

## **POTPOURRI**

### **Department of Health Health Standards Section**

#### **Nurse Staffing Agencies Licensing Standards (LAC 48:I.Chapter 77)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health, Health Standards Section (the department), published a Notice of Intent in the June 20, 2025 edition of the *Louisiana Register* (LR 51:888-894) to amend LAC 48:I.Chapter 77, as authorized by R.S. 36:254. This Notice of Intent proposed to amend the provisions governing the licensing of nurse staffing agencies in order to add and update definitions, adjust social media policy requirements, revise administrator qualifications, and modify initial licensure, renewal of licensure, and change of ownership requirements.

As a result of comments received in response to the proposed Rule, the department determined that additional, non-technical revisions were necessary to the provisions of the June 20, 2025 Notice of Intent. A Potpourri was published in the September 20, 2025 edition of the *Louisiana Register* (LR 51:1530-1532) to amend LAC 48:I.Chapter 77 as authorized by R.S. 36:254. This Potpourri proposed to amend definitions, licensure requirements, and the process for license application and license renewal.

As a result of comments received in response to the proposed Rule, the department determined that additional, non-technical revisions were necessary to the provisions of the June 20, 2025 Notice of Intent and the September 20, 2025 Potpourri.

Taken together, these revisions will closely align the proposed Rule with the department's original intent and the concerns brought forth during the comment period for the Notice

of Intent and the Potpourri as originally published.

The Rule text below has been drafted utilizing plain language principles to ensure clarity and accessibility for all users. It has also been reviewed and tested for compliance with web accessibility standards.

## **Title 48**

### **PUBLIC HEALTH—GENERAL**

#### **Part I. General Administration**

#### **Subpart 3. Licensing and Certification**

### **Chapter 77. Nurse Staffing Agencies Licensing Standards**

#### **Subchapter A. General Provisions**

#### **§7703. Definitions**

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Certified Nurse Aide (CNA)—an individual who has completed a Nurse Aide Training and Competency Evaluation Program approved by the state as meeting the requirements of 42 CFR 483.151 and 483.154, or has been determined competent as provided in 42 CFR 483.150(a) and (b) and is listed as certified and in good standing on the state's certified nurse aide registry. For purposes of this licensing rule, a CNA who is engaged through a licensed NSA may be considered ~~an independent~~ contractor, provided that such classification is consistent with state and federal law, and the CNA in his or her sole discretion bids on open shifts and chooses where, when, and how often to work.

\* \* \*

*Employee or Contracted Staff*—a person employed or engaged as ~~an independent~~ contractor by the nurse staffing agency (NSA) to perform healthcare services in a healthcare facility.

*Healthcare Technology Platform or Platform*—any person, partnership, corporation, unincorporated association or other legal entity that develops and operates, offers, or maintains a system or technology that provides an internet-based or

application-based marketplace through which a contracted independent nurse, who has a current Louisiana license in good standing practicing within the scope of the nursing license, or certified nurse aide bids on, selects, or accepts open shifts posted by a healthcare facility to provide services for the healthcare facility. A NSA operating as a healthcare technology platform shall designate a nurse as a person of contact for all healthcare facilities.

*Licensed Practical Nurse (LPN)*—a person who practices practical nursing and who is licensed to practice practical nursing in accordance with R.S. 38:961, or current law. For purposes of this licensing rule, an LPN who is engaged through a licensed NSA may be considered an ~~independent~~ contractor, provided that such classification is consistent with state and federal law, and the LPN in his or her sole discretion bids on open shifts and chooses where, when, and how often to work. The LPN shall have a current Louisiana license in good standing, and shall practice within the scope of the LPN license.

*Nurse*—a registered nurse as defined in R.S. 37:913, or current law, or a licensed practical nurse as defined in R.S. 37:961, or current law. For purposes of this licensing rule, a nurse who is engaged through a licensed NSA may be considered an ~~independent~~ contractor, provided that such classification is consistent with the state and federal law, and the nurse in his or her sole discretion bids on open shifts and chooses where, when, and how often to work. The nurse shall have a current Louisiana license in good standing, and shall practice within the scope of the nursing license.

*Nurse Staffing Agency (NSA)*—any person, partnership, corporation, unincorporated association, or other legal entity, including a healthcare technology platform, that employs,

contracts with, assigns, or refers nurses or CNAs to render healthcare services in a healthcare facility for a fee. For purposes of this definition, a fee does not mean damages recovered in a breach of contract matter. For purposes of these regulations, NSA does not include the following:

1. - 4. ...

*Registered Nurse (RN)*—any individual licensed in accordance with R.S. 37:911 et seq., or current law, to engage in the practice of nursing as defined in R.S. 37:913, or current law. For purposes of this licensing rule, an ~~registered nurse~~ RN who is engaged through a licensed NSA may be considered an ~~independent~~ contractor, provided that such ~~registered nurse~~ classification is consistent with the state and federal law, and the RN in his or her sole discretion bids on open shifts and chooses where, when, and how often to work. The RN shall have a current Louisiana license in good standing, and shall practice within the scope of the RN license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1729 (October 2023), amended by the Department of Health, Health Standards Section, LR 52:

#### **§7705. Licensure Requirements**

A. - E. ...

F. The NSA shall maintain evidence of the following:

1. ...

2. current compliance with the Louisiana Workers' Compensation Law, R.S. 23:1020.1, et seq., or current law, with a minimum coverage in the amount of \$1,000,000, or equivalent coverage, such as occupational accident insurance, for those

~~independent~~ contractors or other staff not subject to Louisiana Worker's Compensation law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1730 (October 2023), amended by the Department of Health, Health Standards Section, LR 52:

**§7707. Initial Licensure Application Process**

A. ...

B. The initial licensing application packet shall include:

1. - 5. ...

6. evidence of the following:

a. - b. ...

c. compliance with the Louisiana Workers' Compensation Law, R.S. 23:1020.1 et seq., or current law, with a minimum coverage in the amount of \$1,000,000, or equivalent coverage, such as occupational accident insurance, for those ~~independent~~ contractors or other staff not subject to Louisiana Worker's Compensation law;

7. - 9. ...

10. - 11. Repealed.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1730 (October 2023), amended by the Department of Health, Health Standards Section, LR 52:

**§7715. Change of Ownership of a Nurse Staffing Agency**

**Provider**

A. ...

B. Before a license can be issued to the new owner, the new owner shall meet all licensing application requirements. The new owner shall submit to the department for approval, a change of ownership (CHOW) application packet that includes:

1. - 5. ...

6. evidence of the following:

a. - b. ...

c. current compliance with the Louisiana Workers' Compensation Law, R.S. 23:1020.1 et seq., or current law, with a minimum coverage in the amount of \$1,000,000, or equivalent coverage, such as occupational accident insurance, for those ~~independent~~ contractors or other staff not subject to Louisiana Worker's Compensation Law;

B.7. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1733 (October 2023), amended by the Department of Health, Health Standards Section, LR 52:

**§7717. Renewal of License**

A. The NSA shall submit a completed license renewal application packet to the department at least 30 days prior to the expiration of the current license. The completed license renewal application packet shall include:

1. ...

2. evidence of the following:

a. - b. ...

c. evidence of current compliance with the Louisiana Workers' Compensation Law, R.S. 23:1020.1 et seq., or current law, with a minimum coverage in the amount of \$1,000,000, or equivalent coverage, such as occupational accident insurance, for those ~~independent~~ contractors or other staff not subject to Louisiana Worker's Compensation law;

A.3. - C.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1734 (October 2023), amended by the Department of Health, Health Standards Section, LR 52:

Interested persons may submit written comments to Cecile Castello, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. A public hearing on the substantive changes to the proposed Rule is scheduled for March 3, 2025 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing. The deadline for receipt of all written comments is March 4, 2025 at 4:30 p.m.

Bruce D. Greenstein

Secretary