

DECLARATION OF EMERGENCY

Department of Health Board of Nursing

Temporary Permits (LAC 46:XLVII Section 3329 and 4513)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq., and through the authority granted in R.S. 37:917-918, that Louisiana State Board of Nursing (LSBN) is requesting an Emergency Rule which will add additional language to Chapter 33, Section 3329 and Chapter 45, Section 4513. The added language in sections 3329 and 4513 will address the public health emergency crisis that is taking place in Louisiana. In Chapter 33, section 3329 the board may extend the expiration of temporary permits for new graduates who have been unable to take the NCLEX-RN licensure exam or reinstate an expired permit during a public health emergency. Any permit that is granted because of the emergency shall be valid for 120 days and may be extended in increments of 90-day intervals. The added language to Chapter 45, section 4513 provides an exception which will allow “ an APRN practicing with a previously approved collaborating physician at a new site otherwise not previously reported to the board may continue to practice during the time of the declared emergency or disaster under the parameters of the signed collaborative practice agreement”.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses: Practical Nurses and Registered Nurses

Subpart 2. Registered Nurses

Chapter 33. General Subchapter C. Registration and Registered Nurse Licensure

§3329. Temporary Permits

A. - A.4. ...

5. Public Health Emergency Exception

a. The board may extend the expiration of a temporary permit or reinstate an expired permit during a public health emergency and for such periods thereafter as approved by the board for graduates who have not taken the NCLEX-RN provided that:

i. the person is a graduate of an approved school and has a pending application for initial licensure submitted within the immediately preceding calendar year

ii. there is not evidence of violation of this Part or of LAC 46:XLVII. 3331;

iii. there are no allegations of acts or omissions which constitute grounds for disciplinary action as defined in R. S. 37:921 and LAC 46:XLVII.3403 and 3405.

b. Any permit extended or reinstated in accordance with the public health emergency exception shall be valid for 120 days and may be extended for additional 90-day increments upon written request and as determined appropriate and necessary by the board.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, 920 and 921

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:78 (March 1981), amended by the Department of Health and Hospitals, Board

of Nursing, LR 23:961 (August 1997), LR 24:1293 (July 1998), LR 28:2513 (December 2002), LR 33:460 (March 2007), LR 37:3026 (October 2011), LR 46:

Chapter 45. Advanced Practice Registered Nurses §4513. Authorized Practice

A. - D.8.a. ...

i. Exception to 4513.D.8.a: in cases of a declared emergency or disaster, as defined by the Louisiana Health Emergency Powers Act, La R.S. 29:760 et Seq., or as otherwise provided in title 29 of the Revised Statutes of 1950, an APRN Practicing with a previously approved collaborating physician at a new site otherwise not previously reported to the board may continue to practice during the time of a declared emergency or disaster under the parameters of the signed collaborative practice agreement.

8.b. - 17.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918 (k) and R.S. 37: 1031 - 1034

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing , LR 10:598 (August 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 22:283 (April 1996), amended by the Department of Health and Hospitals, Board of Nursing and Board of Medical Examiners, LR 22:981 (October 1996), LR 25:1245 (July 1999), LR), amended by the Department of Health and Hospitals, Board of Nursing 27: 727 (May 2001), amended by the Department of health and Hospitals, Board of Medical Examiners, LR 28:487 (March 2002), repromulgated LR 28:1205 (June 2002), amended by the Department of Health and Hospital, Board of Nursing , LR 40:63 (January 2014) , LR 40:2249 (November 2014), LR 42:572 (April 2016), amended by the Department of Health, Board of Nursing LR 44:276 (February 2018), LR 45:1202 (September 2019), Department of Health, Louisiana State Board of Nursing LR

Interested persons may submit written comments to Karen C. Lyon, CEO/ Executive Director, Louisiana State Board of Nursing, 17373 Perkins Road, Baton Rouge, La 70810 or emailed to lyonk@lsbn.state.la.us.

Karen C. Lyon
Executive Director

2004#009