during, and/or after a formal hearing. All motions made before or after a formal hearing shall be made in writing and in a timely manner in accordance with the nature of the request.

N. During a formal hearing, all parties shall be afforded the opportunity to present documentary, visual, physical or illustrative evidence and to cross-examine witnesses as well as call witnesses to give oral testimony. All testimony given during a formal hearing shall be under oath and may be before a certified stenographer.

O. The record of the proceeding shall be retained until such time for any appeal has expired or until an appeal has been concluded. The record of the proceeding need not be transcribed until such time as a party to the proceeding so requests and the requesting party pays for the cost of the transcript.

P. After the hearing is concluded, the hearing officer shall issue a report containing his/her findings of fact, conclusions of law and recommendations. This report shall be presented to the board in executive session and shall be considered privileged and confidential until and unless it is adopted in final form by the board.

Q. The board shall make a decision based on the entire record, including the hearing officer's report and determine what sanctions, if any, should be imposed and issue an appropriate order with respect thereto. This order of the board shall be sent to the respondent by certified mail.

R. Disciplinary action(s) imposed by the board may include reprimand, probation, suspension, revocation, denial, as well as penalties provided under R.S. 37:961 et seq., as amended and/or these rules and regulations of the Louisiana State Board of Practical Nurse Examiners and/or any combination thereof.

1. Reprimand. May include a personal conference between the licensee and the executive director and/or a letter to the licensee regarding the incident or incidents which have been brought to the board's attention and which may or may not be determined to warrant a hearing.

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2. Probation. Will include stipulations which may be imposed by the board as a result of the findings of facts of a hearing and the order shall clarify the obligations of the licensee through a specified period of time. A licensee who is placed on probation by the board may practice practical nursing in the state of Louisiana provided the probation terms are met.

3. Suspension. A license to practice practical nursing in the state of Louisiana may be withheld by the board. A licensee whose license is suspended may not practice practical nursing in the state of Louisiana during the suspension period so designated. The time of suspension may be a definite stated period or an indefinite term.

a. Definite time of suspension shall be stipulated by the board in the order to the licensee. Upon termination of the time period, the licensee shall be entitled to receive his/her license upon payment of the required fee and upon documented compliance with the conditions that may have been imposed by the board at the time of the original order.

b. If a license is suspended for an indefinite term, the licensee may petition for reinstatement of his/her license only after one calendar year has lapsed from the date of the original order. The board may terminate the suspension and reinstate such license after the board determines, with or without hearing, that the cause/causes for the suspension no longer exist or that intervening circumstances have altered the condition leading to the suspension. If reinstatement is granted, the licensee shall pay the required reinstatement fee.

4. Revocation. A license to practice practical nursing in the state of Louisiana may be withdrawn by the board. A person whose license is so revoked shall never again be allowed to practice practical nursing in the state.

5. Denial. An applicant may be denied licensure in the state of Louisiana. An applicant who has been denied licensure shall never be allowed to practice practical nursing in the state of Louisiana.

S. A petition by a party for reconsideration or rehearing must be filed in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq.

T. The grounds for disciplinary proceedings include, but are not limited to:

1. being guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;

2. being guilty of a crime;

3. being unfit, or incompetent by reason of negligence, habit or other causes;

4. being habitually intemperate or addicted to the use of habit-forming drugs;

5. being mentally incompetent;

6. practicing practical nursing without being duly licensed to do so by the board;

7. using in connection with his/her name any designation tending to imply that he/she is a practical nurse without being duly licensed to practice by the board; or

8. being guilty of unprofessional conduct; unprofessional conduct includes, but is not limited to the following:

a. failure to practice practical nursing in accordance with the standards normally expected;

b. failure to utilize appropriate judgment in administering nursing practice;

c. failure to exercise technical competence in carrying out nursing care;

d. violating the confidentiality of information or knowledge concerning a patient;

e. performing procedures beyond the authorized scope of practical nursing;

f. performing duties and assuming responsibilities within the scope of the definition of practical nursing when competency has not been achieved or maintained, or where competency has not been achieved or maintained in a particular specialty;

g. improper use of drugs, medical supplies, or patients' records;

h. misappropriating personal items of an individual or the agency;

i. falsifying records;

j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;

k. delegating nursing care, functions, tasks, or responsibilities to others contrary to regulation;

1. leaving a nursing assignment without properly notifying appropriate personnel;

m. failing to report, through the proper channels, facts known regarding the incompetent, unethical, or illegal practice of any health care provider;

n. being convicted of a crime or offense which reflects the inability of the nurse to practice practical nursing with due regard for the health and safety of clients or patients or entering a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding including, but not limited to, expungement or nonadjudication or pardon;

o. being guilty of moral turpitude;

p. inappropriate, incomplete or improper documentation;

q. using or being under the influence of alcohol while on duty, and/or while making application for employment, or using or being under the influence of drugs which impair judgment while on duty, or using or being under the influence of illegal drugs whether on or off duty;

r. possessing a physical or psychological impairment that interferes with the judgment, skills or abilities required for the practice of practical nursing;

s. refusing to cooperate with employer's request to submit to a drug screen;

t. violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.

U. The board may, at its discretion, impose a reasonable monetary assessment against the respondent for the purpose of defraying expenses of a hearing and/or expenses of the board in monitoring any disciplinary stipulations imposed by order of the board.

V. If the board finds that the public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered by the executive director pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:978 and Acts 675 and 827, 1993.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 2:275 (September 1976), amended LR 3:193 (April 1977), LR 10:336 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1126 (October 1992), repromulgated LR 18:1259 (November 1992), amended LR 20:663 (June 1994), LR 26:2614 (November 2000), LR 28:2353 (November 2002), LR 30:1478 (July 2004), LR 34:1912 (September 2008), LR 35:1238 (July 2009), LR 35:2757 (December 2009).

### **§307. Disclosure of Financial Interests and Prohibition on Remuneration for Patient Referrals**

A. As used in this Chapter, the following terms shall have the meaning specified.

*Disclose to the Patient*—the practical nurse makes known to the patient at the time a referral is made that the practical nurse has a financial or ownership interest in the facility or entity to which the patient is referred. The practical nurse shall also inform the patient of the patient's freedom to choose an alternate provider.

*Financial Interest*—any ownership or investment interest established through debt, equity, or other means and held by a practical nurse or a member of a practical nurse's immediate family, or any form of direct or indirect remuneration for referral.

*Health Care Provider*—a person, partnership, corporation, or any other organization licensed by this state to provide health care or professional services, including, but not limited to, providers of clinical laboratory services, diagnostic services, medicinal suppliers, therapeutic services, physicians, chiropractors, podiatrists, optometrists, physical therapists, psychologists, licensed professional counselors, registered or licensed practical nurses, pharmacists, and any officer, employee, or agent thereof acting in the course and scope of his/her employment.

*Ownership Interest*—the possession of equity in the capital, the stock, or the profits of an entity.

*Payment*—money or anything of monetary value, including gifts, gratuities, favors, entertainment or loans.

*Person*—an individual, a corporation, a company, an association, a firm, a partnership, or any other organization.

*Practical Nurse*—a licensed practical nurse and/or a practical nursing student/graduate.

*Referral*—the act of prescribing, ordering, directing, re-directing, or recommending to a patient a specific facility or entity which provides a health-related service, test, pharmaceutical appliance or device, by means of prescription, recommended course of treatment, or direction concerning diagnostic or therapeutic treatment or service.

#### **B. Disclosure of Financial Interests**

##### **1. Use of Patient Disclosure Forms**

a. It is the practical nurse's responsibility to disclose to the patient a financial or ownership interest when making a referral to any health care provider outside the same health care provider as that of the referring practical nurse. Meaningful disclosure shall be given to each patient at the time a referral is made. The disclosure must be made in writing. The board recommends that the disclosure be dated and signed at the time of referral by the practical nurse and the patient, and that the practical nurse maintain written evidence of the disclosure. If the practical nurse delegates the disclosure to another person in the practical nurse's office, the board recommends that the disclosure be written, dated, and signed by the person making the disclosure and by the patient.

b. The memorialization of the disclosure shall be substantially in the following form:

I acknowledge that I have been advised by my practical nurse that he/she has a financial or ownership interest in the facility or entity to which he/she has referred me, and that my practical nurse has advised me that I am free to choose another facility or entity to provide the service, drug, device or equipment recommended.

c. Written evidence shall constitute presumptive evidence that the practical nurse made the required disclosure in an enforcement proceeding before the board. The disclosure to the patient is not the act of the patient signing the form, but is the act of the practical nurse disclosing to the patient the nurse's financial or ownership interest and advising the patient of the patient's freedom of choice.

2. Guidelines for Disclosure. If the patient is a minor, unconscious, of unsound mind, or otherwise incompetent to understand freedom of choice in the selection of a facility or entity, disclosure shall be made to the guardian, spouse, or closest adult next of kin. Disclosure of a practical nurse's interest cannot be accomplished unless the patient is competent to understand his/her freedom of choice. A practical nurse will not be disciplined for failure to disclose

if an emergency prevents consulting the patient or the patient's next of kin.

3. Cross-Referral Arrangements. A practical nurse shall not enter into any arrangement or scheme, including cross-referral arrangements, if the practical nurse knows, or should know that the arrangement or scheme has the principal purpose of ensuring referrals by the practical nurse to a particular entity, which referral, if made directly by the practical nurse would be a violation of this Section.

C. Prohibition on Remuneration for Patient Referrals

1. Prohibited Referrals. A practical nurse shall not offer, make, solicit, or receive any form of direct or indirect payment or remuneration or benefit for the referral or solicitation of patients for professional services.

2. Cross-Referral Arrangements. A practical nurse shall not enter into any arrangement or scheme, including cross-referral arrangements, if the practical nurse knows, or should know, that the arrangement or scheme has the principal purpose of ensuring referrals by the practical nurse to a particular entity, which referral, if made directly by the practical nurse would be a violation of this Section.

3. Permissible Contracting Activities

a. A referral of a patient to another person or practitioner within the same health care provider, providing that the practical nurse is not paid on a split-fee basis, is not a violation of this Section.

b. Payments representing a return on investment based upon a percentage of ownership are not considered a direct or indirect payment for the purposes of this Section.

c. Any activity permissible under the corresponding provisions of Title XVIII of the Social Security Act shall not be a violation of this Section.

D. Sanctions and Restitution Provisions

1. Any practical nurse who violates the provisions of this Section shall be subject to the same sanctions as outlined in §306 of this Chapter.

2. Any practical nurse who violates the provisions in this Section shall refund all sums received in payment for the goods and services furnished or rendered without disclosure of financial interests. Such a refund shall be paid to the individual patient, third party, payor, or other entity to whom the payment is entitled.

3. All complaints of conduct alleged to be in violation of this Section shall be received and investigated by or under the direct control and supervision of the board or its counsel pursuant to the provisions of this Chapter as outlined in §306.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:978 and Acts 675 and 827, 1993.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 20:665 (June 1994).

**§308. Preventing Transmission of Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV) to Patients during Exposure-Prone Invasive Procedures**

A. Definitions. As used in this Chapter, the following terms shall have the meaning specified.

*Board*—Louisiana State Board of Practical Nurse Examiners.

*Exposure-Prone Procedure*—an invasive procedure in which there is an increased risk of percutaneous injury to the practitioner by virtue of palpation of a needle tip or other sharp instrument in a body cavity or the simultaneous presence of the practitioner's fingers and a needle or other sharp instrument or object in a poorly visualized or highly confined anatomic site, or any other invasive procedure in which there is a significant risk of contact between the blood or body fluids of the practical nurse and the blood or body fluids of the patient.

*Function Ancillary to an Invasive Procedure*—the preparation, processing, handling of blood, fluids, tissue or instruments which may be introduced into or come into contact with any body cavity, internal organ, subcutaneous tissue, submucosal tissue, mucous membrane or percutaneous wound of the human body in connection with the performance of an invasive procedure.

*HBV*—the Hepatitis B Virus.

*HBV Seronegative*—a condition where one has been HBV seropositive but is no longer infectious under the criteria of the Federal Centers for Disease Control or the Association of State and Territorial Public Health Laboratory Directors.

*HBV Seropositive*—a condition where one has developed antigens sufficient to diagnose seropositivity to HBV evidencing infectability under the criteria of the Federal Centers for Disease Control or of the Association of State and Territorial Public Health Laboratory Directors.

*HIV*—the human immunodeficiency virus.

*HIV Seropositive*—a condition where one has developed antibodies sufficient to diagnose seropositivity to HIV under the criteria of the Federal Centers for Disease Control or of the Association of State and Territorial Public Health Laboratory Directors.

*Invasive Procedure*—any surgical or other diagnostic or therapeutic procedure involving manual or instrumental contact with or entry into any blood, body fluids, cavity, internal organ, subcutaneous tissue, mucous membrane, or percutaneous wound of the human body.

*Practical Nurse*—a licensed practical nurse and/or a practical nursing student/graduate.

*Universal Precautions*—those generally accepted infection control practices, principles, procedures, techniques and programs as recommended by the Federal Centers for Disease Control to minimize the risk of transmission of HBV or HIV from a practical nurse to a

patient, from a patient to a practical nurse, or a patient to a patient, as such recommendations may be amended or supplemented from time to time.

B. Universal Precautions. All practical nurses must at all times comply with the universal precautions set forth below.

1. All practical nurses should routinely use appropriate barrier precautions to prevent skin and mucous-membrane exposure when contact with blood or other body fluids of any patient is anticipated. Gloves should be worn for touching blood and body fluids, mucous membranes, or non-intact skin of all patients, for handling items or surfaces soiled with blood or body fluids and for performing venipuncture and other vascular access procedures. Gloves should be changed after contact with each patient. Masks and protective eyewear or face shields should be worn during procedures that are likely to generate droplets of blood or other body fluids to prevent exposure of mucous membranes of the mouth, nose and eyes. Gowns or aprons should be worn during procedures that are likely to generate splashes of blood or other body fluids.

2. Hands and other skin surfaces should be washed immediately and thoroughly if contaminated with blood or other body fluids. Hands should be washed immediately after gloves are removed.

3. All practical nurses should take precautions to prevent injuries caused by needles, scalpels, and other sharp instruments or devices during procedures; when cleaning used instruments; during disposal of used needles; and when handling sharp instruments after procedures. To prevent needlestick injuries, needles should not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items should be placed in puncture-resistant containers for disposal; the puncture resistant containers should be located as close as practical to the use area. Large bore reusable needles should be placed in a puncture container for transport to the reprocessing area.

4. To minimize the need for emergency mouth-to-mouth resuscitation, a practical nurse shall ensure that mouthpieces, resuscitation bags, or other ventilation devices are available for use in areas in which the need for resuscitation is predictable.

5. Implementation of universal blood and body-fluid precautions for all patients eliminates the need for use of the isolation category of "Blood and Body Fluid Precautions" previously recommended by CDC (7) for patients known or suspected to be infected with blood-borne pathogens. Isolation precautions [e.g., enteric, "AFB" (7)] should be used as necessary if associated conditions, such as infectious diarrhea or tuberculosis, are diagnosed or suspected.

#### 6. Precautions for Dialysis

a. Patients with end-stage renal disease who are undergoing maintenance dialysis and who have HIV infection can be dialyzed in hospital-based or free-standing dialysis units using conventional infection-control

precautions (21). Universal blood and body-fluid precautions should be used when dialyzing all patients.

b. Strategies for disinfecting the dialysis fluid pathways of the hemodialysis machine are targeted to control bacterial contamination and generally consist of using 500-750 parts per million (ppm) of sodium hypochlorite (household bleach) for 30-40 minutes or 1.5-2.0 percent formaldehyde overnight. In addition, several chemical germicides formulated to disinfect dialysis machines are commercially available. None of these protocols or procedures need to be changed for dialyzing patients infected with HIV.

c. Patients infected with HIV can be dialyzed by either hemodialysis or peritoneal dialysis and do not need to be isolated from other patients.

d. The type of dialysis treatment (i.e., hemodialysis or peritoneal dialysis) should be based on the needs of the patient. The dialyzer may be discarded after each use. Alternatively, centers that reuse dialyzers, i.e., a specific single-user dialyzer is issued to a specific patient, removed, cleaned, disinfected, and reused several times on the same patient only, may include HIV-infected patients in the dialyzer use program. An individual dialyzer must never be used on more than one patient.

C. Prohibitions and Restrictions. Except as may be permitted pursuant to LAC 46:XLVII.308.D.1 and 2, a practical nurse who is seropositive for HIV or HBV, or who otherwise knows or should know that he or she carries and is capable of transmitting HBV or HIV, shall not thereafter perform or participate directly in an exposure-prone procedure.

D. Exceptions to Prohibitions Placed upon Infected Practical Nurses. Notwithstanding the prohibition of LAC 46:XLVII.308.C, a practical nurse who has tested positive for the human immunodeficiency virus and the hepatitis B virus may engage in any exposure-prone procedures or participate in invasive procedures if:

1. the medical condition of the seropositive practical nurse has been reviewed and the licensee has been approved for practice to include invasive and exposure-prone procedures by the board; or the practical nurse has affirmatively advised the patient or the patient's lawfully authorized representative that the practical nurse has tested positive for the human immunodeficiency virus or the hepatitis B virus;

2. the patient or the patient's lawfully authorized representative has been advised of the risk of the practical nurse's transmission of the human immunodeficiency virus and/or the hepatitis B virus to the patient during the exposure-prone procedure and such information is communicated personally to the patient or the patient's lawfully authorized representative by a licensed physician;

3. the patient or the patient's lawfully authorized representative has subscribed a written instrument setting forth:

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a. the exposure-prone procedure to be performed by the practical nurse with respect to the patient;

b. an acknowledgement that the advice required by §308.D.1 and 2 have been given and understood by the patient's lawfully authorized representative;

c. the consent of the patient or the patient's lawfully authorized representative to the performance of or participation in the designated procedure by the practical nurse; and

d. the practical nurse's positive testing for the human immunodeficiency virus and/or hepatitis B virus has been affirmatively disclosed to each practical nurse or other practical nurse personnel who may participate or assist in the exposure-prone procedure;

4. consent given pursuant to LAC 46:XLVII.308.E.2 may be revoked by a patient or the patient's lawfully authorized representative at any time prior to the performance of the subject procedure by any verbal or written communication to the practical nurse expressing an intent to revoke, rescind or withdraw such consent.

### E. Self-Reporting

1. Any practical nurse who in the course of practice may at any time undertake to perform or participate in an exposure-prone procedure and who is or becomes aware that he or she is HBV seropositive and/or HIV seropositive shall be required to give notice of such seropositivity to the board by mailing such notice to the executive director of the board, marked "Personal and Confidential" by registered or certified mail.

2. Within 90 days of the effective date of this Chapter, a practical nurse who has been previously diagnosed as HBV seropositive and/or HIV seropositive shall give notice of such diagnosis to the board by mailing such notice to the executive director of the board, marked "Personal and Confidential" by registered or certified mail.

3. Within 30 days from the date on which a diagnostic test was performed which produced results indicating that a practical nurse is HBV seropositive and/or HIV seropositive, the practical nurse shall give notice of such diagnosis to the board by mailing such notice to the executive director of the board, marked "Personal and Confidential" by registered or certified mail.

4. An applicant for licensure or certification as a practical nurse who has been previously diagnosed as HBV seropositive and/or HIV seropositive shall acknowledge such diagnosis marked in a separate written statement submitted directly to the executive director of the board marked "Personal and Confidential" by certified mail at the time of application.

F. Retesting of Health Care Workers Whose Practices Are Modified Because of HBV Status. The Louisiana State Board of Practical Nurse Examiners recommends that those practical nurses who are precluded from performing or participating in exposure-prone procedures because they are seropositive for HBV are urged to re-test on a periodic basis

to determine whether their status has changed due to a resolution of the infection or as a result of treatment.

G. Confidentiality. Each report submitted to the Louisiana State Board of Practical Nurse Examiners pursuant to LAC 46:XLVII.306, as well as each record maintained relating thereto and each meeting of the Louisiana State Board of Practical Nurse Examiners held in the course of monitoring a licensee or applicant for compliance with said section is confidential and exempt from public records by virtue of R.S. 44:4(7), (9) and (11), except for the purpose of investigation or prosecution of alleged violations of R.S. 37:969, and this rule, by the Louisiana State Board of Practical Nurse Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969.B.(5) and Act 1009, 1991.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 19:341 (March 1993).

### §309. Declaratory Order and Rulings

A. The board on its own motion may move for a declaratory order or ruling as to the applicability of any statutory provision or of any rule or order of the board. Any interested party may petition the board for a declaratory order or ruling as stated above.

B. Said petition shall contain the following information:

1. the full name, address, telephone number of the petitioner;
2. the interest asserted by the petitioner;
3. specific reference to the statute, rule, or order with respect to which the declaratory order or ruling is sought;
4. a concise statement of the purpose, reasons and nature of the declaratory order or ruling sought.

C. Said petition shall be considered by the board at its next regularly scheduled meeting provided that the petition has been filed at least 30 days prior to said meeting.

D. The order or ruling rendered by the board on said petition shall be in writing and mailed to petitioner at last address furnished to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, 2:276 (September 1976), amended LR 3:193 (April 1977), LR 10:336 (April 1984).

### §311. Advisory Committee

A. There shall be an Advisory Committee for Practical Nursing Education to the Louisiana State Board of Practical Nurse Examiners which shall consist of not less than eight and not more than 10 active members. The chairman of the committee shall be a registered nurse member of the board.

B. The purpose of the Advisory Committee shall be to advise the Board of Practical Nurse Examiners in matters which require study and/or investigation relating to practical nursing or practical nursing education in Louisiana.

Committee action shall take the form of recommendations only.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:969.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, 2:276 (September 1976), amended LR 3:193 (April 1977), LR 10:337 (April 1984).

## Chapter 5. Definitions

### §501. Terms in the Manual

A. The following terms used in this manual are defined as follows.

**Accreditation**—a program is granted accreditation when evaluation by the State Board of Practical Nurse Examiners reveals that requirements of the statutes and regulations are being met. *Accreditation* as here used means accredited by the "Louisiana State Board of Practical Nurse Examiners."

**Accrediting Agency**—the Louisiana State Board of Practical Nurse Examiners is designated by law as the accrediting agency for programs in practical nursing in the state of Louisiana.

**Cooperating Agency**—signifies a hospital, nursing home, health unit, etc. utilized for clinical or related educational resources for a practical nursing program.

**Coordinator**—a registered nurse who is responsible for the practical nursing program.

**Course Outline**—a presentation of the program philosophy and objectives with a systematic plan of the significant courses included in the curriculum.

**Curriculum**—a complete plan of courses, hours, laboratory skills and clinical experiences organized in such a manner as to meet program objectives.

**Executive Director**—where used in this manual includes his/her designee and/or staff.

**Initial Approval**—approval granted to an institution for a program in practical nursing following a board survey during which suitability in all areas is determined for a program in practical nursing to begin.

**Initial License**—the original license issued to a candidate.

**Initial Request**—the first request presented to the board for approval of a practical nursing program.

**Licensure Examination**—the official examination approved by the board.

**Nontraditional Program**—a program with an approach different from the traditional course outline to be considered by the board when and where such a program is appropriate.

**Policy**—a course of action adopted and followed by an institution.

**Program**—a practical nursing course for which approval is sought or has been secured.

**Provisional Accreditation**—issued to an institution that does not maintain minimum requirements.

**Requirements**—minimum standards which programs must meet to be approved or accredited.

**Shall**—denotes mandatory compliance in contrast to should or may which reflect possible variation.

**Survey**—periodic onsite review of a practical nursing program by the board to determine compliance with the adopted minimum requirements outlined herein.

**Temporary Permit**—short term authorization to practice practical nursing.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:961 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:193 (April 1977), amended LR 10:337 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1126 (October 1992), repromulgated LR 18:1259 (November 1992), amended LR 26:2617 (November 2000), LR 32:637 (April 2006).

## Chapter 7. Program Establishment

### §701. Initial Request

A. An institution contemplating the establishment of a program of practical nursing shall submit the following preliminary information:

1. purpose of establishing a program to include community needs and readiness to support a program;
2. sources of potential students, faculty and funds;
3. availability of physical and clinical facilities;
4. tentative timetable for initiating program;
5. survey of employment opportunities for potential graduates;
6. a proposal assuring the implementation of the initial requirements as listed in §703.

B. Any institution or program closed by the board, under §1503 of these rules and regulations, must comply with the provisions of that Section and may apply only after three years from the date of closure.

C. An institution with any affiliation with any principal, agent and/or personnel, including faculty, who has been associated with any practical nursing program closed within three years, may only apply after an affirmative showing that such application is in the best interest of the public health, safety and welfare.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:194 (April 1977), amended LR 10:337 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 31:1587 (July 2005).

**§703. Initial Requirements**

A. Programs in practical nursing shall be established in an educational institution that meets the requirements of the Louisiana State Board of Practical Nurse Examiners.

B. An institution shall provide appropriate and adequate facilities for a practical nursing department to include:

1. classroom;
2. laboratory;
3. office;
4. library.

C. Classrooms, laboratories, teaching equipment and supplies shall be adequate to meet the needs of the program.

D. Offices shall be of sufficient size and number to provide for uninterrupted work and to insure privacy for conferences with students and staff. There shall be adequate space for clerical staff, student/faculty files and other essential equipment.

E. A library readily accessible to students and faculty shall provide current reference books and periodicals.

F. An institution shall have sufficient funds available to employ qualified persons and to maintain adequate equipment and supplies.

G. The institution shall insure adequate financial support, facilities and leadership which will provide an appropriate educational environment for students and faculty.

H. An organizational chart shall be developed to depict the relationship of the practical nursing programs, institutions and agencies where applicable.

I. An institution shall present the proposed curriculum to be utilized for the program which must meet board approval.

J. An institution shall have executed contract/contracts with cooperating agencies for the use of agency facilities for a program of practical nursing, and the cooperating agency shall have appropriate accreditation and shall be approved by the board.

K. Cooperating agencies shall meet the following requirements.

1. Hospitals providing one or more of the major clinical nursing fields shall be accredited by an appropriate accrediting body.
2. Nursing homes shall be licensed by the Department of Health and Hospitals.
3. Other facilities shall be approved by proper authorities or by the board.
4. Contractual agreements shall be executed between the program and cooperating agencies specifying their respective responsibilities, conditions or reservations including provisions for revising or terminating the contract.

5. All contracts and agreements shall be current.

6. The hospital administrator, directors of nursing service and others responsible for patient care shall be aware of the objectives of the practical nursing program and shall participate in the furthering of such objectives in so far as is consistent with the objectives of the hospital staff.

7. Where there is a single cooperating agency to be used for clinical practice, the hospital shall maintain an average daily census which will permit selected student assignments in the basic areas of nursing.

8. Prior to student assignment to the practice area, a consultation between the administrative agency of the hospital and the program shall be held. It shall include information pertaining to:

- a. student skill level;
- b. specific details relating to day, hours and areas of practice, uniforms, student medical evaluations, liability insurance, and hospitalization;
- c. delineation of classroom and or conference area available to students and instructors;
- d. provision for periodic conferences between nursing service personnel and instructors to discuss student assignments and evaluations.

9. All students assigned to clinical practice areas shall be supervised by an instructor within the required ratio.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976 as amended Act 642, 1990.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:194 (April 1977), amended LR 10:337 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 14:708 (October 1988), LR 18:1126 (October 1992), repromulgated LR 18:1260 (November 1992), amended LR 26:2617 (November 2000).

**§705. Initial Survey**

A. A board representative shall conduct a survey of the institution requesting the establishment of a practical nursing program to include the proposed clinical facilities of cooperating agencies to be utilized in order to ascertain that the initial requirements may be satisfactorily accomplished.

B. A report of the initial survey shall be submitted to the board and the institution shall be notified of the board's findings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:194 (April 1977), amended LR 10:338 (April 1984).

**§707. Application and Approval**

A. Upon approval of the initial survey, the director of the institution shall complete and submit an application form supplied by the board office.

B. The application form and proposed plans shall be submitted for board approval and the institution shall be notified in writing of the board's findings.

C. Upon approval of the application, a coordinator shall be employed to develop a tentative plan for the overall program.

D. The program of practical nursing shall be granted initial approval status upon implementation of the initial requirements, effective on the date of enrollment of the first class.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:194 (April 1977), amended LR 10:338 (April 1984).

### **§709. Nontraditional Program**

A. The board may consider approval of a nontraditional program. Such approval may be granted only to institutions with well established traditional programs which have a record of proven success of graduate first time writers on the approved practical nursing licensure examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 10:338 (April 1984).

## **Chapter 9. Program Projection**

### **Subchapter A. Faculty and Staff**

#### **§901. Faculty**

A. The program shall have a faculty of sufficient size and expertise to fulfill the program objectives. At no time shall a faculty consist of less than two fulltime nurse members, one of whom shall be designated as coordinator/department head. Programs with two fulltime nurse faculty members shall admit a maximum of 36 students per class. The board may, upon application by the school administrator, permit program expansion. Expansion approval must be obtained in writing from the board.

#### **B. Application and Qualifications**

1. Application. Each applicant for a faculty position in a practical nursing program shall be approved by the Louisiana State Board of Practical Nurse Examiners prior to employment in the program.

2. Licensure. Each nurse faculty member shall hold a current, valid license to practice as a registered nurse in the state of Louisiana, which license shall be visually inspected annually by the nurse coordinator/department head of the practical nursing program and the administrator of the school. The board may deny and/or rescind approval to a faculty applicant and/or current faculty member whose license has been or is currently being disciplined in any jurisdiction.

3. Nurse Coordinator/Department Head. The coordinator/department head shall be a registered nurse with a minimum of four years experience in medical-surgical nursing or nursing education. At least one of these four years must have been as a medical-surgical hospital staff nurse providing direct patient care. An applicant for nurse coordinator must have practiced as a nurse for a minimum of six full-time months during the three years immediately preceding application.

4. Nurse Instructor. A nurse instructor shall be a registered nurse with a minimum of three years of nursing experience. At least one of these three years must have been as a medical-surgical hospital staff nurse providing direct patient care. An applicant for nurse instructor must have practiced as a nurse for a minimum of six full-time months during the three years immediately preceding application.

5. Specialty Nurse Instructor. The board may consider an applicant for a specialty nurse instructor with experience in one of the clinical specialty areas (maternity, neonatal, pediatric, mental health) provided that this instructor is hired in addition to two full time nurse faculty members who meet the qualifications for nurse coordinator and/or nurse instructor. The specialty nurse instructor must have a minimum of four years of clinical experience in the specific specialty area. The specialty nurse instructor may be utilized only for instruction in the specific specialty area for which application was made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:194 (April 1977), amended LR 5:355 (November 1979), LR 10:338 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 16:133 (February 1990), LR 18:1127 (October 1992), repromulgated LR 18:1260 (November 1992), amended LR 21:1244 (November 1995), LR 26:2617 (November 2000), LR 33:1869 (September 2007).

#### **§903. Faculty Responsibilities**

A. Coordinator. Shall be responsible for the implementation of the program plan within the institutional organization.

B. Instructors. Shall be directly responsible to the coordinator and shall be responsible for selecting, teaching, guiding and evaluating all learning experiences in the classroom and clinical facilities. All learning experiences and methods of instruction shall provide opportunity for fulfilling the objectives of the practical nursing courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 10:338 (April 1984).

#### **§905. Staffing**

A. Instructor-Student Ratio. One instructor shall be responsible for no more than 10 students in the clinical area.

B. Provision shall be made for clerical assistance for the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 5:355 (November 1979), amended LR 10:338 (April 1984), LR 12:678 (October 1986).

**§907. Faculty Meetings**

A. Faculty meetings shall be scheduled regularly to evaluate and improve the program progressively and continually. Minutes of the meetings shall be recorded and filed for review at the time of the board survey.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:194 (April 1977), amended LR 10:338 (April 1984).

**Subchapter B. Advisory Committee**

**§911. Formation**

A. An advisory committee shall be formed and shall include members representative of a broad spectrum of the community selected for their interest in practical nurse education and their willingness to serve.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 10:338 (April 1984).

**§913. Meetings, Minutes**

A. The committee shall meet at least twice a year.

B. Minutes of the meetings shall be recorded and copies filed for review at the time of the board survey.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 10:338 (April 1984).

**Subchapter C. Records**

**§917. Protection**

A. Administration shall provide for the protection of all student records and transcripts, faculty personnel records, contractual agreements, communications and other pertinent program information against loss, destruction and unauthorized use.

B. The following records shall be maintained and protected for a period of not less than 60 years in fireproof and waterproof storage:

1. a copy of the curriculum used for each class of students;
2. a list of the textbooks and references used for each class of students;

3. a list of the faculty employed to instruct each class of students;

4. the master rotation schedule for each class of students;

5. a copy of the student evaluation form for admittance into an approved PN program;

6. student transcripts;

7. licensure examination results for each graduate;

8. materials of historical interest.

C. All other records, contractual agreements, communications, and information shall be maintained and protected according to a record retention schedule which schedule shall be submitted to the board for approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 10:338 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1127 (October 1992), repromulgated LR 18:1260 (November 1992), amended LR 34:1912 (September 2008).

**Subchapter D. Program Policies**

**§921. Approval**

A. All policies affecting the students or the program shall be subject to board approval prior to implementation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:194 (April 1977), amended LR 10:338 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1127 (October 1992), repromulgated LR 18:1260 (November 1992).

**§923. Development and Implementation of Policies and Procedures**

A. The policies for admission, evaluation, level advancement and completion shall be developed by the faculty and approved by the board prior to implementation.

B. Policies shall be planned to provide for student welfare as related to health, counseling and guidance, financial aid, hospitalization and liability insurance.

C. Policies shall be developed to provide opportunity for students to participate in appropriate student organizations which foster development of skills in self direction, leadership and professional activity.

D. Policies shall be clearly stated concerning student employment during enrollment in the program.

E. Policies regarding absences shall be in writing. Students unable to achieve the program objectives due to excessive absence shall be advised to withdraw with permission to re-enter when the course is repeated provided that the readmission is within one year from the date of withdrawal.

F. The school bulletin shall give an accurate description of the practical nursing program policies.

G. A student handbook shall be developed by the nursing faculty to include the policies relating to:

1. admissions;
2. grading system;
3. suspension and/or dismissal;
4. itemized list of fees;
5. attendance requirements;
6. health policies;
7. completion requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:195 (April 1977), amended LR 10:338 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1127 (October 1992), repromulgated LR 18:1260 (November 1992).

## **Subchapter E. Curriculum Requirements**

### **§927. Development**

A. The curriculum shall be developed and written by the nursing faculty and shall include the philosophy and objectives of the program. Curriculum development and revision shall consider current concepts in health care and health care delivery systems. The evolution of the role of the practical nurse shall influence the curriculum. The curriculum and all curriculum revisions shall be approved by the board prior to implementation.

B. The curriculum shall ensure that program graduates possess the knowledge, skill, ability, and clinical competency to practice safely and effectively as an entry level practical nurse in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:196 (April 1977), amended LR 8:65 (February 1982), LR 10:339 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 33:1868 (September 2007).

### **§929. Outline and Rotation Plan**

A. A copy of the current board approved curriculum and a copy of the master rotation plan shall be available to the board on request.

B. The master rotation plan for each class shall provide the starting date, course of study, clinical practice areas and scheduled rotations, class schedule, and completion date. The master rotation plan and any revisions to the plan shall be approved by the board prior to implementation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:195 (April 1977), amended LR 10:339 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 33:1868 (September 2007).

### **§931. Length of Program**

A. A program shall be of sufficient length to ensure that graduates meet the objectives of the program and are clinically competent.

B. A program shall cover a minimum of 1,500 clock hours or an equivalent number of credit hours of scheduled instruction. At least 700 clock hours or an equivalent number of credit hours shall be the minimum number of theory hours and at least 800 clock hours or an equivalent number of credit hours shall be the minimum number of clinical hours.

C. Theory and clinical experience should be concurrent or sequential, progressing from the simple to the complex.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:196 (April 1977), amended LR 8:65 (February 1982), LR 10:339 (April 1984), LR 10:915 (November 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1127 (October 1992), repromulgated LR 18:1260 (November 1992), amended LR 33:1868 (September 2007).

### **§933. Curriculum**

A. The curriculum shall include instruction in the following basic arts and sciences.

1. Body Structure and Function—providing an understanding of the basic anatomy and physiology of the human body and deviations from the normal.

2. Introduction to Microbiology—providing a basic understanding of microbes including their role in health and illness, modes of transmission, reproduction, and methods of control or destruction, with an instructional focus on concepts essential for the safe performance of nursing procedures and for the prevention of illness and/or the transfer of disease to others.

3. Introduction to Practical Nursing—providing instruction and guidance in the identification and personal development of those qualities and personal characteristics needed to practice practical nursing safely, effectively, and with compassion, including increased and ongoing development of self awareness, sound judgment, prudence, ethical thinking and behaviors, problem solving and critical thinking abilities. This course also provides instruction in the history, trends and the evolution of practical nursing, information related to practical nursing organizations, and an introduction to the laws and rules governing practical nursing practice in Louisiana (the Revised Statutes, Title 37, Chapter 11, Subpart II, Practical Nurses and LAC 46:XLVII, Nurses, Subpart I, Practical Nurses).

4. Personal, Family and Community Health—providing concepts of personal and family growth and development and an understanding of the unique manner in which people build and define relationships, families, and communities. Instruction is designed to assist the student to identify and respect the unique abilities and qualities of people as they participate and function in society. The student is made aware of the rights of clients to make their own health care decisions and the student learns how to support client decisions through the utilization of local, state and national health resources. Students are guided in coursework designed to increase awareness of and respect for variations in cultural, religious, spiritual, educational, and socio-economic histories and experiences. The student begins to understand how these variations impact health, illness and client participation in the health care delivery system.

5. Nutrition and Diet Therapy—describing concepts of proper nutrition for all age groups and addressing diet modifications for therapeutic purposes.

6. Pharmacology—presenting concepts relating to drug classification, action, dosage, dosage calculation, intended effects, side effects and adverse effects, as well as concepts relating to teaching clients, family, and others about the effects of medications. Instruction provides an opportunity for the development of competence in skills needed in the preparation, administration, documentation, and safe storage of medications.

7. Principles and Practices of Nursing—presenting the application of concepts which will provide basic principles of nursing care and correlated experiences to develop competency in medical-surgical nursing, geriatric nursing, obstetrical nursing, pediatric nursing and mental health nursing. Clinical experience shall include, but not be limited to, the performance of basic and advanced nursing skills, general health and physical assessment, critical thinking and clinical problem solving, medication administration, IV therapy, patient education, health screening, health promotion, health restoration and maintenance, supervision and management, safety and infection control, communication and documentation, and working as a member of an interdisciplinary health care team.

8. Career Readiness—presenting information relating to all aspects of gaining and maintaining a license to practice practical nursing, the nurse's personal accountability to maintain and continue to acquire the knowledge, skills and abilities needed to practice safely, the qualities employers seek and the non-nursing employment skills, abilities, and personal characteristics needed to secure and maintain employment as a practical nurse. The student also develops a deeper understanding of the laws and rules governing practice, including R.S. 37, Chapter 11, Part II and LAC 46:XLVII, Subpart 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:196 (April 1977), amended LR 8:65 (February 1982), LR

10:339 (April 1984), LR 10:915 (November 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1127 (October 1992), repromulgated LR 18:1260 (November 1992), amended LR 33:1868 (September 2007).

## Subchapter F. Admissions

### §937. Regular Admissions

A. Regular admissions shall:

1. receive a grade placement of at least 10.5 in mathematics and 11.0 in reading and language on an achievement test approved by the board;

2. provide certification of high school graduation or satisfactory completion of the State Department of Education equivalency examination;

3. provide health certification from a licensed physician;

4. be fingerprinted;

5. meet all admission requirements as set by the board, faculty and administration;

6. be admitted with the regularly scheduled class;

7. provide certified copy of birth certificate or possess a valid United States passport;

8. not be currently serving under any court imposed order of supervised probation, work-release, school release or parole in conjunction with any felony conviction(s), plea agreement or any agreement pursuant to the Louisiana Code of Criminal Procedure, Article 893.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:197 (April 1977), amended LR 5:65 (March 1979), LR 6:339 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1128 (October 1992), repromulgated LR 18:1261 (November 1992), amended LR 21:684 (July 1995).

### §939. Advanced Standing

A. Schools admitting students with advanced standing shall have written criteria for granting course credit.

B. A course of study shall be developed and recommended by the nursing faculty to include a minimum of six weeks enrollment in the program to provide sufficient theory and practice to meet the requirements for completion.

C. All records included in §939.B shall be submitted to the board for approval.

D. At the discretion of the nursing faculty and based upon individual evaluation, a student who has withdrawn from an approved or accredited practical nursing program within the previous four years may be granted advanced credit for units previously completed.

E. Records of advanced standing, admission tests, course of study and program achievement shall be maintained in addition to those records maintained for regular students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:197 (April 1977), amended LR 5:65 (March 1979), LR 10:339 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1128 (October 1992), repromulgated LR 18:1261 (November 1992), amended LR 26:2617 (November 2000).

**§941. Withdrawals**

A. A record of each dropout including name, date and reason for withdrawal shall be maintained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:197 (April 1977), amended LR 10:339 (April 1984).

**Subchapter G. School Records**

**§945. Student Records**

A. Individual files shall be maintained for each student officially enrolled and shall contain:

1. application;
2. admission test scores;
3. high school transcript;
4. health certification;
5. progress reports;
6. student-instructor conference reports;
7. course of study: theory and clinical;
8. evaluation form;
9. transcript: a board-approved final transcript form must be completed in duplicate for each student upon completion of the program; one copy shall remain at the institution, one shall be submitted to the board office with student application for license;
10. licensure examination results;
11. copy of birth certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:197 (April 1977), amended LR 10:339 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1128 (October 1992), repromulgated LR 18:1261 (November 1992).

**§947. Faculty Records**

A. Individual files shall be maintained for each instructor to include:

1. application;

2. job description;
3. terms of employment;
4. advancement;
5. educational advancement;
6. participation in professional organizations;
7. research and/or publication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:197 (April 1977), amended LR 10:339 (April 1984).

**§949. General Records**

A. General records shall be maintained and shall include:

1. faculty meeting minutes;
2. advisory committee meeting minutes;
3. board correspondence: memos and reports;
4. materials of historical interest;
5. master rotation plan for each class.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:197 (April 1977), amended LR 10:339 (April 1984).

**Subchapter H. Board Reports and Records**

**§953. Periodic Reports**

A. All programs shall submit periodic reports as requested by the board to include:

1. student evaluation forms to be obtained from the board office and submitted in duplicate accompanied by specified fee for each student enrolled in the program;
2. annual report forms to be obtained from the board office and completed in duplicate:
  - a. one copy shall remain at the institution;
  - b. one shall be submitted to the board office by July 1 each year;
3. faculty qualification record forms to be obtained from the board office and to be submitted to the board on each newly appointed faculty member. Additional records should be submitted as additional education is achieved; review §901.B.2;
4. copies of current contracts with each cooperating agency shall be submitted to the board office annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:197 (April 1977), amended LR 10:339 (April 1984), amended by the Department of Health and Hospitals, Board of Practical

Nurse Examiners, LR 18:1128 (October 1992), repromulgated LR 18:1261 (November 1992), amended LR 26:2617 (November 2000).

## Chapter 11. Program Progression

### §1101. Program Changes

A. Program coordinator shall schedule regular evaluation, revision and improvement of programs and entire faculty shall participate.

B. Changes which require board approval which must be presented in writing before implementation are:

1. admission policies;
2. organization;
3. curriculum;
4. expansion of existing programs;
5. nursing faculty;
6. hospital affiliation;
7. nontraditional programs;
8. all policies and procedures listed in §923.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:198 (April 1977), amended LR 10:340 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1128 (October 1992), repromulgated LR 18:1261 (November 1992).

### §1103. Teaching Methods

A. The teaching assignment shall be reasonable allowing time for class preparation, student conferencing and improving methods of instruction.

B. Course outline shall be current and shall be utilized by faculty and students.

C. The program shall use a variety of teaching aids and methods, including: lectures, discussions, reports, audiovisual aids, field trips, resource lectures, role-playing, demonstration and laboratory practice.

D. Nursing care plans shall be presented in pre- and/or post-clinical sessions.

E. Post-clinical conferences shall be held to provide opportunity for sharing experiences, evaluating and improving patient care.

F. Subject matter should be scheduled concurrently with related clinical assignments if possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:198 (April 1977), amended LR 10:340 (April 1984).

### §1105. Student and Program Evaluation

A. Student evaluation shall be a scheduled progressive activity designed to assist and improve the development of the student and should be based on the following:

1. policies regarding the level of achievement which students must maintain to progress in the program;
2. level advancement which shall be made on an individual basis dependent upon test scores, clinical performance, interpersonal relationships and ethical conduct;
3. student self-evaluation;
4. evaluation and grading systems that shall be realistic and consistent with the objectives of the program;
5. evaluation of student transcripts submitted to the board for application for licensure by examination or endorsement will be based on a letter grade of "C" or number grade of "80" out of 100 in each and every course. A grade of "Pass" will be acceptable for clinical grades if "Pass" is interpreted as "80" or above out of 100.

B. Program evaluation shall be based upon standardized achievement test scores, student retention rate in the practical nursing program, stability of the program faculty and administration of the school, the performance of graduates, graduate placement, and results of the practical nursing licensure examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:198 (April 1977), amended LR 10:340 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1128 (October 1992), repromulgated LR 18:1262 (November 1992), amended LR 30:1480 (July 2004).

## Chapter 13. Program Approval and Accreditation

### §1301. General Information

A. A practical nursing program which has been established, projected and has progressed within the minimum requirements as set forth in this manual shall be issued accreditation status which shall be reviewed annually.

B. A board representative shall conduct a survey of each program periodically, at the discretion of the board, to determine that minimum requirements are being met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:198 (April 1977), amended LR 10:340 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18:1262 (November 1992).

### §1303. Board Survey Objectives

A. Board survey objectives shall be to:

1. assure students that the program in which they are enrolled is providing optimum opportunity for nursing education, clinical experience and eligibility to write the examination for practical nurse licensure;

2. insure those requiring nursing care that students and graduates possess the necessary skills and knowledge to provide safe nursing practice;

3. evaluate the quality and competency of the practical nursing programs in attaining their own stated philosophy and objectives;

4. encourage self evaluation within each program for the development and improvement of the practical nursing program;

5. evaluate each program's attainment of all minimum requirements essential for the continuation of quality education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:198 (April 1977), amended LR 10:340 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18:1262 (November 1992).

### §1305. Types of Approval

#### A. Initial Approval

1. Initial approval shall be granted to institutions having received board approval for the establishment of a program in practical nursing and shall be limited to two years or until the first class has written the practical nursing licensure examination approved by the board, and results have been received by the board.

2. Programs on initial approval shall be surveyed annually.

3. A program on initial approval which does not maintain the minimum requirements of the board, including that of less than 20 percent failure rate of first time writers per class on the practical nursing licensure examination may be subject to closure by the board when the currently enrolled class completes and, until examination results are received, the next class cannot be admitted. At the time the examination results are received, the board will make further determination.

B. Accreditation shall be granted to programs which have successfully completed the initial approval period and have maintained the minimum requirements established by the board. Programs receiving accreditation shall be surveyed at least every five years thereafter.

C. Annual accreditation renewal shall be issued to programs which maintain the minimum requirements established by the board and which meet the board-approved program objectives and which submit the required annual report and certification fee.

D. Certificates of initial approval, accreditation, and accreditation renewal, shall be sent to the designated institutions by the board upon board determination of compliance with minimum requirements listed herein.

#### E. Provisional Approval

1. Programs having been approved by the board that fail to maintain minimum requirements and/or which receive a 20 percent or higher failure rate for first time writers per graduating class on the practical nursing licensure examination may be placed on provisional accreditation.

2. Provisional accreditation may be issued for a period of time determined by the board not to exceed two years.

3. Programs on provisional accreditation shall:

a. submit written reports to the board as designated by the board;

b. submit to the board for approval a plan to discover the cause/causes of the problem when so requested by the board;

c. implement a plan to discover the cause/causes as determined by the board;

d. follow board recommendations;

e. be surveyed periodically as determined by the board.

4. Programs remaining on provisional accreditation which have not met board requirements at the end of the designated time shall be subject to discontinuation as the board determines.

5. Programs on provisional accreditation which present evidence of correction of the problem shall be placed on accreditation status upon board approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:199 (April 1977), amended LR 5:355 (November 1979), LR 10:340 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18:1262 (November 1992), amended LR 26:2617 (November 2000), LR 30:1480 (July 2004).

## Chapter 15. Discontinuation of a Program

### §1501. Voluntary

A. The director of a program shall advise the board in writing of the decision to close a program of practical nursing including a written plan for the termination for board approval.

B.1. Voluntary discontinuation may be accomplished by:

a. closing the program gradually by discontinuing admissions and closing officially on the date the last student graduates;

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b. arranging transfer of students to another accredited program of practical nursing.

2. If in closing a transfer of students must be arranged, the following steps shall be taken:

a. The coordinator or director of the program shall submit to the board, for approval, a plan of transfer to include:

- i. date of transfer;
- ii. courses completed and grades received;
- iii. courses remaining;
- iv. hours accomplished (in theory and clinical areas);
- v. list of students to be transferred.

b. The coordinator or director of the program shall then send to the receiving institution:

- i. date of transfer;
- ii. courses completed;
- iii. courses remaining;
- iv. hours accomplished (in theory and clinical area);
- v. copies of all students' records:

- (a). all grades received;
- (b). conference reports;
- (c). evaluation;
- (d). NLN test scores;
- (e). admission records;
- (f). all materials pertinent to the individual students.

c. The receiving institution program coordinator or director shall submit to the board, for approval, a plan for completion of the program before implementation, to include:

- i. proposed date of transfer;
  - ii. proposed date of graduation;
  - iii. copies of contractual agreements;
  - iv. copy of the curriculum to be utilized;
  - v. list of proposed text books;
  - vi. copy of master rotation plan.
- d. Upon transfer, a list of students actually received shall be submitted to the board.

e. Transfer shall be arranged with minimum loss of student time.

C. All requirements and standards shall be maintained until every student has graduated or been transferred.

D. Provision shall be made for protection and accessibility of all records of a program that has been discontinued.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:969 and R.S. 37:976.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:199 (April 1977), amended LR 10:341 (April 1984).

### §1503. Involuntary

A. If the stipulations of provisional accreditation or initial approval have not been met, withdrawal of accreditation or approval shall be considered by the board.

B. If the board's findings warrant withdrawal of accreditation/approval or closure, only those students presently enrolled may be permitted to complete the program and apply for licensure; the program shall, nonetheless, comply fully with the provisions of §1501, regarding arrangements for the transfer of students and/or records and transfer, protection and accessibility of all records.

C. Institutions may reapply for a program in practical nursing only after three years from the date of closure and after minimum requirements have been incorporated. Reapplication may be accomplished by proceeding as required for program establishment.

D. An institution with any affiliation with any principal, agent and/or personnel, including faculty, who has been associated with any practical nursing program closed within three years may only apply after an affirmative showing that such application is in the best interest of the public health, safety and welfare.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:969 and 37:976.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:199 (April 1977), amended LR 10:341 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18:1262 (November 1992), amended LR 31:1587 (July 2005).

## Chapter 17. Licensure

### §1701. Qualifications

A. A person applying for a license to practice as a practical nurse in the state of Louisiana shall:

1. be of good moral character;
2. be a citizen of the United States or have filed a declaration of intent to become a citizen;
3. be a graduate of an accredited program in practical nursing;
4. attain a score of 350 or above for those writing the board-approved licensure examination for practical nursing prior to October 1988, or a result of "Pass" for those writing the examination in October 1988 and beyond;
5. complete and submit the required application accompanied by the specified fee.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:969 and 37:970.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:199 (April 1977), amended LR 10:341 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18:1263 (November 1992).

### §1703. Types of Licensure

A. Licensure by Examination. An applicant for licensure by examination shall:

1. meet the requirements for qualification;
2. write the first scheduled examination following program completion;
3. complete a board approved refresher course if a passing score is not attained within four years of program completion.

B. Licensure by Endorsement. An applicant for endorsement from another state to Louisiana shall:

1. hold a current, valid license in another state;
2. meet the requirements for licensure in Louisiana;
3. complete and submit all required forms accompanied by the specified fee.

C. If a licensee has been granted licensure by waiver in another state said licensee shall not be endorsed in Louisiana.

D. A licensee who has attained a score of 350 or above on the board-approved licensure examination for practical nursing prior to October 1988, or a result of "Pass" for those writing the examination in October 1988 and beyond, may be endorsed to Louisiana provided all other requirements are met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969, 37:971 and 37:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:199 (April 1977), amended LR 10:341 (April 1984), LR 10:915 (November 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18:1263 (November 1992), amended LR 28:2355 (November 2002).

### §1705. Temporary Permit

A. A temporary permit to practice as a practical nurse in Louisiana may be issued to graduates of board approved or accredited practical nursing programs in Louisiana as follows.

1. The application for licensure by examination must be completed and submitted with the appropriate fees, and said application must be reviewed and approved by the board.
2. An official transcript must be submitted by the educational institution from which the applicant graduated, and said transcript must be reviewed and approved by the board.

3. If a temporary permit is granted, that permit shall expire on one of the following three dates, whichever comes first:

- a. eight weeks from the date of issue;
- b. the date of full licensure; or
- c. upon receipt of a score of fail on the licensure examination.

4. The temporary permit shall not be subject to extension or renewal under any circumstances, including reentry and completion of a program in practical nursing.

5. The abbreviation P.N. (T.P.), (Practical Nurse, temporary permit), shall be used with the signature of the applicant on all documents requiring said signature in the course of practice while the temporary permit is valid.

6. The P.N. (T.P.) shall serve only in a staff-nurse position.

7. The P.N. (T.P.) shall assume only those duties and functions commonly included in the staff-nurse position.

8. The P.N. (T.P.) shall practice only in nursing situations in which a registered nurse or physician is providing direct supervision.

B. A temporary permit may be issued to licensees pending disciplinary action at time of license renewal.

C. A 12 week temporary permit may be issued to applicants for licensure by endorsement upon receipt of all of the following: verification of current licensure, in good standing, from another state or U.S. territory; a notarized sworn statement, by the applicant, that the applicant meets the requirements for licensure in this state and has a negative history for criminal activity, a negative history for chemical dependency, and a negative history for complaints against and/or related to any and all licenses held for any profession in any state or U.S. territory; the required fee; and confirmation that required fees and forms have been submitted to the appropriate state and/or federal agencies for the processing of the applicant's criminal history record. The temporary permit shall be immediately revoked upon receipt of information indicating that the applicant may not qualify for licensure. A temporary permit issued to applicants for licensure by endorsement may be extended on a case-by-case basis but may not be reissued to any person, under any circumstances, including reapplication for licensure by endorsement.

D. During a declared state of public health emergency, an emergency temporary permit may be issued to practical nurses licensed in another jurisdiction of the U.S. whose license is current, unrestricted and in good standing in such jurisdiction, provided that the practical nurse register with the board prior to providing practical nursing care. The emergency permit may be issued for 60 days or until termination of the state of public health emergency, whichever comes first. The permit may be extended for two additional 60 day periods.

E. A temporary permit may be issued to practical nurses licensed in another jurisdiction of the U.S. whose license is current, unrestricted and in good standing in such jurisdiction for a period not to exceed 14 days when the practical nurse is providing care to a client being transported into, out of or through the state.

F. A temporary permit may be issued to practical nurses enrolled in board approved refresher courses provided the practical nurse has been previously licensed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:200 (April 1977), amended LR 10:341 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1130 (October 1992), repromulgated LR 18:1263 (November 1992), amended LR 28:2355 (November 2002), LR 32:637 (April 2006), LR 33:93 (January 2007), LR 35:1238 (July 2009).

**§1707. Retirement from Practice**

A. Inactive and Emeritus/Emerita License

1. 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.

2. Should a retired licensee in good standing with the board wish to receive an Emeritus/Emerita license, s(he) shall request and complete an Emeritus/Emerita renewal application and submit same with the appropriate license renewal fee. Upon receipt of the fee and approval of the renewal application s(he) may be issued an "Emeritus/Emerita" license. Said license does not permit practice in the state of Louisiana. If a retired licensee desires to return to practice, s(he) will be subject to the same requirements as any licensee.

B. Delinquent License

1. Licensees who have failed to renew licensure and have not requested to be placed on inactive status as required, and are unemployed and wish to renew licensure, will be subject to late renewal fees as listed in §1715 of this manual.

2. Licensees whose licenses have been delinquent for one or more years will be subject to pay fees for the delinquent year(s) to update licensure.

3. Licensees who neglect to renew licensure and continue to practice nursing without benefit of licensure will be subject to penalties commensurate with the amount of time employment has continued.

C. Review Courses. Licensees or applicants for licensure in Louisiana who have been out of practice for four or more years shall be required to successfully complete a refresher

course approved by the board. Said course shall have a clinical component of a minimum of 60 hours. Special student permits may be issued by the board to participants in such courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969, 37:972-975, 37:977, 37:978 and 37:979.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:200 (April 1977), amended LR 10:342 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1130 (October 1992), repromulgated LR 18:1263 (November 1992), amended LR 26:2614 (November 2000), LR 28:2355 (November 2002).

**§1709. Name Change**

A. A licensee requesting a name change on the license form shall forward a request to the board accompanied by a certified and true copy of a legal document.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:200 (April 1977), amended LR 10:342 (April 1984).

**§1711. Address Change**

A. A licensee with a change of address shall immediately notify the board office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:200 (April 1977), amended LR 10:342 (April 1984).

**§1713. Verification of License**

A. An employer requesting verification of a practical nurse's license shall submit the request in writing to the board accompanied by the required fee.

B. A licensee requesting verification of lost/stolen/never received license shall obtain a "verification of renewal" form from the board office, submit the completed form and a certified copy of his/her birth certificate accompanied by the appropriate fee. Upon receipt of the above a verification of license shall be issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:978.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:200 (April 1977), amended LR 10:342 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1130 (October 1992), repromulgated LR 18:1263 (November 1992).

**§1715. Approved Fees**

A. Fees

1. License by examination	\$100
2. License by endorsement	\$ 50
3. Duplicate license	\$ 30
4. Renewal of license	\$ 50

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- 5. Reinstatement of license which has been suspended, revoked or which has lapsed by nonrenewal \$150
- 6. Duplicate renewal \$ 20
- 7. Delinquency fee in addition to renewal fee for nursing license (per year delinquent) \$ 70
- 8. Survey fee \$500
- 9. Renewal of certificate of accreditation \$200
- 10. Evaluation of credits of applicants for admission to approved program \$ 50
- 11. Evaluation of credits of out-of-state applicants for Louisiana practical nurse license \$ 50

- 12. Verification of Louisiana license to out-of-state board \$ 30
- 13. Certification of good-stand license \$ 5

B. All fees shall be nonrefundable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:977 as amended Act 272, 1982 and Act 54, 1991.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:200 (April 1977), amended LR 10:342 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners LR 18:1130 (October 1992), repromulgated LR 18:1263 (November 1992), amended LR 26:2618 (November 2000), LR 34:874 (May 2008).