

RULE

Department of Health Health Standards Section

Direct Service Worker Registry (LAC 48:I.Chapter 92)

The Department of Health, Health Standards Section (the department), has amended LAC 48:I.Chapter 92 as authorized by R.S. 36:254 and R.S. 40:2179-2179.1. This Rule has been promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 92. Direct Service Worker Registry

Subchapter A. General Provisions

§9201. Definitions

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Direct Service Worker Registry—the Louisiana adverse actions list maintained by the department, or its designee, of unlicensed persons who have a finding placed against them of abuse, neglect, misappropriation, exploitation, or extortion while employed or contracted as a direct service worker (DSW) at a licensed health care facility or entity, who is ineligible to be employed, contracted or continue to be employed or contracted as a DSW.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2058 (November 2006), amended LR 33:95 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3175 (December 2012), LR 42:893 (June 2016), amended by the Department of Health, Bureau of Health Services Financing, amended LR 45:662 (May 2019), amended by the Department of Health, Health Standards Section, LR 51:1614 (October 2025).

§9202. Introduction

A. - B.5. ...

C. Licensed and/or certified healthcare providers shall access the DSW registry and the Office of Inspector General's (OIG) list of excluded individuals and entities (LEIE) prior to hire, and then monthly thereafter to determine if there is a finding that a prospective hire, or currently employed or contracted DSW, has been determined to have committed exploitation, extortion, abuse or neglect of an individual being supported, or misappropriated the individual's property or funds. If there is such a finding on the DSW registry and/or the OIG's LEIE, the prospective employee or contracted individual shall not be hired or contracted as a DSW nor shall a current employee or contracted individual continue to work as a DSW with the licensed and/or certified health care provider.

1. Access to the DSW registry and/or the OIG's LEIE shall be limited to an inquiry for a specific DSW.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2059 (November 2006), amended LR 33:95 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3176 (December 2012), LR 42:894 (June 2016), amended by the Department of Health, Bureau of Health Services Financing, amended LR 45:663 (May 2019), amended by the Department of Health, Health Standards Section, LR 51:1614 (October 2025).

Subchapter C. Provider Participation

§9231. Health Care Provider Responsibilities

A. - A.3. ...

B. The health care provider shall have a written policy/process to check the DSW registry and the OIG's LEIE prior to hire and then monthly thereafter, to determine if any currently employed or contracted DSW or trainee has been placed on the DSW registry and/or OIG's LEIE with a finding that he/she has been determined to have committed abuse or neglect of an individual being supported or misappropriated the individual's property or funds or committed exploitation or extortion of an individual being supported. If there is such a finding on the DSW registry and/or the OIG's LEIE, the prospective employee or contracted individual shall not be hired or contracted, nor shall a current or contracted DSW continue to work as a DSW.

B.1. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

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Subchapter E. Violations

§9277. Informal Dispute Resolution

A. When a DSW feels that he/she has been wrongly accused, the following procedure shall be followed:

1. The DSW may request an informal dispute resolution (IDR) within 15 calendar days after the delivery or documented attempted delivery, of the department's notice of violation by U.S. Postal Service mail, FedEx, United Parcel Service, or other document delivery service approved by the department, addressed to the address reflected on the DSW registry, to the DSW's last known address if there is no address for the DSW in the registry, or to the DSW's electronic mail address. The request for an IDR shall be made to the HSS in writing.

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2061 (November 2006), amended LR 33:98 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3180 (December 2012), LR 42:895 (June 2016), amended by the

Department of Health, Health Standards Section, LR 51:1615 (October 2025).

Subchapter F. Administrative Hearings

§9285. General Provisions

A. The DSW may request an administrative hearing within 30 calendar days after delivery or documented attempted delivery, of the department's notice of violation or the notice of the results of an informal dispute resolution by U.S. Postal Service mail, FedEx, United Parcel Service, or other document delivery service approved by the department addressed to the DSW's mailing address as reflected on the DSW registry, to the DSW's last known address if there is no address for the DSW in the registry, or to the DSW's electronic mail address.

A.1. - E.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2062 (November 2006), amended LR 33:98 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3180 (December 2012), LR 42:896 (June 2016), amended by the Department of Health, Bureau of Health Services Financing, amended LR 45:664 (May 2019), amended by the Department of Health, Health Standards Section, LR 51:1615 (October 2025).

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Secretary

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