

NOTICE OF INTENT

Department of Health
Health Standards Section

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

The Department of Health, Health Standards Section (the department), proposes to amend LAC 48:I.Chapter 92 as authorized by R.S. 36:254 and R.S. 40:2179-2179.1. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The department proposes to amend the provisions governing the direct service worker (DSW) registry in order to update the definition of DSW registry, to revise the requirements for checking the DSW registry, and to clarify the process for requesting an informal dispute resolution or administrative hearing.

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

* * *

Direct Service Worker Registry—~~the negative database,~~
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 ~~DSW~~direct service
worker (DSW) at a licensed health care facility or entity, who
~~are~~is ineligible to be employed, contracted or ~~have continued~~
~~employment,~~ continue to be employed or contracted as a ~~direct~~
~~service worker~~DSW.

* * *

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:

§9202. Introduction

A. - B.5. ...

C. Licensed and/or certified health-care 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 ~~have continued~~
~~employment~~ 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:

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 ~~on~~ and the ~~department's designated database at least every six months~~ 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.

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 33:97 (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:

Subchapter E. Violations

§9277. Informal Dispute Resolution

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

1. The ~~direct service worker~~DSW may request an informal dispute resolution (IDR) within 15 calendar days ~~of~~after the ~~receipt~~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:

Subchapter F. Administrative Hearings

§9285. General Provisions

A. ~~Within~~ The DSW may request an administrative hearing within 30 calendar days after receipt-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 ~~direct service worker may request an administrative hearing~~ 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:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability, and 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 poverty impact of this proposed Rule has been considered. It is anticipated that this proposed

Rule 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.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on the direct or indirect cost to small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service. It is anticipated that implementation of this proposed Rule will have no impact on the direct or indirect costs to providers.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, Post Office Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 4, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on July 14, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on July 29, 2025 in Room 118 of the

Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after July 14, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Bruce D. Greenstein

Secretary

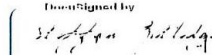
FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement:	Cynthia York	Dept.:	Health
Phone:	225-342-9049	Office:	Health Standards Section
Return Address:	P. O. Box 3767	Rule Title:	Direct Service Workers
	Baton Rouge, LA	Date Rule Takes Effect:	As soon as possible

SUMMARY
(Use complete sentences)

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

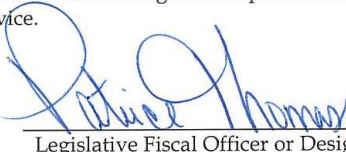
- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state or local governmental units other than the cost of promulgation in FY 26. It is anticipated that \$756 will be expended in FY 26 for the state's administrative expense for promulgation of this proposed rule and the final rule.
- This proposed rule amends the provisions governing the direct service worker registry in order to update the definition of direct service worker (DSW) registry, to revise the requirements for checking the DSW registry, to add the requirement to access the Office of Inspector General's (OIG) list of excluded individuals and entities (LEIE), and to clarify the process for requesting an informal dispute resolution or administrative hearing.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is anticipated that implementation of this proposed rule will have no impact on state or local revenue collections. This is a licensing rule that does not add any licensing fees.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)
It is anticipated that implementation of this proposed rule will have no impact on the direct or indirect costs to providers, nor is it anticipated to result in any economic benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
It is anticipated that this proposed rule will have no effect on the staffing level requirements or qualifications required to provide the same level of service.

Designated by


Signature of Head or Designee
Steffan Rutledge, on behalf of
Tasheka Dukes, RN, BSN, MHA
Deputy Assistant Secretary/Director
LDH Health Standards Section

Typed Name & Title of Agency Head or Designee
6/9/2025

Date of Signature



Legislative Fiscal Officer or Designee

6/09/2025

Date of Signature

06/2024