



LNHA Regulatory Update: June 2025

Notice of Intent

Board of Nursing – Faculty and Faculty Organization of Undergraduate and Graduate Nursing Education Degree Programs (LAC 46:XLVII.3515)

The Louisiana State Board of Nursing (LSBN) is proposing amendments to Chapter 35, Section 3515 of Title 46, Part XLVII of the Professional and Occupational Standards. These proposed changes seek to establish a defined limit on the percentage of exceptions to the standard academic qualifications for undergraduate nursing faculty. The full text of the proposed rules can be found on page 138 of the [PDF](#).

Currently, the standard academic requirement for nursing faculty is a master's degree in nursing. However, existing regulations allow for exceptions, permitting the employment of baccalaureate-prepared faculty under certain conditions. Previously, institutions were limited to employing such faculty at a maximum of 20%.

In December 2022, the LSBN issued a Notice of Intent to remove the 20% cap, allowing institutions to employ baccalaureate-prepared nursing faculty without a percentage limit, provided that each appointment met board-established justification and approval criteria. This proposal was adopted as a Final Rule in May 2023.

The newly proposed rule revisits this matter, suggesting the reintroduction of a cap on the use of baccalaureate-prepared faculty – this time set at 40% per institution. As before, all exceptions must be justified and approved according to LSBN's established guidelines.

The proposed rule reads as follows (new language italicized):

9. 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:
 - a. baccalaureate in nursing-prepared individuals who are not enrolled in a graduate program in nursing are limited to a maximum two calendar years after which they must be enrolled in a graduate nursing program; and
 - b. baccalaureate in nursing-prepared individuals who are enrolled in a graduate program in nursing at the master's and/or doctoral level shall be initially approved for two years in accordance with current board guidelines. Exceptions may be granted to each individual for a maximum of four years.
 - c. *limited to not more than forty percent of the FTE (full time employed) undergraduate nurse faculty.*

LNHA is concerned that the proposed rule may further worsen existing challenges related to the shortage of nursing faculty and, consequently, nursing graduates. LNHA intends to submit a formal comment to the LSBN on this matter by July 10, 2025, comment deadline.

Health Standards Section- Direct Service Worker Registry (LAC 48:I. Chapter 92)

The Louisiana Department of Health (LDH) Standards Section proposes to amend the provisions governing the [Direct Service Worker \(DSW\) Registry](#) to update the definition of DSW registry, revise the requirements for checking the DSW Registry and clarify the process for requesting informal dispute resolution or an administrative hearing.

The full text of the proposed rules can be found starting on page 143 of the [PDF](#). The proposed rules placing requirements on health care providers, including nursing facilities, are as follows:

§9202. Introduction

- C. Licensed and/or certified healthcare providers shall access the DSW registry and the Office of Inspector General's (OIG) list of excluded individuals and entities (LEIE) prior to hire, and then monthly thereafter to determine if there is a finding that a prospective hire, or currently employed or contracted DSW, has been determined to have committed exploitation, extortion, abuse or neglect of an individual being supported, or misappropriated the individual's property or funds. If there is such a finding on the DSW registry and/or the OIG's LEIE, the prospective employee or contracted individual shall not be hired or contracted as a DSW nor shall a current employee or contracted individual continue to work as a DSW with the licensed and/or certified health care provider.
 - 1. Access to the DSW registry and/or the OIG's LEIE shall be limited to an inquiry for a specific DSW.

§9231. Health Care Provider Responsibilities

- B. The health care provider shall have a written policy/process to check the DSW registry and the OIG's LEIE prior to hire and then monthly thereafter, to determine if any currently employed or contracted DSW or trainee has been placed on the DSW registry and/or OIG's LEIE with a finding that he/she has been determined to have committed abuse or neglect of an individual being supported or misappropriated the individual's property or funds or committed exploitation or extortion of an individual being supported. If there is such a finding on the DSW registry and/or the OIG's LEIE, the prospective employee or contracted individual shall not be hired or contracted, nor shall a current or contracted DSW continue to work as a DSW.

Interested persons may submit written comments relative to the proposed Rule until 4:30 p.m., August 10, 2025, to Paige Hargrove, Louisiana Emergency Response Network, 7979 Independence Blvd, Suite 207, Baton Rouge, LA 70806, or via email to paige.hargrove@la.gov.

Nurse Aide Training and Competency Evaluation Program Licensing Standards (LAC 48:1. Chapter 100)

The Louisiana Department of Health (LDH) Health Standards Section proposes to amend the provisions governing the licensing of Nurse Aide Training and Competency Evaluation Programs to revise employer responsibilities for checking certain databases/registries, update the department's process for notifying individuals involved in investigations or with substantiated findings and clarify the process for requesting informal dispute resolution or an administrative hearing. A full text of the proposed rules can be found starting on page 145 of the [PDF](#). The proposed rules placing requirements on health care providers, including nursing facilities, include:



§10033. General Provisions

- C. Employers shall use the registry to determine if a prospective hire is a certified nurse aide (CNA) and to check if there is a finding placed on the registry that he/she has abused or neglected a resident or misappropriated a resident's property or funds.
 - 1. Employers shall ensure checks of the following databases prior to making an offer of employment or offer to contract with a CNA:
 - a. Louisiana certified nurse aide registry (LCNAR);
 - b. Louisiana adverse actions list; and
 - c. Office of Inspector General's (OIG) list of excluded individuals and entities (LEIE).
 - 2. Once a CNA is hired or contracted, the employer shall ensure monthly checks of the databases below:
 - a. LCNAR;
 - b. Louisiana adverse actions list; and
 - c. OIG's LEIE.
 - 3. If a finding exists on the LCNAR, the Louisiana adverse actions list, and/or the OIG's LEIE, the employer shall not continue to employ or contract with the CNA.

§10045. Employer Responsibilities

- B. A person shall not be employed or contracted to work as a CNA or CNA trainee if there is a final administrative or judicial court decision that the CNA or CNA trainee has:
 - 1. committed abuse, neglect, or mistreatment of the elderly, infirm, or nursing facility resident;
 - 2. misappropriated a resident's property;
 - 3. been convicted of a non-hirable offense as specified in R.S 40:1203.3; or
 - 4. a finding of abuse, neglect, or misappropriation of a resident's property on the:
 - a. LCNAR;
 - b. Louisiana adverse actions list; and/or
 - c. OIG's LEIE.

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, Post Office Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed rule. The deadline for submitting written comments is at 4:30 p.m. on August 4, 2025.

Nurse Aide Training and Competency Evaluation Program Licensing Standards (LAC 48:I.10001 and 10015)

The Louisiana Department of Health (LDH) Health Standards Section proposes to amend the provisions governing the licensing of nurse aide training and competency evaluation programs to add definitions and provisions for the utilization of virtual classroom training. The full text of the proposed rules can be found starting on page 147 of the [PDF](#). The proposed rules are as follows:

Chapter 100. Nurse Aide Training and Competency Evaluation Program Subchapter A. General Provisions

§10001. Definitions

Didactic Teaching—a teaching method that focuses on teachers giving lessons to students. Typically, teachers who use didactic teaching create structured lessons that focus on lectures.

Real-Time Learning—students and teachers work together at the same time and in the same place, face to face either via traditional school classroom or an online space that acts as a virtual classroom.

Virtual Classroom—a learning environment where students and instructors interact through the use of internet based platforms, such as video conferencing software or learning management systems, to engage in live, synchronous educational sessions. Virtual classrooms may include tools such as chat, polls, shared document editing, and real-time learning, but exclude hands-on laboratory, skills, and/or clinical practice.

§10015. Training Curriculum/Program Approval

C. Curriculum Competencies. The training program shall be conducted to ensure that each nurse aide, at a minimum, is able to demonstrate competencies in the following areas:

D. Program Approval

3. All schools applying for approval shall identify the physical or virtual locations used for classroom instruction and physical location for the clinical experience. Non facility-based programs shall also submit clinical contracts which meet the guidelines established by the department.

E. Virtual Classroom Training

1. Nurse aide training and competency evaluation programs may include virtual classroom training for theory or didactic portions of the program, excluding skills, laboratory, and/or clinical instruction.
2. Virtual classroom training must meet the following requirements:
 - a. Equipment Requirements
 - i. The program must ensure that learners have access to necessary equipment, including a computer or tablet with internet access, microphone, and camera for realtime learning with instructors.
 - ii. The platform used for virtual learning must allow for secure, real-time communication between the instructor and the learner and facilitate the delivery of course materials.
 - b. Attendance Verification
 - i. The program must implement a system to verify student attendance in virtual classrooms. This may include but is not limited to logging into the virtual classroom platform, engaging with content, and participating in live sessions.
 - ii. The program must retain attendance records, and students must log in at the start of each session. Students must also be required to complete periodic quizzes or assignments to verify engagement.
 - c. Monitoring and Maintaining Integrity
 - i. The program must employ methods for monitoring student participation during virtual training to maintain academic integrity. These may include video surveillance, proctored exams, or other forms of verification to ensure that the enrolled student is participating.



- ii. The program must have a system for tracking and reporting non-participation or disruptive behavior by a student, which may include withdrawal or other corrective measures.
 - d. Instructor Qualifications
 - i. Instructors for virtual classroom training must meet the same qualifications as those required for in-person instruction, including but not limited to, necessary certifications, experience, and familiarity with the virtual teaching platform.
- 3. Programs that incorporate virtual classroom training must submit a detailed plan, to include the department's approved curriculum, for how virtual learning will be implemented and monitored. The plan must include the types of courses delivered in the virtual classroom, the software platforms used, and methods for ensuring academic integrity.

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, Post Office Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 4, 2025.

Nurse Staffing Agencies- Licensing Standards (LAC 48:I.Chapter 77)

The Louisiana Department of Health (LDH) Health Standards Section proposes to amend the provisions governing the licensing of nurse staffing agencies (NSAs) to add and update definitions, adjust social media policy requirements, modify initial licensure and change of ownership requirements. The proposed amendments are lengthy and a full text of the proposed amendments can be found beginning on page 149 of the [PDF](#).

Of note, "healthcare technology platform" is defined. In addition, "healthcare technology platform" is added to the definition of "nurse staffing agency." The proposed rules establish a process for applicants to obtain a waiver from the provisions of the NSA licensing rules. The proposed rules also place responsibility on the NSA to perform reviews of the [Louisiana Certified Nurse Aide Registry](#) (LCNAR), the [Louisiana Adverse Actions List](#) and the [Office of the Inspector General's List of Excluded Individuals and Entities](#) (OIG-LEIE) to confirm there has been no finding that any nurse or CNA has committed exploitation, extortion, abuse, neglect, or misappropriation of property or funds of an individual in the care of the nurse or CNA, prior to hire or contract and monthly thereafter.

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed rule. The deadline for submitting written comments is at 4:30 p.m. on August 4, 2025.

Questions

If you have comments or concerns regarding this update, contact LNHA Legal and Policy Director Wes Hataway at whataway@lnha.org.