

DECLARATION OF EMERGENCY

Department of Health Board of Nursing

Temporary Permits and Delegation of Medication Administration to Unlicensed Assistive Personnel in Outpatient Clinic Settings (LAC 46 XLVII.3328 and 3709)

The Louisiana Department of Health, Louisiana State Board of Nursing (LSBN) has exercised the emergency provisions of the Administrative Procedures Act, specifically R.S 49:953(B), allowing delegation of the administration of COVID-19 vaccines by RNs or APRNs to unlicensed personnel in all settings (§3709) and granting temporary approval to RNs with retired or inactive licenses, which license was not encumbered at the time it was retired or made inactive, to obtain a limited RN disaster permit (§3328). The permit will be granted to RNs who are eligible for reinstatement of a retired or inactive license in Louisiana and the limited disaster permit allows solely for tasks directly related to the administration and delegation of COVID-19 vaccinations. This Rule is effective upon the signature of the Executive Director, January 19, 2021, and shall remain in effect for 120 days unless rescinded, renewed, or the Covid-10 Public Health Emergency Proclamation is terminated by the Governor. The immediate need for qualified health care providers to administer the COVID-19 vaccinations necessitated the need to adopt an Emergency Rule.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses: Practical Nurses and Registered Nurses

Subpart 2. Registered Nurses

Chapter 33. General

§3328. Temporary Permits

A. - H. ...

I. Limited Temporary Permit for Administration of Covid-19 Vaccinations

1. Temporary, limited Registered Nurse License for Applicants with a Retired or Inactive License: Individuals who are eligible for reinstatement of a retired or inactive Registered Nurse license in Louisiana, may apply for a temporary, limited license that allows solely for tasks directly related to the administration and delegation of COVID-19 vaccinations.

a. The board may issue a temporary, limited license as a disaster permit during a public health emergency to an individual who is eligible for reinstatement of a retired or inactive Registered Nurse license in Louisiana.

b. The applicant's RN license must have been unencumbered at the time of retirement or inactivation.

c. Continuing education and practice requirements that are a pre-requisite to reinstatement are waived for these applicants.

d. Applicants seeking a temporary, limited license disaster permit shall submit an application through the nurse portal.

e. Requirements in §3328.C are waived.

f. Disaster permits approved under the provisions of this section shall be valid for 1 year. Applicants may re-apply if availability of the application and permit remains

available as determined appropriate and necessary by the board.

g. If allegations of acts or omissions which constitute grounds for disciplinary action as defined in R.S. 37:911 et seq., or any rule promulgated by the board is received during the permit interval, the disaster permit shall be recalled.

h. Individuals who have been issued a temporary disaster permit under this rule may refer to themselves as a "RN" after signatures on records.

i. All individuals administering the vaccine must be competent in the informed consent process, COVID19 vaccine administration, vaccine reconstitution, storage requirements, side effects, emergency management of adverse reactions, record-keeping, waste and disposal and all other aspects of vaccine administration and delegation.

j. Applicants currently enrolled in an alternative to discipline program or who have discipline on a license in another jurisdiction are not eligible for the temporary, limited license as a disaster permit provided for in this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, 919 and 920.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 33:460 (March 2007), amended LR 39:2280 (August 2013), LR 40:2248 (November 2014), LR 47:

Chapter 37. Nursing Practice

§3709. Delegation of Medication Administration to Unlicensed Assistive Personnel in Outpatient Clinic Settings

A. - H. ...

I. Public Health Emergency Exception

1. During a public health emergency the board shall allow delegation of the administration of COVID-19 vaccines to unlicensed personnel in all healthcare settings in which such agents are administered according to current guidelines and recommendations.

a. Requirements in §3709.D.6 are waived such that reconstitution is allowed as is measuring of a prescribed amount of the medication.

b. The registered nurses and advanced practice registered nurses shall practice within their scope of practice subject to their knowledge, skill and ability.

c. All individuals delegating and administering the vaccine must be competent in the informed consent process, COVID-19 vaccine administration, vaccine reconstitution, storage requirements, side effects, emergency management of adverse reactions, record-keeping, waste and disposal and all other aspects of vaccine administration and delegation.

d. Formal training of unlicensed personnel must be performed or confirmed and otherwise validated by a registered nurse or advanced practice registered nurse

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Nursing, LR 42:873 (June 2016), amended LR 47:

Karen C. Lyon
Executive Director/CEO