

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS
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January 7, 2026

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

The Honorable Dustin Miller, Chairman
House Health & Welfare Committee
P. O. Box 94062
Baton Rouge, Louisiana 70804
(Via E-mail: apa.h-hw@legis.la.gov)

**RE: Summary Report- Proposed Rule LAC 46: XLVII.1706- Employment of
Practical Nursing Students and Unsuccessful Candidates on the NCLEX-PN**

Chairman McMath and Chairman Miller,

The Louisiana State Board of Practical Nurse Examiners (“LSBPNE”) hereby submits the following Summary Report required by La. R.S. 49:966(D)(1)(b) and announces its intention to proceed with rule-making by finalizing the November 20, 2025, Notice of Intent, captioned as “Employment of Practical Nursing Students and Unsuccessful Candidates on the NCLEX-PN (LAC 46:XLVII.1706).” This Notice of Intent was duly promulgated and published on pages 1922-1923 of the November 20, 2025, *Louisiana Register* and is attached hereto.

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.

LSBPNE received one comment regarding the proposed rule, and there were no requests for a public hearing. As such, LSBPNE did not conduct a public hearing. The comment that was received and LSBPNE’s response are attached hereto. Additionally, LSBPNE has made no revisions to the proposed rule.

Subject to legislative oversight by either the House or Senate Health and Welfare

Summary Report to Oversight Committees
January 7, 2026
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Committee, LSBPNE intends to submit the Rule to the Office of the State Register for publication in the February 20, 2026 edition of the Louisiana Register. Please contact Christina Costanza, Executive Director, at 504-838-5791, if LSBPNE may be of any assistance to you concerning this proposed rule.

**LOUISIANA STATE BOARD OF
PRACTICAL NURSE EXAMINERS**



Christina Costanza, RN
Executive Director

cc: The Honorable Phillip DeVillier, Speaker, House of Representatives

Via E-Mail to: apa.HouseSpeaker@legis.la.gov

Senate President

Via E-Mail to: apa.SenatePresident@legis.la.gov

or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the proposed Rule. The proposed Rule changes will have no effect on establishment of performance standards for small businesses to replace design or operational standards for small business.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the proposed Rule. There are no exemptions for small businesses in the proposed Rule changes.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the 2014 Regular Legislative Session, there is hereby submitted a provider impact statement on the Rule proposed for amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed Rule changes will have no effect on the staffing level requirements or qualifications required to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule changes may increase the cost to the provider to provide the same level of service if the provider is currently engaged in centralized prescription dispensing and is delivering prescription medication to the on-site pharmacy without proper safeguards in place to ensure the integrity of the medication. The amount of this increase is variable and indeterminate.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed Rule changes will have no impact on the ability of the provider to provide the same level of service.

Public Comments

All interested persons may submit written comments, Anna Cahill, Executive Director, Louisiana State Board of Optometry Examiners, 1111 Medical Center Blvd, S-670, Marrero, LA 70071 or lsboe@yahoo.com. The deadline for receipt of all written comments is 12 p.m. on Wednesday, December 10, 2025. To request reasonable accommodations for persons with disabilities, please call the board office at (318) 335-2989.

Anna Marie Cahill
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Continuing Education

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT 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 Optometry Examiners is approximately \$640 in FY 26 for the notice and rule publication in the *Louisiana Register*.

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

The proposed rule changes are not anticipated to impact revenue collections of 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 changes benefit licensed optometrists by providing greater flexibility in how continuing education requirements may be satisfied. Allowing up to six hours of coursework from approved online sources may reduce travel and registration costs for licensees. In addition, the updated list of acceptable educational providers broadens the range of qualifying programs, making compliance more accessible and convenient.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

Carrie LeBlanc Jones
General Counsel
2511#061

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

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.1706)

The 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;
- 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 52:

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 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 FOR ADMINISTRATIVE RULES

**RULE TITLE: Employment of Practical Nursing
Students and Unsuccessful Candidates
on the NCLEX-PN**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE
OR LOCAL GOVERNMENT 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
NONGOVERNMENTAL 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.

John W. Becknell, III.
Associate Executive Director
2511#059

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office



PO Box 1359, Thibodaux, LA 70302

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www.lanp.org • office@lanp.org

December 8, 2025

Louisiana State Board of Practical Nurse Examiners

Re: Opposition to Proposed Rule on Employment to PN Students & Unsuccessful NCLEX-PN Candidates

Dear Members of the Board,

I am writing to oppose the proposed rule allowing practical nursing students within 12 months of program completion who failed the NCLEX-PN to be employed in nursing settings and perform procedures for which their programs deem them “competent.”

While well-intended, this rule creates significant risks to patient safety, public protection, and the integrity of nursing licensure.

Failing the NCLEX-PN indicates a lack of minimum competence, as this exam exists to ensure safe entry-level practice. According to NCSBN, individuals who have not passed the exam have not demonstrated the minimum competency required for patient care. Allowing them to perform nursing tasks – licensed or not – directly undermines the purpose of licensure.

Program-based competency is not equivalent to licensure standards. Academic assessments vary widely across programs; therefore, licensure is needed to guarantee that consistent, standardized competency measures are met. Substituting program certification for NCLEX passage erodes regulatory safeguards.

This rule will create role confusion and liability issues as facilities will struggle to define which tasks these individuals may perform, and supervising nurses will bear increased liability. Patients reasonably assume individuals performing nursing tasks are licensed, and this rule violates that expectation and undermines patient trust.

This change could delay NCLEX success. NCSBN data show that delays between graduation and testing reduce pass rates. Employing unsuccessful candidates in quasi-nursing roles may discourage structured study and prolong their path to licensure.



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Safer workforce solutions already exist. Louisiana can support workforce needs through nurse extern positions, CNA roles, or structured graduate-nurse programs – without compromising public safety or redefining licensure boundaries.

This proposal weakens licensure protections, increases patient safety risks, and introduces confusion in scope, accountability, and workforce standards. For these reasons, I respectfully urge the Board to withdraw the proposed rule and pursue safer workforce initiatives aligned with national regulatory best practices.

Thank you for considering this public comment.

Sincerely,

Melissa Nunn, DNP, APRN, CPNP-PC/AC, CNE, NEA-BC

2024-2025 President

Louisiana Association of Nurse Practitioners

Kathy Baldridge, DNP, FNP-BC, FAANP

Immediate Past President

Health Policy Co-Chair

Louisiana Association of Nurse Practitioners

Jennifer Lemoine, PhD, DNP, APRN, NNP-BC

President-Elect

Health Policy Co-Chair

Louisiana Association of Nurse Practitioners



Re: Public Comment: LAC 46:XLVII. Section 1706

From Christina Costanza <Christina@lsbpne.la.gov>

Date Mon 12/15/2025 11:02 AM

To Cody Blanchard <cody@louisiananp.org>

Dear Cody,

The Board appreciates LANP's comments regarding the proposed rule for Employment of PN Students and Unsuccessful Candidates on the NCLEX-PN. The Board agrees with the importance of protecting patient safety, public protection, and the integrity of nursing licensure. However, the Board does not believe the proposed rule will have negative impacts on patient safety, public protection, or the integrity of nursing licensure due to the safeguards included in the rule. Individuals employed under this rule will not be able to perform nursing tasks in the same manner a licensed individual is able to. They must comply with the restrictions and requirements included in the rule. Additionally, those who have been unsuccessful on the NCLEX-PN may only work in this capacity for a period of 12 months from completing the practical nursing program. Furthermore, we do not feel it will create confusion or increased liability issues for facilities and there is no requirement that employers utilize these positions. Employers would simply now have the ability to utilize these workers in accordance with the rule if they so choose.

Sincerely,

Christina Costanza, RN | Louisiana State Board of Practical Nurse Examiners | Executive Director | Director of Education | 504-756-5435

From: Cody Blanchard <cody@louisiananp.org>

Sent: Tuesday, December 9, 2025 12:10 PM

To: Christina Costanza <Christina@lsbpne.la.gov>; LPNBoard <LPNBoard@lsbpne.la.gov>

Subject: Public Comment: LAC 46:XLVII. Section 1706

See attached Public Comment re: Employment of Practical Nursing Students and Unsuccessful Candidates on the NCLEX-PN (LAC 46:XLVII. Section 1706)

Cody J. Blanchard

Executive Director

cody@louisiananp.org

Louisiana Association of Nurse Practitioners

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