

## NOTICE OF INTENT

Department of Health  
Louisiana State Board of Nursing

### Continuing Full Approval for Nursing Education Degree Programs (LAC 46:XLVII.3535.B)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:918, that the Louisiana State Board of Nursing (LSBN) is proposing rule changes to Chapter 35, Section 3535, Subsection B, under Title 46, Professional and Occupational Standards, Part XLVII. The proposed change will remove the requirement to place undergraduate nursing degree programs on probation if they do not maintain an 80% or greater pass rate achieved by all candidates taking the licensure examination for the first time In any one January to December calendar year.

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLVII. Nurses: Practical Nurses and Registered Nurses

#### Subpart 2. Registered Nurses

#### Chapter 35. Undergraduate and Graduate Nursing Education Degree Programs

#### §3535.B Continuing Full Approval for Nursing Education Degree Programs

B. The undergraduate nursing education degree program shall have a pass rate of 80 percent or greater achieved by the candidates taking the licensure examination for the first time in any one January to December calendar year., ~~or the program shall be placed on probation.~~

- (1) An undergraduate nursing education degree program that does not meet the 80% first-time pass rate in any January to December calendar year will receive a letter of warning from the LSBN Board.
- (2) After two consecutive years of not meeting the 80% NCLEX-RN first-time pass rate standard or two years out of the last 3 years of not meeting the 80% NCLEX-RN first time pass rate standard, the undergraduate nursing education degree program will be placed on probation (See §3509.C.1 and 2.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918. HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:1027 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1149 (September 1993), LR 24:1293 (July 1998), LR 42:887 (June 2016). (January 2014), LR 40:2249 (November 2014), LR 42:572 (April 2016), amended by the Department of Health, Board of Nursing, LR 44:276 (February 2018), ), LR 45:1202 (September 2019).

### **Family Impact Statement**

The proposed additions and/or changes to the rules of the board, Louisiana State Board of Nursing should not have any known or foreseeable impact on any family as defined by R.S. 49.972(D) or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. a family's earnings and budget;
5. the behavior and personal responsibility of the children; or
6. the family's ability or that of the local government to perform the function as contained in the proposed Rule.

### **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 not have an impact on child, individual, or family poverty in relation to individual or community asset development as described on R.S. 49:973.

### **Small Business Analysis**

The impact of the proposed Rule on small businesses, as defined in the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have any significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

### **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 will not have an impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

## Public Comments

Interested persons may submit written comments on the proposed Rule to Dr. Karen C. Lyon, 17373 Perkins Road, Baton Rouge, LA 70810, or by facsimile to (225) 755-7585. All comments must be submitted by 5 p.m. on or before October 10, 2024.

Karen C. Lyon, PhD, MBA, APRN-CNS, NEA

Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES** **RULE TITLE: Continuing Full Approval for Nursing Education Degree Programs**

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Other than the cost of rulemaking, which is approximately \$250 in FY 24 related to publishing the proposed rule and final rule in the Louisiana Register, the proposed rule changes are not anticipated to result in implementation costs or savings to state or local governmental units. This cost will be paid from self-generated funds.

Current regulations require undergraduate nursing education degree programs to have an 80% or greater pass rate achieved by all candidates taking the licensure examination for the first time in any one January-to-December calendar year, or the program shall be placed on probation.

The proposed rule change will allow an undergraduate nursing education degree program that does not meet the 80% first-time pass rate in any January to December calendar year to receive a letter of warning from the LSBN Board. After two consecutive years, or two out of any three calendar years, of not meeting the 80% NCLEX-RN first time pass rate, the school would be placed on probation.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Since probation may eventually lead to termination of the program, the proposed rule change may help public universities avoid revenue losses resulting from the termination of their nursing programs. However, no nursing program has been involuntarily terminated since 2015; therefore, this impact will likely be minimal.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

Since probation may eventually lead to termination of the program, the proposed rule change may result in an increased number of programs available to prospective nursing students. However, no nursing program has been involuntarily terminated since 2015; therefore, this impact will likely be minimal.

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

The proposed rule change is not anticipated to have any effect on competition or employment.