

Physicians (AAFP), hospitals, or accredited online programs. Fees vary by provider, and the ability to substitute up to seven hours of no-cost CME credit for panel service represents a modest savings in annual professional expenses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

Vincent A. Culotta, Jr. M.D.
Executive Director
2601#049

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Medical Examiners

Respiratory Therapists
(LAC 46:XLV.Chapters 25 and 55)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Board of Medical Examiners (the board) by the Louisiana Medical Practice Act., R.S. 37:1270 et seq., the board proposes to amend its rules governing Respiratory Therapists to update practice standards, amend examination and continuing medical education regulations, define terms, and correct typographical errors.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 25. Respiratory Therapists

Subchapter A. General Provisions

§2503. Definitions

A. ...

Registered Respiratory Therapist—one who is currently in good standing with and has successfully completed the registered respiratory therapy credentialing examination or its successor administered by the National Board for Respiratory Care.

Respiratory Therapy—the allied health specialty practiced under the direction and supervision of a physician involving the assessment, treatment, testing, monitoring, and care of persons with deficiencies and abnormalities of the cardiopulmonary system. Such therapy includes, but is not limited to, the following activities conducted upon the prescription or other order of a physician, advanced practice registered nurse, or physician assistant howsoever communicated and duly recorded:

a. - g. ...

h. administration of humidity, aerosol therapy and nasal therapy inclusive of medication delivered to the nasal passages, including, but not limited to naloxone, beconase, flonase, etc.

i. - k. ...

l. performance of specific procedures and diagnostic testing relative to respiratory therapy to include peripherally inserted central catheter with proper protocol

for evaluation of line post placement under the order of a physician, advanced practice registered nurse, or physician assistant to assist in diagnosis, monitoring, treatment, and research, including:

i. drawing and analysis of arterial, venous, and capillary blood samples and other body fluids to determine laboratory values to be performed on blood gas instrumentation;

ii. - iv. ...

v. starting of intravenous lines for the purpose of administering fluids pertinent to the practice of respiratory therapy to include peripherally inserted central catheter with proper protocol for evaluation of line post placement under the order of physician; and

vi. instruction on equipment for diagnosis or therapeutic treatment for ventilator support or ventilator disease management.

m. ...

n. instruction of patient, family, and caregivers in the prevention, management, and therapeutic modalities related to respiratory therapy and instruction of use of equipment therein for patients in any setting.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:744 (June 1993), LR 25:2212 (November 1999), LR 38:52 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

Subchapter B. Requirements and Qualifications for Licensure

§2507. Requirements for Licensure of Respiratory Therapists

A. - A.2. ...

3. be a graduate of a respiratory care education program, or have successfully completed all program requirements established by the NBRC for entry level respiratory therapy credentialing;

4. possess current credentials as a certified or registered respiratory therapist granted by the National Board of Respiratory Care or its predecessor or successor organization;

5. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the United States Citizenship and Immigration Services of the United States, Department of Homeland Security, under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the regulations thereunder (8 C.F.R.);

6. satisfy the applicable fees as prescribed by Chapter 1 of these rules;

7. satisfy the procedures and requirements for application provided by Subchapter C of this Chapter; and

8. not be otherwise disqualified for licensure by virtue of the existence of any grounds for denial of licensure as provided by the law or in these rules.

B. An applicant previously licensed to practice respiratory therapy in any other state, who has not held such a license or been engaged in the practice of respiratory

therapy for more than four years immediately prior to the date of the application shall, within such four-year period, have been re-credentialed with the NBRC by the successful passage of the entry level credentialing examination.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended LR 14:87 (February 1988), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 15:271 (April 1989), LR 17:479 (May 1991), LR 25:2213 (November 1999), LR 38:54 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

§2510. Recognition of Respiratory Care Education Programs

A. - B. ...

C. Any military training in the field of respiratory care that is recognized by CoARC and would allow the individual to obtain registered respiratory therapy credentials would be eligible for a license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:746 (June 1993), amended LR 25:2214 (November 1999), LR 38:54 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

Subchapter C. Application

§2515. Purpose and Scope

A. The rules of this Subchapter govern the procedures and requirements for application to the board for licensure of a licensed respiratory therapist in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended, Department of Health and Hospitals, Board of Medical Examiners, LR 25:2215 (November 1999), LR 38:55 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

§2517. Application Procedure

A. - C.1....

2. certification of the truthfulness and authenticity of all information, representations and documents contained in or submitted with the completed application;

3. criminal history record information;

4. payment of the applicable fee as provided in Chapter 1 of these rules; and

5. such other information and documentation as is referred to or specified in this Chapter or as the board may require to evidence qualification for licensure.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 25:2215 (November 1999), LR 38:55 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

Subchapter D. Examination

§2523. Designation of Examination

A. The examination accepted by the board pursuant to R.S. 37:3354 is the National Board for Respiratory Care entry level credentialing examination and the advanced practitioner registry credentialing examination or its successor(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 25:2216 (November 1999), LR 38:56 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

§2536. Restriction, Limitation on Examination

A. The board will recognize the standards of testing, restrictions, and limitations on the examination administered by the NBRC or its successor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended LR 14:87 (February 1988), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:479 (May 1991), LR 25:2217 (November 1999), LR 38:56 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

§2537. Passing Score

A. An applicant will be deemed to have successfully passed a certification examination if he attains a score equivalent to that required by the National Board for Respiratory Care as a passing score.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 25:2217 (November 1999), LR 38:56 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

Subchapter E. Licensure Issuance, Termination, Renewal, and Reinstatement

§2543. Renewal of License

A. - A.2 ...

3. all requirements set forth in 2507.A; and

4. documentation of not less than ten contact hours of approved continuing professional education within the past twelve months as prescribed by Subchapter G of these rules.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1218 (December 1996), LR 24:1502 (August 1998), LR 25:2218 (November 1999), LR 38:57 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

§2545. Reinstatement of License

A. - B.1....

2. proof of ten hours of approved continuing professional education for each year that the license lapsed, up to a total of thirty hours, as set forth in Subchapter G of this Chapter;

3. such other information and documentation as is referred to or specified in this Chapter or as the board may require to evidence qualification for licensure; and

4. the renewal fee set forth in Chapter 1 of these rules, plus a penalty computed as follows:

a. if the application for reinstatement is made less than two years from the date of license expiration, the penalty shall be equal to the renewal fee;

b. if the application for reinstatement is made more than two years from the date of license expiration, the penalty shall be equal to twice the renewal fee.

C. An applicant who has not been licensed to practice respiratory therapy or engaged in the practice of respiratory therapy in any state for more than four years immediately prior to the date of the application shall, within such four year period, have been re-credentialed with the NBRC by the successful passage of the registered respiratory therapy credentialing examination. Such an applicant shall not be required to furnish evidence of continuing professional education as otherwise required by §2545.B.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1218 (December 1996), LR 25:2218 (November 1999), LR 38:57 (January 2012), LR 52:

§2547. Temporary Permit

A. The board may issue a 6-month temporary permit to an individual who has made application to the board for a permit as a respiratory therapist under the following terms and conditions.

1. To be eligible for a 6-month temporary permit an applicant shall:

a. - c. ...

2. A permit shall be effective for 6 months and shall expire and become null and void on the earlier of:

a. six months from the date of issuance;

b. the date on which the board acts on the application following notice of the applicant's successful completion of the NBRC credentialing examination.

3. A permit shall not be renewed but may be extended only once for a maximum period of 3 months based on an appeal identifying extenuating circumstances. Such an appeal shall be submitted to the board in writing at least thirty days prior to the expiration of the permit. Requests for an extension may be referred to the advisory committee for review and recommendation to the board. The advisory committee or the board may require additional documents from the licensee including, but not limited to:

a. - c. ...

4. A permit that is extended under this Subsection shall be effective for not more than 3 months and shall, in any event, expire and become null and void on the earlier of:

a. three months from the date of issuance;

b. the date on which the board acts on the application following notice of the applicant's successful completion of the NBRC credentialing examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 15:271 (April 1989), LR 17:480 (May 1991), LR 19:746 (June 1993), LR 25:2218 (November 1999), LR 38:57 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

Subchapter E. Licensure Issuance, Termination, Renewal, and Reinstatement

§2548 Temporary Work Permit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 38:58 (January 2012), repealed by the Department of Health, Board of Medical Examiners, LR 52:

Subchapter F. Advisory Committee on Respiratory Care

§2549. Organization; Authority

A. - B.9.

10. receive reimbursement in the amount of seventy-five dollars per day for in-person attendance at meetings of the advisory committee and other activities and expenses specifically authorized by the board in accordance with state policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:747 (June 1993), amended LR 25:2219 (November 1999), LR 38:58 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

§2551. Delegation of Authority

A. - A.1.e.

f. report to the board or appropriate agency any deficiencies in the above.

A.2. - C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3351-3361, 37:1270(B)(6) and 37:3357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:747 (June 1993), amended LR 22:1219 (December 1996), LR 25:2219 (November 1999), LR 38:58 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

Subchapter G. Continuing Professional Education

§2555. Continuing Professional Educational Requirement

A. Subject to the exceptions specified in §2569 of this Subchapter, to be eligible for renewal of licensure a respiratory therapist shall, within each year during which he holds a license, evidence and document, upon forms or in another format acceptable to the board, the successful completion of not less than 10 contact hours of continuing professional education, in which one hour will be from an Ethics or Jurisprudence course in Medical Care, sanctioned by the American Association of Respiratory Care, the organizations identified in §2559 of these rules, or their successors, or the advisory committee.

B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1219

(December 1996), amended LR 25:2220 (November 1999), LR 38:59 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

§2557. Qualifying Continuing Professional Education Programs

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1220 (December 1996), amended LR 25:2220 (November 1999), LR 38:59 (January 2012), repealed by the Department of Health, Board of Medical Examiners, LR 52:

§2559. Approval of Program Sponsors

A. To be acceptable as qualifying continuing professional education under these rules, a program shall be approved, endorsed, sponsored or offered by one of the following organizations: American Association for Respiratory Care (AARC), Louisiana Society for Respiratory Care (LSRC), American Lung Association (ALA), American Heart Association (AHA)- (not to include BLS, ACLS, PALS), American Academy of Pediatrics (AAP) -(Not to include NRP), American College of Chest Physicians (ACCP), American Thoracic Society (ATS), Louisiana Department of Health and Hospitals (DHH), Louisiana Hospital Association (LHA), The Joint Commission (TJC), American Medical Association (AMA), Louisiana State Board of Medical Examiners (LSBME), National Board of Respiratory Care (only to include initial credentialing of specialty exams) National Asthma Educator Certification Board (initial certification only), Centers for Medicare and Medicaid (CMS), and American Hospital Association (AHA).

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1220 (December 1996), amended LR 25:2221 (November 1999), LR 38:60 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

§2561. Approval of Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1221 (December 1996), amended LR 25:2221 (November 1999), LR 38:60 (January 2012), repealed by the Department of Health, Board of Medical Examiners, LR 52:

§2563. Documentation Procedure

A. Licensees shall ensure that documentation of continuing education sufficient to satisfy the annual continuing education requirement is submitted to the board. Each licensee shall request the organization or entity sponsoring or offering the activity shall submit proof of the licensee's completion of a continuing education activity to the board's designated electronic education tracker (EET). In the event the sponsoring or offering organization fails or refuses to do so, the licensee shall submit such proof directly to the EET.

B. ...

C. The board or advisory committee has the right to audit any questionable documentation of activities.

Verification shall be submitted within 30 days of the notification of audit. A licensee's failure to notify the board of a change of mailing address will not absolve the licensee from the audit requirement.

D. If it is determined that a continuing education program submitted for renewal does not qualify for recognition by the board or does not qualify for the number of contact hours claimed by the applicant, the board shall give notice of such determination to the applicant. An applicant may appeal to the board by written request. The board's decision with respect to approval and recognition of such program or activity shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1221 (December 1996), amended LR 25:2222 (November 1999), LR 38:60 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

§2565. Failure to Satisfy Continuing Professional Education Requirements

A. An applicant for renewal of licensure who fails to evidence satisfaction of the continuing professional education requirements prescribed by these rules shall be denied renewal by the board.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1221 (December 1996), amended LR 24:1502 (August 1998), LR 25:2222 (November 1999), LR 38:61 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

§2569. Exceptions to the Continuing Professional Education Requirements

A. The continuing professional education requirements prescribed by this Subchapter for renewal of licensure shall not be applicable to a respiratory therapist deployed on active duty military service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1222 (December 1996), amended LR 25:2222 (November 1999), 38:61 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

Subchapter H. Supervision of Students

§2575. Supervision of Student [Formerly §5515]

A. A person pursuing a course of study leading to a degree in respiratory care shall engage in the practice of respiratory care only under the supervision of a licensed respiratory therapist, a physician, advanced practice registered nurse, or physician assistant who actively practices respiratory care, as provided in this Section.

B. A licensed respiratory therapist, a physician, advanced practice registered nurse, or physician assistant who undertakes to supervise a student shall:

1. - 2. ...

3. assign to a student only such respiratory care measures, treatments, procedures and functions as such licensed respiratory therapist, physician, advanced practice registered nurse, or physician assistant has documented that the student by education and training is capable of performing safely and effectively;

4.

5. not permit a student to perform any invasive procedure or any life-sustaining or critical respiratory care, including therapeutic, diagnostic or palliative procedures, except under the direct and immediate supervision, and in the physical presence of, the supervising therapist, physician, advanced practice registered nurse, and/or physician assistant; and

6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:748 (June 1993), LR 25:2224 (November 1999), LR 38:62 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

Subpart 3. Practice

Chapter 55. Respiratory Therapists

Subchapter B. Unauthorized Practice, Exemptions, and Prohibitions

§5505. Unauthorized Practice

A. No person shall engage in the practice of respiratory care in the state of Louisiana unless he has in his possession a current license or a temporary permit duly issued by the board under Subpart 2 of these rules.

B. No person shall hold himself out to the public, an individual patient, a physician, dentist or podiatrist, or to any insurer or indemnity company or association or governmental authority, nor shall he directly or indirectly identify or designate himself as a licensed respiratory therapist, nor use in connection with his name the letters "LRT" or any other words, letters, abbreviations, insignia, or signs tending to indicate or imply that the person is licensed or credentialed to practice respiratory therapy in this state, or that the services provided by such person constitute respiratory care, unless such person possesses a current license or a temporary permit duly issued by the board under Subpart 2 of these rules.

C. No person shall hold oneself out as a specialized respiratory care practitioner without being credentialed and in good standing by the NBRC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 25:2224 (November 1999), LR 38:62 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

§5507. Exemptions

A. -A.2.

3. enrolled in a respiratory care education program and who is designated by a title which clearly indicates his status as a student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended, by the Department of Health and Hospitals, Board of Medical Examiners, LR 25:2224 (November 1999), LR 38:62 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

§5509. Prohibitions

A. A licensed respiratory therapist shall not:

1. undertake to perform or actually perform any activities described in §2503 of these rules, definition of "Respiratory Therapy," except upon a prescription or other order of a physician, advanced practice registered nurse, or physician assistant;

2. - 3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 25:2224 (November 1999), LR 38:63 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

Subchapter C. Grounds for Administrative Action

§5517. Causes for Administrative Action

A. The board may deny, refuse to issue, renew, or reinstate, or may suspend, revoke or impose probationary conditions and restrictions on the license, temporary license (examination permit), or temporary permit of any respiratory therapist if the licensee or applicant for license has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:886 (September 1991), LR 25:2225 (November 1999), LR 38:63 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Small Business Analysis

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:978.1 et seq.

Provider Impact Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs, or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, LSBME, 630 Camp Street, New Orleans, LA 70130. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m. on February 26, 2026.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the board within 20 days of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on February 26, 2026, at 9 a.m., at the office of the LSBME, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call in advance to confirm.

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

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Respiratory Therapists

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

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule changes. The cost for the Louisiana State Board of Medical Examiners is approximately \$1,384 in FY 26 for the notice and rule publication in the *Louisiana Register*.

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

The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.

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

The proposed rule changes are not expected to result in any significant costs or economic benefits to directly affected persons, small businesses, or non-governmental groups. The revisions mostly update language, remove duplication, and reorganize existing requirements for respiratory therapists without adding new fees, training mandates, or licensure steps. Current practitioners and employers will continue to meet the same standards already in place, so there should be no financial impact on individuals or the respiratory therapy profession overall.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

Vincent A. Culotta, Jr. M.D.
Executive Director
2601#055

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Pharmacy

Community Pharmacy (LAC 46:LIII.Chapter 13)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy hereby gives notice of its intent to repeal Chapter 13 of its rules relative to Community Pharmacy. During the Board's review of its rules in compliance with the Governor's Executive Order No. JML 25-038 and Act 102 of the 2024 Regular Session, the regulations in Chapter 13 were determined to be unnecessary because its requirements are already addressed in Chapter 11, Pharmacies.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 13. Community Pharmacy

§1301. Definition

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2092 (October 2003), effective January 1, 2004, repealed LR 52:

§1303. Permit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2092 (October 2003), effective January 1, 2004, repealed LR 52:

§1305. Compliance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2092 (October 2003), effective January 1, 2004, repealed LR 52:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed repeal of these rules will have no effect on the stability of the family.