

## **NOTICE OF INTENT**

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

#### **Hospitals Licensing Standards (LAC 48:I.9323, 9479, and 9501)**

The Department of Health, Health Standards Section (the department), proposes to amend LAC 48:I.9323, §9479, and §9501 as authorized by R.S. 36:254 and R.S. 40:2100 - 2115. 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 provisions governing the licensing of hospitals to update hospital administrator requirements, and to clarify requirements of the director of nursing and registered nurse manager.

### **Title 48**

#### **PUBLIC HEALTH-GENERAL**

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

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

#### **Chapter 93. Hospitals**

##### **Subchapter B. Hospital Organization and Services**

##### **§9323. Administration**

A. In accordance with the hospital policy, there shall be a full-time administrator who is responsible for hospital operations. The administrator shall be given power by the governing body. Beginning June 1, 2025, no administrator shall be administrator of more than one licensed hospital.

1. The administrator may be an administrator of one additional licensed hospital, if the following terms are met:

a. the additional hospital shall also be licensed for less than 50 beds; and

b. the additional hospital shall not be under a settlement agreement with LDH.

B. - G.5. ...

AUTHORITY NOTE: Promulgated in accordance with  
R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health  
and Human Resources, Office of the Secretary, LR 13:246 (April  
1987), amended by the Department of Health and Hospitals, Office  
of the Secretary, Bureau of Health Services Financing, LR 21:177  
(February 1995), LR 29:2407 (November 2003), amended by the  
Department of Health, Health Standards Section, LR 50:1481  
(October 2024), LR 51:958 (July 2025), LR 51:

## **Subchapter P. Rehabilitation Services (Optional)**

### **§9479. Organization and Staffing**

A. - C. ...

D. A general hospital rehabilitation unit shall have a  
registered nurse (RN) as unit manager. The RN shall have at  
least one year of clinical nursing experience providing  
rehabilitative nursing care. The clinical nursing experience  
shall be in an acute care hospital's rehabilitation unit, or in  
a rehabilitation hospital. The unit shall provide:

1. 24-hour RN coverage; and
2. an adequate number of licensed nurses and  
rehabilitative workers to provide the nursing care necessary  
under each patient's active treatment program.

E. In a rehabilitation hospital, the director of nursing  
(DON) services shall be a full-time RN. The DON shall have three  
years clinical nursing experience. At least one year of  
clinical nursing experience shall be in providing rehabilitative  
nursing care in an acute care hospital's rehabilitation unit, or  
in a rehabilitation hospital. The hospital shall provide:

1. 24-hour RN coverage; and
2. an adequate number of licensed nurses and  
rehabilitative workers to provide the nursing care necessary  
under each patient's active treatment program.

F. - J.12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:2423 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:1490 (October 2024), LR 51:

## **Subchapter R. Psychiatric Services (Optional)**

### **§9501. Staffing**

A. - B. ...

C. In a psychiatric hospital, the DON shall be a full-time RN.

1. A DON hired or promoted prior to May 31, 2026, shall meet the following criteria for education and experience:

a. - b. ...

c. a bachelor's, associate degree, or diploma in nursing with documented evidence of educational programs focused on treating psychiatric patients. The educational programs shall have occurred at intervals sufficient enough to keep the nurse current on psychiatric nursing techniques. In addition, the nurse shall have:

i. at least five years of nursing experience, three years of which were providing nursing care to the mentally ill:

(a) in an acute care hospital's psychiatric unit; or

(b) in a psychiatric hospital; or

ii. receive regular, documented supervision/consultation from a master's prepared psychiatric nurse.

2. A DON hired or promoted on or after June 1, 2026, shall meet the following criteria for education and experience:

a. ...

b. at least three years clinical RN experience in providing psychiatric nursing care. The psychiatric nurse care shall have been provided:

(i) in an acute care hospital's psychiatric unit; or

(ii). in a psychiatric hospital; and

c. on-going training in psychiatric nursing. A master's degree in psychiatric nursing equals on-going training. Training documentation shall be kept in the personnel file for the DON.

D. - I.3.c. ...

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AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2426 (November 2003). amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1489 (August 2015), amended by the Department of Health, Health Standards Section, LR 50:1492 (October 2024), LR 51:

#### **Family Impact Statement**

Pursuant to Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the proposed Rule's impact on families has been considered. This proposed Rule is not expected to impact the family as described in R.S. 49:972.

#### **Poverty Impact Statement**

Pursuant to Act 854 of the 2012 Regular Session of the Louisiana Legislature, consideration has been given to the

proposed Rule's impact on poverty. This proposed Rule is not expected to impact poverty or community asset development under 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 implementation of this proposed Rule may have an indeterminable impact in direct or indirect costs/savings for hospitals in FY 26, FY 27, and FY 28. Hospitals that choose to utilize the same administrator for more than one hospital may realize a cost savings in employee salaries. By complying with the proposed Rule change, hospitals may be required to pay a higher salary to employ RNs with specialized experience in certain types of positions.

#### **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 implementation of this proposed Rule may have an indeterminable impact in direct or indirect costs/savings for hospitals in FY 26, FY 27, and FY 28. Hospitals that choose to utilize the same administrator for more than one hospital may realize a cost savings in employee salaries. By complying with the proposed Rule change, hospitals may be required to pay a higher salary to employ RNs with specialized experience in certain types of positions.

#### **Public Comments**

Interested persons may submit written comments to Steffan W. Rutledge, Esq., Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Mr. Rutledge is responsible for responding to inquiries regarding this proposed Rule. The

deadline for submitting written comments is at 4:30 p.m. on October 30, 2025.

### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing. The request may be mailed to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629. Such request must be received no later than 4:30 p.m. on October 10, 2025. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing. The public hearing shall be at 9:30 a.m. on October 28, 2025. The hearing shall be held in Room 118 of the Bienville Building 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, call Allen Enger at (225) 342-1342 after October 10, 2025. If a public hearing is to be held, all interested persons are invited to attend. Attendees may present data, views, comments, or arguments, orally or in writing.

Bruce D. Greenstein

Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Hospitals 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 SGR will be expended in FY 26 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

The department proposes to amend the provisions governing the licensing of hospitals in order to update hospital administrator requirements, and to clarify existing requirements

for clinical nursing experience of the director of nursing and registered nurse (RN) manager.

## 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 in direct or indirect costs/savings for hospitals in FY 26, FY 27, and FY 28. Hospitals that choose to utilize the same administrator for more than one hospital may realize a cost savings in employee salaries. By complying with the proposed Rule change, hospitals may be required to pay a higher salary to employ RNs with specialized experience in certain types of positions.

## IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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. In certain situations, hospitals may utilize the same administrator for more than one hospital. Additionally, requiring a specific type of clinical RN experience may limit the hospitals' pool of candidates for certain positions.