



March 7, 2023

Senate Health & Welfare Oversight Committee
Senator Fred Mills, Chairman

House Health & Welfare Oversight Committee
Representative Larry Bagley, Chair

Re: Public Hearing, LSBN Proposed Rule Change
BSN Faculty Exceptions, LAC46:XLVII.3515

17373

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LA 70810

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Dear Senator Mills and Representative Bagley,

On January 30, 2023, the Louisiana State Board of Nursing met at the Board offices to hear testimony from the public regarding the proposed rule change to LAC46:XLVII.3515 BSN Faculty Exceptions. The rule change would remove the 20% cap on the use of BSN-prepared faculty in undergraduate nursing education programs.

At the hearing, 26 written letters were received and reviewed by the Board and five (5) verbal comments were heard. Of these submissions and testimony, 26 favored the rule change and three (3) were against it. The primary reasons expressed for support of the rule change were summarized in the letter from Representative Chris Turner of District 12: *"In a post-pandemic era, it is imperative our state leaders consider options outside the traditional. In my research with my local community, the 20% is a percentage that has no basis in research, it is simply an arbitrary number. I applaud the nursing board members for considering a fresh approach to meeting the workforce needs of our state by removing the 20% cap. As I see it, the removal of the 20% cap in no way diminishes the educational standards that are required by the nursing programs as the LSBN already allows BSN exception faculty. The requirement that faculty must seek an MSN still stands and therefore, in my estimation, could possibly increase the number of MSN-prepared faculty in the long run."*


At the regularly scheduled Board meeting on February 16, 2023, the Board upheld the action taken at the October 13, 2022, Board meeting to remove the 20% cap on the appointment of BSN-prepared nurses as faculty in undergraduate nursing education programs. These actions will be communicated to the nurses and citizens of Louisiana in the April 2023 edition of **The Examiner**, available at [Examiner Newsletters - Louisiana State Board of Nursing](#).

Please reach out if I can provide additional information.

Sincerest Regards,

Karen C. Lyon

Karen Carter Lyon, PhD, MBA, APRN/CNS_{BC}, NEA_{BC}
Chief Executive Officer/Executive Director



Small Business Statement

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rules. Written submission must be directed to Michael Matherne, Tax Commission Administrator, LA Tax Commission, 1051 North 3rd St, Room 224, Baton Rouge, LA 70802 or P. O. Box 66788, Baton Rouge, LA 70896 and must be received no later than 4 p.m., Friday, January 6, 2023.

Public Hearing

A public hearing, on this proposed Rule, will be held on Wednesday, January 25, 2023, at 10 a.m., at the Louisiana State Capitol, 900 North Third St., Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments, by the deadline mentioned above, on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, please contact 225-219-0339.

Lawrence E. Chehardy
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Ad Valorem Taxation

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

The proposed rules reflect annual changes in valuation procedures for taxation purposes based on the most recent available data. There are no estimated costs or savings associated with the proposed rules for state governmental units. An impact to local governmental workload resulting in additional administrative costs will occur, but is expected to be minimal.

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

The proposed rule changes will result in an increase of approximately \$155,550,000 in revenue collections for local governments based upon revisions to valuation tables increasing certain 2023 real and personal property assessments by approximately +15% in total. However, these revisions will not necessarily affect revenue collections of local government units as any net increase or decrease in assessed valuations are authorized to be offset pursuant to millage adjustment provisions of Article VII, Section 23 of the state Constitution.

On average, these revisions will generally increase certain 2023 real and personal property assessments for property of similar age and condition in comparison with the latest available equivalent assessments. However, the assessments of certain property types will increase compared to prior year. Composite multiplier tables for assessment of most personal property will increase by an estimated +15%. Specific valuation tables for assessment of pipelines will increase by an estimated +15% (Onshore to increase by an estimated +14% and Offshore to increase by an estimated +16%). Drilling rigs will increase by an estimated +15% (Land rigs to increase by an estimated +14.5%, Jack-Ups to increase by an estimated +15.5% and Semisubmersible rigs to increase by an estimated +15.5%). The net effect determined by averaging these

revisions is estimated to increase assessments by +15% and estimated local tax collections by \$155,550,000 in FY 23/24 on the basis of the existing statewide average millage. However, these revisions will not necessarily affect revenue collections of local government units as any net increase or decrease in assessed valuations are authorized to be offset by millage adjustment provisions of Article VII, Section 23 of the state Constitution.

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

The effects of these new rules on assessments of individual items of equivalent real and personal property will generally be higher in the aggregate in 2023 compared to the last year of actual data. Specific assessments of real and personal property will depend on the age and condition of the property subject to assessment. Taxpayers will be impacted based on the changes to the valuation guidelines for assessments as listed in Section II. The magnitude will depend on the taxable property for which they are liable. Regardless of the guidelines adopted by the Tax Commission, all taxpayers continue to have the right to appeal their assessments. Additionally, Small Businesses' real and personal property is assessed in the same manner as for all other property owners.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The impact on competition and employment cannot be quantified. In as much as the proposed changes in assessments are relatively small and there will no longer be any charges for the updates, any aggregate impact on competition and employment statewide will likely be minimal.

Lawrence E. Chehardy
Chairman
2212#019

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Nursing

BSN Facility Exceptions (LAC 46:XLVII.3515)

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 2 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

§3515. Faculty and Faculty Organization of 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:

a. baccalaureate in nursing-prepared individuals who are not enrolled in a graduate program in nursing are limited to a maximum two calendar years after which they must be enrolled in a graduate nursing program; and

b. baccalaureate in nursing-prepared individuals who are enrolled in a graduate program in nursing at the master's and/or doctoral level shall be initially approved for two years in accordance with current board guidelines. Exceptions may be granted to each individual for a maximum of four years.

C. - 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), amended LR:49:

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: BSN Facility Exceptions

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, SMALL BUSINESSES, 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