

**To:** Attorney General Liz Murrill  
Attn: Department of Justice,  
Occupational Licensing Review Program

**From:** Alicia Edmond Wheeler  
Executive Counsel,  
Louisiana State Board of Nursing

**Date:** 9/24/2025

**Subject:** Faculty and Faculty Organization of Undergraduate and Graduate Nursing Education  
Degree Programs

The Louisiana State Board of Nursing (LSBN) has proposed amendments to (LAC 46:XLVII.3515(B)(9)(c)). To facilitate the Department of Justice's review of the proposed rule, the LSBN provides answers to the following questions.

**1. Describe any relevant factual background to the occupational regulation and the purpose of the occupational regulation?**

Prior to 2022, Rule 3515(B)(9) established a twenty percent limit on the number of full-time equivalent Baccalaureate of Science in Nursing - prepared nurses allowed to work as faculty in approved Louisiana schools of nursing. In 2022, the Rule was changed to omit the percentage. The proposed revision of LAC 46:XLVII.3515 will quantify the percentage of exceptions to the academic qualifications for undergraduate nurse faculty allowable. Exceptions to the academic qualifications for undergraduate nurse faculty shall be limited to not more than forty percent of the full-time equivalent undergraduate nurse faculty.

**2. Is the occupational regulation within the scope of the occupational licensing board's general authority to regulate in a given occupation or industry? If so, identify the law that provides the authority for the rule and describe how the occupational regulation is within the scope.**

Yes, La. R.S. 37:918 (2), (4), (12), and (15) authorizes the Board to:

- Approve nursing education programs whose graduates meet the licensing requirements of the board.
- Establish and publish standards of nursing practice and education in accordance with those developed and accepted by the profession.
- Adopt and revise rules and regulations necessary to enable the board to implement this Part in accordance with the Administrative Procedure Act.
- Have all other powers necessary and proper to the performance of their duties . . . .

**3. Check all of the following that apply as reasons the occupational regulation is subject to review**

- ☐ Creates a barrier to market competition
- ☐ Fixes prices, limits price competition, or results in high prices for a product or service provided by or to a license holder
- ☒ Reduces competition or excludes present or potential competitors from the occupation regulated by the board
- ☐ Limits output or supply in this state of any good or service provided by the members of the regulated occupation
- ☒ Reduces the number of providers that can serve a particular set of customers
- ☐ Changes existing requirements for licensure, certification, registration, etc.
- ☐ Other activity (please describe)

**4. Identify the clearly articulated state policy (e.g., health, safety, welfare, or consumer protection) in state statute, or any supporting evidence of the harm the action/proposed action is intended to protect against?**

The legislature has found that “the practice of nursing by qualified individuals is necessary to protect the public health, safety, and welfare of citizens of this state,” “therefore it is the legislative intent and the purpose of this Part to promote, preserve, and protect the public health, safety and welfare by regulating nursing education. . . .”

**5. Do any less restrictive alternatives to the occupational regulation exist for addressing the same harm? If so, include a comparison of the occupational regulation to the alternatives and a justification for not pursuing a less restrictive alternative. If no less restrictive alternatives exist, explain why.**

There is no less restrictive alternative. The nursing pipeline is a critical part of the healthcare workforce where faculty qualifications are a patient safety measure, ensuring that graduating nurses are competent and safe.

The Commission on Collegiate Nursing Education (CCNE) requires nursing faculty in Baccalaureate of Science in Nursing programs to have graduate degrees to teach didactic and clinical courses. However, faculty teaching clinicals in a pre-licensure program who do not hold a graduate degree must hold a baccalaureate degree, have significant experience in nursing, and be enrolled in a graduate program. The Accreditation Commission for Education in Nursing (ACEN) requires full-time faculty to be nurses who: a. hold the educational qualifications as required by the: • governing organization and • regulatory agencies.

The Louisiana State Board of Nursing, as the regulatory agency, requires nurse faculty to “hold a graduate degree” (LAC46.XLVII.3515.B.4). “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 limited to a maximum of two calendar years, after

which they must be enrolled in a graduate nursing program (LAC46 XLVII.3515.B.9.a). Without this restriction, nursing programs risk diluting the quality of education, which could compromise NCLEX pass-rates. Additionally, graduate-prepared nurses have deeper practical/clinical knowledge, formal training in curriculum development, and experience in evidence-based practice and research. An allowance of forty percent baccalaureate-prepared faculty teaching in nursing prelicensure programs represents a fair compromise.

**6. Describe the process that the occupational licensing board followed in developing the proposed rule, including any public hearings held, studies conducted, and data collected or analyzed.**

On July 28, 2025, the LSBN held a public hearing where three members of the public offered testimony. The Board also received 19 written comments. The comments are broken down into 3 groups:

- Support of Setting the BSN Exception at 40% (4)
- Opposition to Allowing a BSN Exception (3)
- Opposition to Setting the BSN Exception At 40% (12)

**7. Does the occupational regulation relate to a matter on which there is pending litigation or a final court order?**

NO.

**8. Please identify the board members voting in favor of this rule, and state whether the member is an active market participant.**

<b>Member</b>	<b>Participant?</b>
Dennis Bottcher	Consumer Member
Dr. Ann Carruth	Market Participant
Dr. Michelle Collins	Market Participant
Dr. Jennifer Couvillon	Market Participant
Dr. Jennifer Manning	Market Participant
Teresita McNabb	Market Participant
Dr. Fredrick Pinkney	Consumer Member

**9. Is there anything else that the occupational licensing board would like the Department to know about the proposed rule?**

Not at this time.