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To: Dr. Karen C. Lyon
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From: Farra Mughal
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Occupational Licensing Review Program

Date: October 27, 2025

Subject: Louisiana State Board of Nursing
Proposed Amendments to LAC 46:XLVII.3515 (B)(9)(c)
Regarding Changes to Education Degree Program

I. SUMMARY

The Louisiana State Board of Nursing (the “**Board**”) proposes amending LAC 46: XLVII.3515 (B)(9)(c) (the “**Proposed Amendment**”), regarding changes to Education Degree Programs.¹ The Proposed Amendment establishes a forty percent limit to the exception permitting Baccalaureate of Science in Nursing (“**BSN**”)-prepared nurses to teach at the undergraduate level.

The Board published a Notice of Intent to promulgate the Proposed Amendment on June 20, 2025.² The Notice invited written comments on the Proposed Amendment until July 10, 2025 and received nineteen written comments. The comments include those (i) in favor of setting the BSN exception at forty percent, (ii) opposed to allowing the BSN exception, and (iii) opposed to the setting of the BSN exception at forty percent. The Board responded to each comment in writing.

Educational and qualifying requirements to become an educator may function as barriers to market entry by narrowing the pool of potential teachers by imposing financial, time, and logistical burdens. Therefore, the Proposed Amendment may be considered an occupational regulation with reasonably foreseeable anti-competitive effects.³ Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendment to the Louisiana Department of Justice’s Occupational Licensing Review Program (“**OLRP**”) on October 6, 2025. The OLRP invited public comments on the Proposed Amendments October 8, 2025 through October 21, 2025 and received no comments.

As set forth below, the OLRP has determined the Board’s Proposed Amendment to LAC 46:XLVII.3515 (B)(9)(c) adheres to clearly articulated state policy and is within the Board’s

¹ Louisiana Register, Vol. 51, No. 6, at pgs. 877-878

² Id.

³ La. R.S. 49:260 G(4)

statutory authority. Therefore, the amendment is approved for promulgation as drafted in accordance with the Louisiana Administrative Procedure Act (“APA”).

II. ANALYSIS

The Louisiana Legislature has deemed it necessary to promote, preserve, and protect the public health, safety, and welfare by regulating the practice of nursing and nursing education, and ensuring that any individual practicing or offering to practice nursing or using the title “registered nurse” or “advanced practice registered nurse” be licensed before engaging in such activity.⁴ The Louisiana State Board of Nursing was created within the Louisiana Department of Health⁵ to control and regulate the practice of nursing in this state. The Board is authorized to (i) approve nursing education programs,⁶ (ii) establish and publish practice and education standards,⁷ and (iii) adopt and revise rules and regulations necessary to enable it to carry out its duties.⁸ Additionally, the Board is vested with all other powers necessary and proper to perform its duties.⁹

A. Proposed LAC 46: XLVII.3515(B)(9)(c)

The Board proposes adding §3515 (B)(9)(c) to establish a forty percent limit to the number of BSN-prepared teachers permitted to teach at the undergraduate level.

Prior to 2022, the rule established a twenty percent limit on the number of full-time equivalent BSN-prepared nurses teaching in nursing pre-licensure programs. In 2022, the rule was revised and the percentage was omitted. The current version of the rule does not have an established limit to the exception.

The Board generally requires that nursing faculty hold graduate degrees.¹⁰ However, the Board is permitted to grant exceptions to the academic qualifications for undergraduate nursing faculty.¹¹ Exceptions, if granted, are limited to a maximum of two calendar years, after which baccalaureate-prepared nurses must be enrolled in a graduate nursing program.¹² The Board asserts without the two-year restriction, nursing programs risk diluting the quality of education. The Board also acknowledges that graduate-prepared nurses have deeper practical/clinical knowledge, formal training in curriculum development, and experience in evidence-based practice and research.

However, as stated in its response to a written comment submitted by Mr. Wesley Bray, the Board “recognizes that hiring faculty with graduate nursing degrees has become increasingly challenging. The Board has proposed the compromise that up to 40% of nursing faculty can be prepared at the

⁴ LA R.S. 37:911(C)

⁵ LA R.S. 37:914(A)

⁶ LA R.S. 37:918(2)

⁷ LA R.S. 37:918(4)

⁸ LA R.S. 37:918(12)

⁹ LA R.S. 37:918(15)

¹⁰ LAC 46:XLVII.3515 (B)(4)

¹¹ LAC 46:XLVII.3515 (B)(9)

¹² LAC 46:XLVII.3515 (B)(9)(a)

BSN level for two years, after which they shall be enrolled in a graduate nursing program to continue teaching.”

The Board is authorized to approve nursing education programs whose graduates meet the licensing requirement of the Board¹³ and establish and publish practice and educational standards.¹⁴ The Board is further authorized to adopt and revise rules and regulations necessary to enable the Board to carry out its duties.¹⁵ Accordingly, it is within the Board’s statutory authority to limit the percentage of BSN-prepared nurses permitted to teach at the undergraduate level.

Educational and qualifying requirements to become an educator may function as barriers to market entry by narrowing the pool of potential teachers by imposing financial, time, and logistical burdens. While the Proposed Amendment does not create any additional educational requirements for BSN-prepared nurses, it does cap the percentage of undergraduate nursing faculty who only have a baccalaureate degree. This limitation restricts the participation of qualified BSN-prepared nurses in teaching roles, which could have a reasonably foreseeable anti-competitive effect by further narrowing the pool of qualified teachers.

It is the policy of the state to promote, preserve, and protect the public health, safety, and welfare by regulating the practice of nursing and nursing education.¹⁶ By allowing a limited and clearly defined portion of BSN-prepared faculty to teach at the undergraduate level, the Proposed Amendment creates flexibility in faculty qualifications and addresses faculty shortages while still preserving a strong foundation of faculty prepared at the graduate level.

As stated by the Board in its response to Ms. Michele Sutton’s written comment, “[t]he increasing complexity of patients with multiple co-morbid conditions requires higher standards in pre-licensure nursing preparation, which can only be accommodated by MSN, DNP, PhD, and EdD prepared nursing faculty.” Thus, the forty percent limitation will help safeguard educational quality to ensure that graduating nurses are competent and safe, thereby adhering to clearly articulated public policy of protecting the public health, safety, and welfare.

The OLRP finds that the Proposed Amendment to §3515(B)(9)(c) is within the Board’s statutory authority and adheres to clearly articulated state policy. Therefore, the Board may promulgate this rule in accordance with the Louisiana APA.

III. DETERMINATION

The Board is a state regulatory body created to promote, preserve, and protect the public health, safety, and welfare by regulating the practice of nursing and nursing education.¹⁷ The Board is also authorized to adopt rules, regulations, and standards necessary to carry out its duties as mandated by the legislature.¹⁸ Because the Proposed Amendment is within the Board’s statutory authority and adheres to the clearly articulated state policy of protecting the public health, safety, and welfare

¹³ LA R.S. 37:918(2)

¹⁴ LA R.S. 37:918(4)

¹⁵ LA R.S. 37:918(12)

¹⁶ LA R.S. 37:911(C)

¹⁷ LA R.S. 37:911(C)

¹⁸ LA R.S. 37:918(12)

of the citizens of this state, the Proposed Amendment is approved as submitted to the Attorney General and may be adopted by the Board in accordance with the Louisiana APA.

OFFICE OF THE ATTORNEY GENERAL
OCCUPATIONAL LICENSING REVIEW PROGRAM

A handwritten signature in blue ink, appearing to read "Farra Mughal".

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