

## **NOTICE OF INTENT**

### **Department of Health Board of Practical Nurse Examiners**

#### **Employment of Practical Nursing Students and Unsuccessful Candidates on the NCLEX-PN (LAC 46:XLVII. Section 1706)**

The Louisiana State Board of Practical Nurse Examiners proposes to add LAC 46:XLVII. Section 1706, in accordance with the provisions of the Administrative Procedure Act, R.S. 950 et seq., and the Practical Nursing Practice Act, R.S. 37:961-979.

The purpose of the proposed rule is to allow practical nursing students and practical nursing graduates who are within 12 months of their practical nursing program completion date and have been unsuccessful on the NCLEX-PN examination to be employed in nursing settings and to perform procedures and/or tasks for which they have been educated and certified as competent by their practical nursing program and/or by graduation from an LSBPNE approved practical nursing program.

#### **Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XLVII. Nurses: Practical Nurses and Registered Nurses Subpart 1. Practical Nurses**

#### **Chapter 17. Licensure**

#### **§1706. Employment of Practical Nursing Students and Unsuccessful Candidates on the NCLEX-PN**

- A. Practical nursing students and unsuccessful candidates on the NCLEX-PN licensing examination employed in nursing settings may be employed as unlicensed persons and perform procedures and/or tasks for which they have been educated and cleared by their practical nursing program and/or by graduation from a board approved practical nursing program.
- B. To assist these individuals to be employed in an acceptable position whereby they contribute to patient care and yet do not jeopardize the welfare of the patient nor legally implicate themselves or their employing institution, the board has adopted the following policies for performance of nursing activities by currently enrolled practical nursing students and practical nursing graduates who are within 12 months of their practical nursing program completion date and have been unsuccessful on the NCLEX-PN examination.
  1. The employer shall:
    - a. document the unlicensed status of these individuals as currently enrolled practical nursing students or practical nursing graduates who are within 12 months of their practical nursing program completion date and have been unsuccessful on the NCLEX-PN examination.
    - b. develop and review the written job description with the employee;
    - c. provide proper orientation and training for the position; and

- d. provide direct supervision of these unlicensed personnel by a registered nurse or physician;
  - e. inform all nursing personnel that the practical nursing student and the unsuccessful candidate may perform procedures and/or tasks enumerated in the job description.
2. Employers shall not jeopardize the potential for licensure of the practical nursing student or the unsuccessful candidate for licensure in order to augment their staffing. It is understood that these unlicensed personnel may not perform the nursing tasks and procedures enumerated in their specific job description independently without the requisite direct supervision of the registered nurse or physician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Practical Nurse Examiners, LR \_\_ (\_\_\_\_)

#### **Family Impact Statement**

In accordance with R.S. 49:961 (A)(2)(h)(i) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*. The proposed rule has no known impact on family formation, stability, or autonomy.

#### **Poverty Impact Statement**

In accordance with R.S. 49:961(A)(2)(h)(ii) and 973, the following Poverty Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*. The proposed rule has no known impact on child, individual, or family poverty in relation to individual or community asset development.

#### **Small Business Regulatory Flexibility Analysis**

In accordance with R.S. 49:961(A)(2)(h)(iv) and 974.5, the following Small Business Regulatory Flexibility Analysis is submitted with the Notice of Intent for publication in the *Louisiana Register*. The impact of the proposed rule change on small businesses has been considered. The board, consistent with health, safety, environmental and economic welfare, considered utilizing regulatory methods that will accomplish the objectives of applicable statutes while minimizing adverse impact on small businesses. The proposed rule is not anticipated to have an adverse impact on small businesses.

#### **Provider Impact Statement**

In accordance with HCR No. 170 of the 2014 Regular Session, the following Provider Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*. The proposed rule has no known effect on the staffing level requirements or qualifications required to provide the same

level of service, the cost to the provider to provide the same level of service, or the ability of the provider to provide the same level of service.

### **Public Comments**

Interested persons may submit written comments until 4 p.m., December 9, 2025, to Christina Costanza, RN, Louisiana State Board of Practical Nurse Examiners, 131 Airline Drive., Suite 301 Metairie, LA 70001.

Christina Costanza, RN  
Executive Director

### **Fiscal and Economic Impact Statement**

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

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule changes. The cost for the Louisiana State Board of Practical Nurse Examiners is approximately \$640 in FY 26 for the notice and rule publication in the *Louisiana Register*.

The proposed rule changes would allow practical nursing students and practical nursing graduates who are within 12 months of their practical nursing program completion date and have been unsuccessful on the NCLEX-PN examination to be employed in nursing settings and to perform procedures and/or tasks for which they have been educated and certified as competent by their practical nursing program and/or by graduation from an LSBPNE approved practical nursing program.

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

The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)**

The proposed rule changes benefit practical nursing students and practical nursing graduates who are within 12 months of their practical nursing program completion date and have been unsuccessful on the NCLEX-PN examination as these individuals would be able to perform procedures and/or tasks that they are certified as competent. These individuals may experience more job opportunities as well as an increase in wages.

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

The proposed rule changes are not anticipated to have a significant effect on competition or overall employment within the healthcare industry. The rule may provide a modest positive impact on employment by allowing practical nursing students and unsuccessful NCLEX-PN candidates to be employed in supervised, unlicensed positions. This clarification could temporarily expand the pool of eligible support personnel available to healthcare providers without creating barriers to competition or altering existing wage structures.