

# DECLARATION OF EMERGENCY

## Department of Health Health Standards Section

Hospitals Licensing Standards  
(LAC 48:I.9303 and 9353)

The Department of Health, Health Standards Section amends LAC 48:I.9303 and §9353 as authorized by R.S. 36:254 and R.S. 40:2100-2115. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Health Standards Section amends the provisions governing the licensing of hospitals in order to add a new definition, and to include provisions for the distribution of naloxone nasal spray to patients and/or non-patients who present in the hospital.

This action is being taken due to the drastic increase in the number of fatal opioid overdoses in Louisiana. To prevent the imminent peril to the health, safety, and welfare of the public, access to a life-saving medication to reverse opioid overdose will be expanded. It is anticipated that implementation of this Emergency Rule will have no fiscal impact for state fiscal year 2023-2024. This action is effective April 29, 2024.

### Title 48

## PUBLIC HEALTH—MEDICAL ASSISTANCE

### Part I. General Administration

#### Subpart 3. Licensing and Certification

#### Chapter 93. Hospitals

#### Subchapter A. General Provisions

#### §9303. Definitions

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*Naloxone Nasal Spray*—an over-the-counter (OTC) Food and Drug Administration (FDA) approved medication that rapidly reverses the effects of opioid overdose.

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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 21:177 (February 1995), LR 29:2400 November 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:513 (March 2010), LR 37:3028 (October 2011), LR 38:1413 (June 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1475 (October 2019), LR 49:1221 (July 2023), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1934 (November 2023), amended by the Department of Health, Health Standards Section, LR 50:

#### Subchapter D. Pharmaceutical Services

#### §9353. Delivery of Services

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M. Naloxone nasal spray, as an over-the-counter (OTC) non-prescription drug, may be distributed by the hospital to patients and/or non-patients who present in the hospital. Other non OTC formulations and dosages of naloxone will remain available by prescription only.

AUTHORITY NOTE: Promulgated in accordance with 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 29:2411 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

### Public Comments

Tasheka Dukes, RN, Health Standards Section, is responsible for responding to inquiries regarding this Emergency Rule.

Ralph L. Abraham, M.D.  
Secretary

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