



LNHA Regulatory Update: May 2025

Potpourri

The Louisiana Department of Health (LDH) Health Standards Section (HSS) published a Notice of Intent in the February 20, 2025, edition of the *Louisiana Register* to amend LAC 48:I.9701 and §9759 as authorized by R.S. 36:254 and R.S. 40:2009.1–2116.2. The Notice of Intent would revise the licensing requirements for nursing facilities (NFs) to require that NFs check the [Louisiana Certified Nurse Aide Registry](#) (LCNAR), the [Louisiana Adverse Actions List](#) and the [Office of Inspector General's List Of Excluded Individuals and Entities](#) (LEIE) prior to hiring—and monthly thereafter—to ensure that prospective or current certified nurse aides, whether employed or contracted, do not have disqualifying findings.

In response to public comments on the Notice of Intent, LDH HSS determined that additional, non-technical revisions were needed to more accurately reflect the original intent and address stakeholder concerns. The full text of the rule can be found [here](#) on page 108 of the PDF or below.

§9701. Definitions

Direct Service Worker Registry—the 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 direct service worker (DSW) at a licensed healthcare facility or entity, who is ineligible to be employed, contracted, or continue to be employed or contracted as a DSW.

§9759 Criminal History Provisions and Screening

A. ...

B. Prior to hire and then monthly thereafter, the nursing facility (NF) shall access the Louisiana certified nurse aide registry (LCNAR), the Louisiana adverse actions list, and the Office of Inspector General's (OIG) list of excluded individuals and entities (LEIE) to determine if there is a finding that a prospective hire or currently employed or contracted CNA has been determined to have committed exploitation, extortion, abuse or neglect of an individual in the care of the CNA, or there has been a misappropriation of the individual's property or funds. If there is such a finding on either database, the prospective employee shall not be hired as a CNA nor shall a current or contracted CNA have continued employment with the NF.

C. - D. ...

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding these substantive changes to the proposed Rule. A public hearing on the substantive changes to the proposed rule is scheduled for June 25, 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 June 30, 2025, at 4:30 p.m.

Questions

If you have comments or concerns regarding this update, contact LNHA Legal and Policy Director Wes Hataway at whataway@lnha.org.