

NOTICE OF INTENT

Department of Health Health Standards Section

Nurse Aide Training and Competency Evaluation Program Licensing Standards (LAC 48:I.10001 and 10015)

The Department of Health, Health Standards Section (the department), proposes to amend LAC 48:I.10001 and §10015 as authorized by R.S. 36:254 and P.L. 100-203. 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 licensing of nurse aide training and competency evaluation programs in order to add definitions and provisions for the utilization of virtual classroom training.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 100. Nurse Aide Training and Competency Evaluation Program

Subchapter A. General Provisions

§10001. Definitions

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~~Didactic Teaching~~—a teaching method that focuses on teachers giving lessons to students. Typically, teachers who use didactic teaching create structured lessons that focus on lectures.

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~~Real-Time Learning~~—students and teachers work together at the same time and in the same place, face to face either via traditional school classroom or an online space that acts as a virtual classroom.

* * *

~~Virtual Classroom~~—a learning environment where students and instructors interact through the use of internet-based platforms, such as video conferencing software or learning

management systems, to engage in live, synchronous educational sessions. Virtual classrooms may include tools such as chat, polls, shared document editing, and real-time learning, but exclude hands-on laboratory, skills, and/or clinical practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and P.L. 100-203.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2074 (November 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1242 (May 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1936 (November 2023), amended by the Louisiana Department of Health, Health Standards Section, LR 51:

Subchapter B. Training and Competency Requirements

§10015. Training Curriculum/Program Approval

A. - B.2. ...

C. Curriculum Competencies. The training program shall be conducted to ensure that each nurse aide, at a minimum, is able to demonstrate competencies in the following areas:

C.1. - 9. ...

D. Program Approval

1. - 2. ...

3. All schools applying for approval shall identify the physical or virtual locations used for classroom instruction and physical location for the clinical experience. Non-facility based programs shall also submit clinical contracts which meet the guidelines established by the department.

4. - 6. ...

E. Virtual Classroom Training

1. Nurse aide training and competency evaluation programs may include virtual classroom training for theory or

didactic portions of the program, excluding skills, laboratory, and/or clinical instruction.

2. Virtual classroom training must meet the following requirements:

a. Equipment Requirements

i. The program must ensure that learners have access to necessary equipment, including a computer or tablet with internet access, microphone, and camera for real-time learning with instructors.

ii. The platform used for virtual learning must allow for secure, real-time communication between the instructor and the learner and facilitate the delivery of course materials.

b. Attendance Verification

i. The program must implement a system to verify student attendance in virtual classrooms. This may include but is not limited to, logging into the virtual classroom platform, engaging with content, and participating in live sessions.

ii. The program must retain attendance records, and students must log in at the start of each session. Students must also be required to complete periodic quizzes or assignments to verify engagement.

c. Monitoring and Maintaining Integrity

i. The program must employ methods for monitoring student participation during virtual training to maintain academic integrity. These may include video surveillance, proctored exams, or other forms of verification to ensure that the enrolled student is participating.

ii. The program must have a system for tracking and reporting non-participation or disruptive behavior

by a student, which may include withdrawal or other corrective measures.

d. Instructor Qualifications

i. Instructors for virtual classroom training must meet the same qualifications as those required for in-person instruction, including but not limited to, necessary certifications, experience, and familiarity with the virtual teaching platform.

3. Programs that incorporate virtual classroom training must submit a detailed plan, to include the department's approved curriculum, for how virtual learning will be implemented and monitored. The plan must include the types of courses delivered in the virtual classroom, the software platforms used, and methods for ensuring academic integrity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and P.L. 100-203.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2075 (November 2006), amended by the Department of Health and Hospitals, Bureau of Health Financing LR 38:1242 (May 2012), repromulgated LR 38:1410 (June 2012), 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 may have an indeterminable impact on the direct or indirect cost to small businesses that may provide virtual classroom learning.

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 may have an indeterminable 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 may have an indeterminable impact on the direct or indirect costs to providers that may provide virtual classroom learning.

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. 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

RULE TITLE: Nurse Aide Training and Competency Evaluation

Program Licensing Standards

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 \$648 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 licensing of nurse aide training and competency evaluation programs (NATCEP) in order to add definitions for didactic teaching, real-time learning, and virtual classroom, and to add provisions for the utilization of virtual classroom training in an effort to attract nurse aide students.

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 may have an indeterminable impact on the direct or indirect costs to providers that choose to provide virtual classroom learning. Potential costs are dependent upon whether additional instructors are necessary for virtual classroom learning, cost of equipment and software, decreased use of classroom space, etc.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that this proposed rule may have an indeterminable effect on the staffing level requirements or qualifications required to provide the same level of service for those providers that choose to provide virtual classroom learning. The impact to staffing level is dependent upon if additional instructors are required for virtual classroom learning. In addition, if more students are utilizing virtual classroom learning options, there may be a decrease in need for real-time learning instructors.