

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS

131 AIRLINE DRIVE, SUITE 301
METAIRIE, LOUISIANA 70001-6266
(504) 838-5791
Fax: (504) 838-5279
www.lsbpne.la.gov

**THE LAW RELATING TO THE PRACTICE OF PRACTICAL NURSING
(NURSE PRACTICE ACT)
and
THE ADMINISTRATIVE RULES AND MINIMUM REQUIREMENTS
RELATING TO PRACTICAL NURSING EDUCATION AND LICENSURE
TO PRACTICE IN THE STATE OF LOUISIANA**

(Revised June, 2017)

The Louisiana Administrative Code (LAC.§933.A.3. & A.8.) stipulates that instruction be given to students in practical nursing programs regarding the Louisiana Revised Statutes, Title 37, Chapter 11. Nurses, Subpart II. Practical Nurses and the LAC 46:XLVII. Nurses, Subpart 1. Practical Nurses.

Included here is a guide as to what should be covered and stressed to the students in developing your program's curriculum.

The Law Related to the Practice of Practical Nursing (Nurse Practice Act) and Administrative Code can be found on our website at www.lsbpne.com.

Should you have any questions or points of clarification, do not hesitate to call the office.

COURSE TITLE: The Law Relating to the Practice of Practical Nursing (Nurse Practice Act) and The Administrative Rules and Minimum Requirements Relating to Practical Nursing Education and Licensure to Practice in the State of Louisiana

COURSE DESCRIPTION: IN INTRODUCTION TO PRACTICAL NURSING:

In the beginning of the program of practical nursing it is necessary for the new student to begin to understand the importance and value of the license (s)he is studying to obtain. Being a practical nurse is a public trust which the Louisiana State Board of Practical Nurse Examiners (LSBPNE), the program administrators and the future practical nurse must decide to accept in order to offer service to clients in the health care field.

IN CAREER READINESS:

It is essential that the prospective practical nurse fully understands the responsibilities imposed by the privilege of licensure to practice practical nursing.

This course presents the Law and the Rules which govern licensure to practice practical nursing.

It is designed to prepare the future LPN for compliance with the Law, to explain the simple procedures which facilitate necessary operation of the LSBPNE and to outline the obligations which accompany the privilege of service in health care.

COURSE OBJECTIVES: Upon completion of this course, the student practical nurse will be able to:

1. Define practical nursing according to the Law.
2. Identify the LSBPNE and outline its duties and powers.
3. Demonstrate an understanding of the term endorsement and relate the procedure for application for endorsement to another state.
4. Define Renewal of License as described in the Law.
5. Explain the terms Reinstatement of License and Retirement from Practice.
6. Identify violations of the Law as outlined in the Law and the Rules.
7. Define Reprimand, Probation, Suspension and Revocation according to the Rule.
8. Discuss the reasons for possible disciplinary action by the Board.
9. Demonstrate an understanding of the school administration's responsibility to the LSBPNE relating to the practical nursing program.
10. Define qualifications for Licensure.
11. Explain the procedure to apply for a license.
12. Identify types of licensure.
13. Define temporary permit and the limitations/privileges it includes.
14. Write the abbreviation that a new graduate on temporary permit must use when charting.
15. Outline the procedures for requesting a name change, address change, and verification of lost/stolen/never received license.

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- I. The Law Relating to the Practice of Practical Nursing - originally enacted in 1948, the Law has been amended on a number of occasions, the most recent amendment occurring in 2014. Contained in the Law are:
 - A. The definition of practical nursing:
 1. Read section 961 verbatim
 - B. Regulations governing the LSBPNE:
 1. Read sections 962 through 969.1 verbatim - while these sections relate specifically to the Board itself, it is pertinent that the student examine closely section 969; Duties and Powers of the Board. **STRESS** the fact that:
 - a. The program is accredited;
 - b. The Board **SHALL** examine and license qualified applicants **AND** renew licenses;
 - c. The Board **SHALL** conduct hearings upon charges calling for discipline of a license, etc., specifically: is habitually intemperate or is addicted to the use of habit forming drugs.
 - C. Qualifications of Applicants
 1. Read section 970 verbatim.
 - D. Examination; licensing
 1. Read section 971 verbatim.
 2. **EXPLAIN** that the board currently accepts the National Council Licensure Examination for Practical Nurses (NCLEX-PN) as the examination qualifying those receiving a result of Pass.
 - E. Licensing by endorsement
 1. Section 972 - does not apply to licensees in Louisiana.
 2. Those seeking licensure in another state should contact that state for licensing requirements.
 - F. Renewals
 1. Read section 973 verbatim.
 2. **STRESS** that to continue practicing with an expired license is the same as practicing without a license and is cause for disciplinary action. It is a violation of the Nurse Practice Act.
 - G. Reinstatement of license
 1. Read section 974 verbatim.
 2. **EMPHASIZE** that both the current renewal fee as well as a reinstatement fee (late fee) will be assessed.

- H. Retirement from practice
 - 1. Read section 975 verbatim.
 - 2. EXPLAIN: Written notification to the Board of retirement from practice (no matter the reason) is needed to place the LPN on an inactive list. If written notification is not received, the LPN remains on the active list and is considered delinquent.
 - 3. If a practical nurse completes further schooling to be licensed as a registered nurse, (s)he may continue to renew licensure as a LPN or request to be placed on inactive status to avoid being listed as delinquent with this Board.
 - 4. Licensees who have been out of practice for four or more years and wish to resume practicing will be required to take a refresher course approved by this Board.

- I. Schools of Practical Nursing, application, hearings
 - 1. Section 976 - this section does not apply to the LPN

- J. Fees
 - 1. Read section 977 verbatim.

- K. Violations, Penalties
 - 1. Read section 978 verbatim.
 - 2. STRESS: (5) Practice practical nursing during the time his license has lapsed because of his intentional failure to renew the license.

- L. Exemptions
 - 1. Read section 979 verbatim.
 - 2. EXPLAIN: the Law is covered here in an attempt to clarify the most important points referring to the LPN. Many of the areas are subject to Board interpretation.

- II. Administrative Rules and Minimum Requirements Relating to Practical nursing Education and Licensure to Practice in the State of Louisiana. (LAC:46:XLVII.Nurses. Subpart 1. Practical Nurses)
 - A. Section 306 - Rules and Adjudication and License Suspension and Revocation Proceedings
 - 1. Read section 306.R. Disciplinary action(s) ...verbatim:
 - a. R.1. Reprimand
 - b. R.2. Probation
 - c. R.3. Suspension (a and b)
 - d. R.4. Revocation
 - 2. Read section 306.T. The grounds for disciplinary proceedings...verbatim:
 - a. T.1 through T.8
 - b. T.8 - a. through t.

3. EXPLAIN that the Board is not a court of Law, but holds jurisdiction over Practical Nurses' licenses in Louisiana. Information is not turned over to a court of Law; however, some judges in the case of LPNs who are arrested will automatically suspend the licenses by stating that they cannot work as Practical Nurses for long periods of time.
4. IN VOCATIONAL ADJUSTMENTS/ORIENTATION: STRESS that students who are experiencing problems with drugs should seek help NOW. The fact that drug problems are increasing causes the Board serious concerns about licensing those with a history of drug abuse. Each case is handled on an individual basis.
 - a. Many nurses realize that they cannot work in situations where drugs are remotely available. Many cases involve a combination of drug and alcohol problems.
 - b. Addiction is serious; however, the results of addiction are worse. For example:
 - (1) STEALING from health care agencies;
 - (2) STEALING from clients;
 - (3) LYING, CHEATING by substituting other medications or water for injections of pain medication, thus preventing the client from receiving relief of pain;
 - (4) FALSIFICATION of legal records.

B. Chapter 17. Licensure

1. Section 1701. Qualifications are as in the Law with the addition of:
 - a. §1701.3. Attain....result of "Pass"...
 - b. §1701.4. Complete and submit the required application accompanied by the specified fee.
2. Section 1703. Types of licensure
 - a. Read Section 1703.A. Licensure by examination verbatim.
 - (1) STRESS that licensing exam must be taken within 60 days of program completion. A late fee will apply after 60 days.
 - (2) EXPLAIN that the exam may be taken up to four times within a period of two years from the date of being made eligible.
 - (3) STRESS that a student is required to re-enter and successfully complete the entire practical nursing program without advance credits if the fourth writing is unsuccessful before being allowed to take the practical nursing examination again.
 - b. Section 1703.B.,C., and D. is not applicable.

3. Read Section 1705. Temporary permit A. and B. is not applicable
4. Section 1707. Duplicates what is in the Law concerning Retirement from Practice.
5. Read Section 1709. Name Change verbatim.
6. Read Section 1711. Address Change verbatim.
 - a. STRESS that the word “SHALL” is used in this section which denotes mandatory compliance (LAC.§501.).
7. Section 1713. Verification of License
 - a. This applies to lost/stolen or license not received in the mail by the licensee.