



August 9, 2024

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Perkins Road  
Baton Rouge,  
LA 70810

The Honorable Patrick McMath, Chairman  
Senate Health & Welfare Committee  
P.O. Box 94183  
Baton Rouge, Louisiana 70804  
(Via E-mail to: [apa.h-hw@legis.la.gov](mailto:apa.h-hw@legis.la.gov))

web: [lsbn.state.la.us](http://lsbn.state.la.us)  
phone: 225.755.7500  
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The Honorable Dustin Miller, Chairman  
House Health & Welfare Committee  
P.O. Box 94062  
Baton Rouge, Louisiana 70804  
(Via E-mail to: [apa.s-h&w@legis.la.gov](mailto:apa.s-h&w@legis.la.gov))

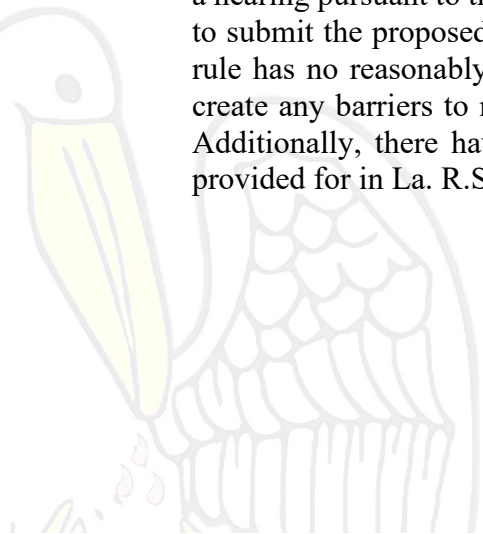
**RE: Summary Report; Proposed amendments to LAC 46:XLVII.3535, Continuing Full Approval for Nursing Education Degree Programs**

Chairman McMath and Chairman Miller,

Pursuant to the Louisiana Administrative Procedure Act, the Louisiana State Board of Nursing submits its second report regarding the proposed amendments to Continuing Full Approval for Nursing Education Degree Programs, LAC 46:XLVII.3535. The LSBN plans to proceed with the rule-making process by finalizing the June 20, 2024, Notice of Intent that was promulgated on pages 858 - 859 of the Louisiana Register.

The proposed changes to LAC 46:XLVII.3535 will remove the requirement to place undergraduate nursing degree programs on probation if they do not maintain an 80 percent or greater pass rate achieved by all candidates taking the licensure examination for the first time in any one January to December calendar year.

The LSBN received no comments regarding the proposed changes and there were no requests for public hearing during the notice period. As such, the LSBN is not required to conduct a hearing pursuant to the Louisiana Revised Statute 49:961(B)(2). The LSBN is also not required to submit the proposed rule to the Occupational Licensing Review Commission as the proposed rule has no reasonably foreseeable anti-competitive effects; it does not displace competition or create any barriers to market entry for individuals desiring to engage in the nursing profession. Additionally, there have been no changes made to the proposed amendments since the report provided for in La. R.S. 49:966(B)-(C) was submitted.



Subject to legislative oversight by either the House or Senate Health and Welfare Committee, the board intends to submit a Rule to the Office of the State Register for publication. Should you have any questions or need additional information, please contact me at (225) 755-7576.

Sincerely,



/By: Alicia Edmond Wheeler  
Executive Counsel  
with authorization

Karen C. Lyon, PhD, MBA, APRN, NEA  
CEO/ Executive Director  
Louisiana State Board of Nursing  
17373 Perkins Road  
Baton Rouge, La 70810  
225-775-7576

KCL: aew

cc: Speaker, House of Representatives  
Via-E-mail to: [APA.HouseSpeaker@legis.la.gov](mailto:APA.HouseSpeaker@legis.la.gov)  
Senate President  
Via-E-mail to: [APA.SenatePresident@legis.la.gov](mailto:APA.SenatePresident@legis.la.gov)

**NOTICE OF INTENT**

**Department of Health  
Board of Nursing**

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

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, §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 percent 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. Continuing Full Approval for Nursing  
Education Degree Programs**

A. ...

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.

C. - N. ...

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), LR 50:

**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 July 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 GOVERNMENT UNITS (Summary)**

The proposed rule revision will result in a one-time expenditure of \$250 in FY 24 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 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. LSBN Board members and a majority of nursing school deans and directors have expressed concern that schools are placed on probation after only one year of not meeting the NCLEX-RN 80% first-time passing standard even though they are fully accredited by a national nursing accrediting body and when accrediting bodies allow for consideration of the 80% pass rate over one calendar year or over the three most recent calendar years. The proposed revision 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 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)  
The proposed rule changes will not affect revenue collections for state or local governmental units.
  - III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)  
The proposed rule change will bring LSBN approval of nursing education degree programs in alignment with national nursing accreditation standards and will prevent nursing education programs from being placed on state probation when they have fully accredited programs by the national accreditation programs.
  - IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is not expected to be any effect on competition or employment as all nursing education degree programs will be held to the same standard.

Karen C. Lyon  
Executive Director  
2406#046

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office