

State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm that a hearing is being held.

Vincent A. Culotta, Jr., M.D.,
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Physician Assistants,
Licensure and Certification; Practice**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes will result in a one-time publication expense of \$1,704 in FY 19 for the LA State Board of Medical Examiners (LSBME).

The proposed changes amend the LSBME's physician assistant (PA) rules to conform them to Act 475 of the 2018 Regular and make other substantive changes and technical updates not associated with Act 475. The proposed rule changes increase the number of PAs for whom a physician may serve as the primary supervising physician (PSP) by 4, from 4 to 8; restate and clarify the PA qualifications for prescriptive authority for consistency with Act 475; limit qualifications for PA prescriptive authority to those set forth in Act 475; and make changes to align with current administrative practices. Furthermore, the proposed rule changes include a new section for reinstatement of an expired license, including a delinquent fee for late renewal/reinstatement.

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

The proposed rule changes will increase SGR collections for the LSBME by an indeterminable, though likely marginal, amount. Included in the proposed rule changes is a delinquent fee schedule based on the \$150 license renewal fee for an individual who fails to renew a license timely. For persons renewing within a year of their license expiring, the delinquent fee is equivalent to the license fee (\$150). For persons renewing later than one year, but within two years of license expiration, the delinquent fee is equivalent to twice the renewal fee (\$300). Any revenue increase is indeterminable, because the number of persons who may lapse their licenses, as well as when they will renew them, is unknown. However, because a PA may place their license on inactive status without incurring a delinquent fee for later reinstatement, it is not anticipated that this change will have a material impact on revenue collections of the board.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

The proposed rule changes increase the number of PAs (from 4 to 8) for whom a physician may serve as a primary supervising physician. This change doubles the number of supervising physicians available to serve as PSPs for PAs.

Furthermore, the proposed rule changes clarify that the clinical training required for prescriptive authority must be obtained during, rather than after, completion of an approved PA education program. By limiting the qualifications for such authority to those specified by law, the amendments may expedite PA eligibility for prescriptive authority, which may facilitate patient access to prescriptive care. These changes may have a positive but indeterminable impact on the delivery of health care to the citizens of this state by PAs and their supervising physicians.

Finally, a PA who allows his or her license to lapse without requesting that it be placed on inactive status, as permitted by existing rules (1517), will be required to pay a one-time

delinquent fee in association with license reinstatement equal to the license renewal fee (\$150) or two times the license renewal fee (\$300).

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

The expansion of the number of PAs for whom a physician may serve as a PSP may increase employment opportunities for PAs in Louisiana to the extent physicians are able to supervise additional PAs.

The proposed rule changes are not anticipated to affect competition.

Vincent A. Culotta, Jr., M.D.
Executive Director
1812#039

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Practical Nurse Examiners**

**Types of Licensure and Approved Fees
(LAC 46:XLVII.1703 and 1715)**

The Board of Practical Nurse Examiners proposes to amend LAC 46:XLVII. Section 1703 A.2 and 3, and Section 1715 A. 1, 5, 7, and 11 in accordance with the provisions of the Administrative Procedure Act, R.S. 950 et seq., and the Practical Nursing Practice Act, R.S. 37:961-979.

The purpose of the proposed Rule change to Section 1703 A.2 and 3 is to clarify the current Rule by establishing the length of time an applicant has to take the NCLEX-PN to become a licensed practical nurse.

The purpose of the proposed Rule change to Section 1715 A. 1, 5, 7, and 11 is to increase board revenue. It will allow the board to help off-set deficits in its operating budget due to loss in revenue resulting from no longer issuing paper licenses, name changes on licenses, and license verifications due to the Enhanced Nurse Licensure Compact Law which will go in to affect in 2019.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

**Part XLVII. Nurses: Practical Nurses and Registered
Nurses**

Subpart 1. Practical Nurses

**Chapter 17. Licensure
§1703. Types of Licensure**

A. - A.1. ...

2. be permitted to write the examination up to four times within a period of two years from the date of being made eligible, but no later than three years from completion of the practical nursing program;

3. re-enter and successfully complete the entire practical nursing program without advance credits if the fourth writing is unsuccessful or more than three years has elapsed from completion of the practical nursing program before being allowed to take the practical nursing examination again;

B. - D.

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), amended LR 42:274 (February 2016), LR 45:

Chapter 17. Licensure

§1715. Approved Fees

A. Fees

1. license by examination—\$125;
2. - 4. ...
5. reinstatement of license which has been suspended, or which has lapsed by nonrenewal—\$200;
6. ...
7. delinquency fee in addition to renewal fee for nursing license (per year delinquent)—\$100;
8. - 10. ...
11. evaluation of credits of out-of-state applicants for Louisiana practical nurse license—\$100;

A.12. - B. ...

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), LR 40:2578 (December 2014), LR 45:

Family Impact Statement

The proposed amendments to LAC 46:XLVII.Subpart 1 should not have any impact on family as defined by R.S. 49:972. There should not be any effect on: the stability of the family; the authority and rights of parents regarding the education and supervision of their children; the functioning of the family; family earnings and family budget; the behavior and personal responsibility of children; and/or the ability of the family or local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, it is anticipated that the proposed amendments will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

The proposed amendments should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known foreseeable effect on:

1. Is there an effect on the staffing level requirements or qualifications required to provide the same level of service? There will be no effect on the staffing level requirements or qualifications required to provide the same level of service.
2. Is there a total direct and indirect effect on the cost to the providers to provide the same level of service? There is not a direct or indirect effect on the cost to the providers to provide the same level of service.
3. What is the overall effect on the ability of the provider to provide the same level of service? There is no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments until 4 p.m., December 9, 2018, to M. Lynn Ansardi, RN, Board of Practical Nurse Examiners, 131 Airline Drive., Suite 301 Metairie, LA 70001.

M. Lynn Ansardi, RN
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Types of Licensure and Approved Fees

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will result in a one-time expense for the LA State Board of Practical Nurse Examiners (LSBPNE) totaling \$1,328 in FY 19. The one-time expense is to publish the notice of intent and the final rule in the Louisiana Register and notification to the licensees/applicants of the rule change.

The proposed change to Section 1703 clarifies the current rules by enumerating the length of time and number of times an applicant has to take the National Council Licensure Examination for Practical Nurses (NCLEX-PN) to become a licensed practical nurse (LPN). In addition, the proposed changes to Section 1715 increase certain licensure fees, examination fees, reinstatement fees of licenses that have been suspended, or which have lapsed by non-renewal, delinquency fees, and evaluation of credits of out-of-state applicants requesting to be licensed in Louisiana (See Part II).

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

The proposed rule changes will increase revenue for the LSBPNE by an estimated \$76,150 beginning in FY 19 and in subsequent FYs.

The proposed rule changes will increase certain fees for applicants and practical nurses as follows: license by examination fee by \$25, from \$100 to \$125, which will affect approximately 1,136 applicants per year ($\$25 * 1,136$ applicants = \$28,400 revenue increase); reinstatement of license which has been suspended, or lapsed by non-renewal by \$50, from \$150 to \$200, which will affect approximately 300 practical nurses ($\$50 * 300$ applicants = \$15,000 revenue increase); delinquent license fees by \$30, from \$70 to \$100, which will affect approximately 675 practical nurses ($\$30 * 675$ applicants = \$20,250 revenue increase); and evaluation of credits for out-of-state applicant requesting to be licensed in Louisiana by \$50, from \$50 to \$100, which will affect approximately 250 applicants for licensure ($\$50 * 250$ applicants = \$12,500 revenue increase).

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change affects persons wishing to become LPNs, as it enumerates the length of time an applicant has to take the NCLEX-PN to become a licensed practical nurse. Furthermore, the proposed rule changes will increase certain fees for applicants and LPNs that are estimated to result in an aggregate cost of \$76,150 annually (see Part II).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules are not anticipated to affect competition and employment.

M. Lynn Ansardi, RN
Executive Director
1812#002

Evan Brasseaux
Staff Director
Legislative Fiscal Office