

## NOTICE OF INTENT

Department of Health  
Louisiana State Board of Nursing

### BSN Faculty Exceptions (LAC 46:XLVII.3515.B.9)

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 3515, Subsection B, Subparagraph 9 under Title 46, Professional and Occupational Standards, Part XLVII. The proposed change will omit the percentage of Baccalaureate of Science in Nursing (BSN) prepared nurses with at least two years of clinical nursing experience allowed to work as faculty exceptions in approved Louisiana schools of nursing.

#### 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

A. – B.8. ...

9. Exceptions to the academic qualifications for undergraduate nurse faculty shall be justified and approved under board established guidelines. Exceptions, if granted by the board shall be:

B.9.a. - J. ...

**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 3:186 (April 1977), amended LR 10:1025 (December 1984), LR 12:678 (October 1986), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1147 (September 1993), repromulgated LR 24:1293 (July 1998), amended LR 26:2789 (December 2000), repromulgated LR 27:851 (June 2001), amended LR 33:1123 (June 2007), LR 36:1245 (June 2010), LR 42:880 (June 2016).

### 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.

#### **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 January 10, 2023.

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

Executive Director

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

**RULE TITLE:** Faculty and Faculty Organizations of Undergraduate and Graduate Education Degree Programs

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

The proposed rule revision will result in a one-time expenditure of \$250 in FY 23 for the Louisiana State Board of Nursing (LSBN) to publish the notice of intent and proposed rule revision in the Louisiana Register. The proposed rule revision will not affect the expenditures of other state or local governmental units.

Current regulations require that exceptions to the academic qualifications for undergraduate nurse faculty must be justified and approved under board-established guidelines. The standard requirement for academic qualifications is a master's degree in nursing. Current established guidelines for faculty exceptions limit the number of exceptions to 20% of the number of full-time faculty members in a college/university's nursing education degree program at any given time. The proposed revision removes the 20% cap on the use of baccalaureate-prepared nursing faculty for allow schools of nursing to increase their use of these prospective nurses to supervise clinical experiences of students and increase enrollment.

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

To the extent that the proposed revision to § 3515.B.9 increases the number of student applications for admission to clinical nursing courses and requisite documents to those applications including criminal background checks (CBCs) and fingerprinting, the LSBN and the Louisiana State Police (LSP) may collect increased revenue from application fees and background check fees. The magnitude of such increases is indeterminable, but the LSBN estimates that there may be an increase of up to 10 nursing students per faculty member for each baccalaureate-prepared nurse adjunct faculty member approved as a result of the removal of the 20% cap on faculty qualification exceptions.

The LSBN receives a \$100 application fee per applicant, while the LSP receives \$28 per background check (\$26 per state background check and \$2 of the \$13.25 federal background check fee). In addition, the LSP receives \$10 if fingerprints are taken by the agency. If a local law enforcement agency processes the background check, it may charge a processing fee of no more than \$5 and must remit a technology fee of \$5 to the Louisiana Sheriffs' Association.

To the extent that the proposed revision increases enrollment in pre-licensure Registered Nurse (RN) programs at public universities, those universities may receive additional tuition and fee revenue; however, the extent of any such increase is indeterminable.

### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change to § 3515.B.9 aligns with LSBN's and the Louisiana Legislature's desire to admit more students to the 30 pre-licensure RN programs in the state. Increased admissions

will contribute to addressing the RN shortage in the state, the most current estimates of which demonstrate over 4,000 vacancies in hospitals (based upon data from 2018). Additionally, those increased admissions will increase revenues from tuition and fees for colleges and universities with pre-licensure RN ed number of baccalaureate nurses employed by Louisiana schools of nursing.

The LSBN estimates that baccalaureate-prepared versus masters-prepared nursing faculty in adjunct roles could save schools of nursing as much as \$20/hour/adjunct faculty member.

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

The proposed change to § 3515.B.9 will remove the 20% cap on the use of baccalaureate-prepared nurses in adjunct faculty positions. It is anticipated that there will be no effect on competition as all schools of nursing will benefit from the ability to increase their use of baccalaureate-prepared nursing faculty as adjunct clinical faculty, thus allowing for increased student enrollment in nursing programs. Employment of baccalaureate-prepared RNs will increase as they are hired for adjunct faculty positions. Employment of RNs will also increase to the extent that the e available number of RNs through increased enrollment in nursing programs; however, the extent of any such increase is indeterminable.

