

By the Committee on Health Policy; and Senator Grimsley

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1 A bill to be entitled
2 An act relating to nursing education programs;
3 amending s. 464.003, F.S.; revising definitions;
4 amending s. 464.013, F.S.; exempting nurses who are
5 certified by an accredited program from continuing
6 education requirements; amending s. 464.019, F.S.;
7 specifying the location of clinical training; revising
8 the limitation on the percentage of clinical training
9 that consists of clinical simulation; deleting
10 obsolete requirements; authorizing the Board of
11 Nursing to adopt certain rules relating to documenting
12 the accreditation of nursing education programs;
13 deleting the requirement that the Office of Program
14 Policy Analysis and Government Accountability
15 participate in an implementation study and revising
16 the terms of the study; requiring nursing education
17 programs that prepare students for the practice of
18 professional nursing to be accredited; providing an
19 exception; amending s. 456.014, F.S.; conforming a
20 cross-reference; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsections (10), (19), and (23) of section
25 464.003, Florida Statutes, are amended to read:

26 464.003 Definitions.—As used in this part, the term:

27 (10) "Clinical training" means direct nursing care
28 experiences with patients or clients, or clinical simulation of
29 such experiences, which offer the student the opportunity to

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30 integrate, apply, and refine specific skills and abilities based
31 on theoretical concepts and scientific principles.

32 (19) "Practice of practical nursing" means the performance
33 of selected acts, including the administration of treatments and
34 medications, in the care of the ill, injured, or infirm; ~~and~~ the
35 promotion of wellness, maintenance of health, and prevention of
36 illness of others under the direction of a registered nurse, a
37 licensed physician, a licensed osteopathic physician, a licensed
38 podiatric physician, or a licensed dentist; and the teaching of
39 general principles of health and wellness to the public and to
40 students other than nursing students. A practical nurse is
41 responsible and accountable for making decisions that are based
42 upon the individual's educational preparation and experience in
43 nursing.

44 (23) "Required passage rate" means the graduate passage
45 rate required for an approved program pursuant to s.
46 464.019(5)(a) ~~464.019(6)(a)1.~~

47 Section 2. Subsection (3) of section 464.013, Florida
48 Statutes, is amended to read:

49 464.013 Renewal of license or certificate.—

50 (3) The board shall by rule prescribe up to 30 hours of
51 continuing education ~~not to exceed 30 hours~~ biennially as a
52 condition for renewal of a license or certificate. A nurse who
53 is certified by a health care specialty program accredited by
54 the National Commission for Certifying Agencies or Accreditation
55 Board for Specialty Nursing Certification is exempt from
56 continuing education requirements. The criteria for programs
57 shall be approved by the board.

58 Section 3. Section 464.019, Florida Statutes, is amended to

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59 read:

60 464.019 Approval of nursing education programs.—

61 (1) PROGRAM APPLICATION ~~APPLICATIONS~~.—An educational
62 institution that wishes to conduct a program in this state for
63 the prelicensure education of professional or practical nurses
64 must submit to the department a program application and review
65 fee of \$1,000 for each prelicensure nursing education program to
66 be offered at the institution's main campus, branch campus, or
67 other instructional site. The ~~Each~~ program application must
68 include the legal name of the educational institution, the legal
69 name of the nursing education program, and, if such institution
70 ~~program~~ is accredited by an ~~accrediting agency other than an~~
71 ~~accrediting agency described in s. 464.003(1)~~, the name of the
72 accrediting agency. The application must also document that:

73 (a)1. For a professional nursing education program, the
74 program director and at least 50 percent of the program's
75 faculty members are registered nurses who have a master's or
76 higher degree in nursing or a bachelor's degree in nursing and a
77 master's or higher degree in a field related to nursing.

78 2. For a practical nursing education program, the program
79 director and at least 50 percent of the program's faculty
80 members are registered nurses who have a bachelor's or higher
81 degree in nursing.

82
83 The educational degree requirements of this paragraph may be
84 documented by an official transcript or by a written statement
85 from the educational institution verifying that the institution
86 conferred the degree.

87 (b) The program's nursing major curriculum consists of at

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88 least:

89 1. Fifty percent clinical training at a health care
90 facility in the United States, the District of Columbia, or a
91 possession or territory of the United States for a practical
92 nursing education program, an associate degree professional
93 nursing education program, or a professional diploma nursing
94 education program.

95 2. Forty percent clinical training at a health care
96 facility in the United States, the District of Columbia, or a
97 possession or territory of the United States for a bachelor's
98 degree professional nursing education program.

99 (c) No more than 50 ~~25~~ percent of the program's clinical
100 training consists of clinical simulation.

101 (d) The program has signed agreements with each agency,
102 facility, and organization included in the curriculum plan as
103 clinical training sites and community-based clinical experience
104 sites.

105 (e) The program has written policies for faculty which
106 include provisions for direct or indirect supervision by program
107 faculty or clinical preceptors for students in clinical training
108 consistent with the following standards:

109 1. The number of program faculty members equals at least
110 one faculty member directly supervising every 12 students unless
111 the written agreement between the program and the agency,
112 facility, or organization providing clinical training sites
113 allows more students, not to exceed 18 students, to be directly
114 supervised by one program faculty member.

115 2. For a hospital setting, indirect supervision may occur
116 only if there is direct supervision by an assigned clinical

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117 preceptor, a supervising program faculty member is available by
118 telephone, and such arrangement is approved by the clinical
119 facility.

120 3. For community-based clinical experiences that involve
121 student participation in invasive or complex nursing activities,
122 students must be directly supervised by a program faculty member
123 or clinical preceptor and such arrangement must be approved by
124 the community-based clinical facility.

125 4. For community-based clinical experiences not subject to
126 subparagraph 3., indirect supervision may occur only when a
127 supervising program faculty member is available to the student
128 by telephone.

129
130 A program's policies established under this paragraph must
131 require that a clinical preceptor who is,~~if~~ supervising
132 students in a professional nursing education program,~~to~~ be a
133 registered nurse or, if supervising students in a practical
134 nursing education program, ~~to~~ be a registered nurse or licensed
135 practical nurse.

136 (f) The professional or practical nursing curriculum plan
137 documents clinical experience and theoretical instruction in
138 medical, surgical, obstetric, pediatric, and geriatric nursing.
139 A professional nursing curriculum plan shall also document
140 clinical experience and theoretical instruction in psychiatric
141 nursing. Each curriculum plan must document clinical training
142 experience in appropriate settings that include, but are not
143 limited to, acute care, long-term care, and community settings.

144 (g) The professional or practical nursing education program
145 provides theoretical instruction and clinical application in

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146 personal, family, and community health concepts; nutrition;
147 human growth and development throughout the life span; body
148 structure and function; interpersonal relationship skills;
149 mental health concepts; pharmacology and administration of
150 medications; and legal aspects of practice. A professional
151 nursing education program must ~~shall~~ also provide theoretical
152 instruction and clinical application in interpersonal
153 relationships and leadership skills; professional role and
154 function; and health teaching and counseling skills.

155 (2) PROGRAM APPROVAL.—

156 (a) Upon receipt of a program application and review fee,
157 the department shall examine the application to determine if
158 ~~whether~~ it is complete. If the ~~a~~ ~~program~~ application is not
159 complete, the department shall notify the educational
160 institution in writing of any errors or omissions within 30 days
161 after the department's receipt of the application. A program
162 application is deemed complete upon the department's receipt of:

163 1. The initial application, if the department does not
164 notify the educational institution of any errors or omissions
165 within the 30-day period; or

166 2. A revised application that corrects each error and
167 omission of which the department notifies the educational
168 institution within the 30-day period.

169 (b) Within 90 days after the department's receipt of a
170 complete program application, the board shall:

171 1. Approve the application if it documents compliance with
172 subsection (1) ~~paragraphs (1)(a)-(g)~~; or

173 2. Provide the educational institution with a notice of
174 intent to deny the application if it does not document

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175 compliance with subsection (1) ~~paragraphs (1)(a)-(g)~~. The notice
176 must specify ~~set forth~~ written reasons for the board's denial of
177 the application. The board may not deny a program application
178 because of an educational institution's failure to correct an
179 ~~any~~ error or omission that ~~of which~~ the department failed to
180 provide notice of to ~~does not notify~~ the institution within the
181 30-day notice period under paragraph (a). The educational
182 institution may request a hearing on the notice of intent to
183 deny the program application pursuant to chapter 120.

184 (c) A program application is deemed approved if the board
185 does not act within the 90-day review period provided under
186 paragraph (b).

187 (d) Upon the board's approval of a program application, the
188 program becomes an approved program.

189 ~~(3) STATUS OF CERTAIN PROGRAMS. A professional or practical~~
190 ~~nursing education program becomes an approved program if, as of~~
191 ~~June 30, 2009, the program:~~

192 ~~(a) Has full or provisional approval from the board or,~~
193 ~~except as provided in paragraph (b), is on probationary status.~~

194 ~~(b) Is on probationary status because the program did not~~
195 ~~meet the board's requirement for graduate passage rates. Such~~
196 ~~program shall remain on probationary status until it achieves a~~
197 ~~graduate passage rate for calendar year 2009 or 2010 that equals~~
198 ~~or exceeds the required passage rate for the respective calendar~~
199 ~~year and must disclose its probationary status in writing to the~~
200 ~~program's students and applicants. If the program does not~~
201 ~~achieve the required passage rate, the board shall terminate the~~
202 ~~program pursuant to chapter 120.~~

203 (3)(4) ANNUAL REPORT.—By November 1 of each year, each

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204 approved program shall submit to the board an annual report
205 comprised of an affidavit certifying continued compliance with
206 subsection (1) ~~paragraphs (1)(a)-(g)~~, a summary description of
207 the program's compliance with subsection (1) ~~paragraphs (1)(a)-~~
208 ~~(g)~~, and documentation for the previous academic year that, to
209 the extent applicable, describes ~~sets forth~~:

210 (a) The number of student applications received, qualified
211 applicants, applicants accepted, accepted applicants who enroll
212 in the program, students enrolled in the program, and program
213 graduates.

214 (b) The program's retention rates for students tracked from
215 program entry to graduation.

216 (c) The program's accreditation status, including
217 identification of the accrediting agency ~~if such agency is not~~
218 ~~an accrediting agency described in s. 464.003(1)~~.

219 (4) ~~(5)~~ INTERNET WEBSITE. ~~By October 1, 2010,~~ The board
220 shall publish the following information on its Internet website:

221 (a) A list of each accredited program conducted in the
222 state and the program's graduate passage rates for the most
223 recent 2 calendar years, which the department shall determine
224 through the following sources:

225 1. For a program's accreditation status, the specialized
226 accrediting agencies that are nationally recognized by the
227 United States Secretary of Education to accredit nursing
228 education programs.

229 2. For a program's graduate passage rates, the contract
230 testing service of the National Council of State Boards of
231 Nursing.

232 (b) The following data for each approved program, which

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233 includes ~~shall include~~, to the extent applicable:

234 1. All documentation provided by the program in its program
235 application if submitted on or after July 1, 2009.

236 2. The summary description of the program's compliance
237 submitted under subsection (3) ~~(4)~~.

238 3. The program's accreditation status, including
239 identification of the accrediting agency ~~if such agency is not~~
240 ~~an accrediting agency described in s. 464.003(1)~~.

241 4. The program's probationary status.

242 5. The program's graduate passage rates for the most recent
243 2 calendar years.

244 6. Each program's retention rates for students tracked from
245 program entry to graduation.

246 (c) The average passage rates for United States educated
247 first-time test takers on the National Council of State Boards
248 of Nursing Licensing Examination for the most recent 2 calendar
249 years, as calculated by the contract testing service of the
250 National Council of State Boards of Nursing. The average passage
251 rates shall be published separately for each type of comparable
252 degree program listed in subparagraph (5) (a)1. ~~sub-subparagraphs~~
253 ~~(6) (a)1.a. d.~~

254

255 The information required to be published under this subsection
256 shall be made available in a manner that allows interactive
257 searches and comparisons of individual programs selected by the
258 website user. The board shall update the Internet website at
259 least quarterly with the available information.

260 (5) ~~(6)~~ ACCOUNTABILITY.—

261 (a)1. An approved program must achieve a graduate passage

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262 rate that is not more ~~lower~~ than 10 percentage points lower ~~less~~
263 than the average passage rate during the same calendar year for
264 graduates of comparable degree programs who are United States
265 educated, first-time test takers on the National Council of
266 State Boards of Nursing Licensing Examination ~~during a calendar~~
267 ~~year~~, as calculated by the contract testing service of the
268 National Council of State Boards of Nursing. For purposes of
269 this subparagraph, an approved program is comparable to all
270 degree programs of the same program type from among the
271 following program types:

272 a. Professional nursing education programs that terminate
273 in a bachelor's degree.

274 b. Professional nursing education programs that terminate
275 in an associate degree.

276 c. Professional nursing education programs that terminate
277 in a diploma.

278 d. Practical nursing education programs.

279 2. Beginning with graduate passage rates for calendar year
280 2010, if an approved program's graduate passage rates do not
281 equal or exceed the required passage rates for 2 consecutive
282 calendar years, the board shall place the program on
283 probationary status pursuant to chapter 120 and the program
284 director shall ~~must~~ appear before the board to present a plan
285 for remediation. The program must ~~shall~~ remain on probationary
286 status until it achieves a graduate passage rate that equals or
287 exceeds the required passage rate for any 1 calendar year. The
288 board shall deny a program application for a new prelicensure
289 nursing education program submitted by an educational
290 institution if the institution has an existing program that is

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291 already on probationary status.

292 3. Upon the program's achievement of a graduate passage
293 rate that equals or exceeds the required passage rate, the
294 board, at its next regularly scheduled meeting following release
295 of the program's graduate passage rate by the National Council
296 of State Boards of Nursing, shall remove the program's
297 probationary status. However, if the program, during the 2
298 calendar years following its placement on probationary status,
299 does not achieve the required passage rate for any 1 calendar
300 year, the board shall terminate the program pursuant to chapter
301 120.

302 (b) If an approved program fails to submit the annual
303 report required in subsection (3) ~~(4)~~, the board shall notify
304 the program director and president or chief executive officer of
305 the educational institution in writing within 15 days after the
306 due date of the annual report. The program director shall ~~must~~
307 appear before the board at the board's next regularly scheduled
308 meeting to explain the reason for the delay. The board shall
309 terminate the program pursuant to chapter 120 if it does not
310 submit the annual report within 6 months after the due date.

311 (c) An approved program on probationary status shall
312 disclose its probationary status in writing to the program's
313 students and applicants.

314 (6) ~~(7)~~ DISCLOSURE OF GRADUATE PASSAGE RATE DATA.—

315 (a) For each graduate of the program ~~an approved program's~~
316 ~~or accredited program's graduates~~ included in the calculation of
317 the program's graduate passage rate, the department shall
318 disclose to the program director, upon his or her written
319 request, the name, examination date, and determination of

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320 whether each graduate passed or failed the National Council of
321 ~~for~~ State Boards of Nursing Licensing Examination, if to the
322 ~~extent that~~ such information is provided to the department by
323 the contract testing service of the National Council of ~~for~~
324 State Boards of Nursing. The written request must specify the
325 calendar years for which the information is requested.

326 (b) A program director to whom confidential information
327 exempt from public disclosure pursuant to s. 456.014 is
328 disclosed under this subsection must maintain the
329 confidentiality of the information and is subject to the same
330 penalties provided in s. 456.082 for department employees who
331 unlawfully disclose confidential information.

332 (7) ~~(8)~~ PROGRAM CLOSURE.—

333 (a) An educational institution conducting an approved
334 program or accredited program in this state, at least 30 days
335 before voluntarily closing the program, shall notify the board
336 in writing of the institution's reason for closing the program,
337 the intended closure date, the institution's plan to provide for
338 or assist in the completion of training by the program's
339 students, and the arrangements for storage of the program's
340 permanent records.

341 (b) An educational institution conducting a nursing
342 education program that is terminated under subsection (5) ~~(6)~~ or
343 closed under subparagraph (9) (b) 3. ~~(10) (b) 3.:~~

344 1. May not accept or enroll new students.

345 2. Shall ~~Must~~ submit to the board within 30 days after the
346 program is terminated or closed a written description of how the
347 institution will assist in completing the ~~completion of~~ training
348 of ~~by~~ the program's students and the institution's arrangements

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349 for storage of the program's permanent records.

350 (c) If an educational institution does not comply with
351 paragraph (a) or paragraph (b), the board shall provide a
352 written notice explaining the institution's noncompliance to the
353 following persons and entities:

354 1. The president or chief executive officer of the
355 educational institution.

356 2. The Board of Governors, if the program is conducted by a
357 state university.

358 3. The district school board, if the program is conducted
359 by an educational institution operated by a school district.

360 4. The Commission for Independent Education, if the program
361 is conducted by an educational institution licensed under
362 chapter 1005.

363 5. The State Board of Education, if the program is
364 conducted by an educational institution in the Florida College
365 System or by an educational institution that is not subject to
366 subparagraphs 2.-4.

367 ~~(8)-(9)~~ RULEMAKING.—The board does not have ~~any~~ rulemaking
368 authority to administer this section, except that the board
369 shall adopt rules ~~a rule~~ that prescribe ~~prescribes~~ the format
370 for submitting program applications under subsection (1) and
371 annual reports under subsection (3), and to administer the
372 documentation of the accreditation of nursing education programs
373 under subsection (11) ~~(4)~~. The board may not impose any
374 condition or requirement on an educational institution
375 submitting a program application, an approved program, or an
376 accredited program, except as expressly provided in this
377 section. ~~The board shall repeal all rules, or portions thereof,~~

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378 ~~in existence on July 1, 2009, that are inconsistent with this~~
379 ~~subsection.~~

380 (9)~~(10)~~ APPLICABILITY TO ACCREDITED PROGRAMS.—

381 (a) Subsections (1)-(3) ~~(1)-(4)~~, paragraph (4) (b) ~~(5) (b)~~,
382 and subsection (5) ~~(6)~~ do not apply to an accredited program. ~~An~~
383 ~~accredited program on probationary status before July 1, 2010,~~
384 ~~ceases to be subject to the probationary status.~~

385 (b) If an accredited program ceases to be accredited, the
386 educational institution conducting the program:

387 1. Within 10 business days after the program ceases to be
388 accredited, must provide written notice of the date that the
389 program ceased to be accredited to the board, the program's
390 students and applicants, and each entity providing clinical
391 training sites or community-based clinical experience sites for
392 the program. The educational institution must continue to
393 provide the written notice to new students, applicants, and
394 entities providing clinical training sites or community-based
395 clinical experience sites for the program until the program
396 becomes an approved program or is closed under subparagraph 3.

397 2. Within 30 days after the program ceases to be
398 accredited, must submit an affidavit to the board, signed by the
399 educational institution's president or chief executive officer
400 which, ~~that~~ certifies the institution's compliance with
401 subparagraph 1. The board shall notify the persons and
402 applicable entities listed in paragraph (7) (c) ~~subparagraph~~
403 ~~(8) (c)1. and the applicable entities listed in subparagraphs~~
404 ~~(8) (c)2.-5.~~ if an educational institution does not submit the
405 affidavit required by this subparagraph.

406 3. May apply to become an approved program under this

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407 section. If the educational institution:

408 a. Within 30 days after the program ceases to be
409 accredited, submits a program application and review fee to the
410 department under subsection (1) and the affidavit required under
411 subparagraph 2., the program shall be deemed an approved program
412 from the date that the program ceased to be accredited until the
413 date that the board approves or denies the program application.
414 The program application must be denied by the board pursuant to
415 chapter 120 if it does not contain the affidavit. If the board
416 denies the program application under subsection (2) or if
417 ~~because~~ the program application does not contain the affidavit,
418 the program shall be closed and the educational institution
419 conducting the program must comply with paragraph (7) (b) ~~(8) (b)~~.

420 b. Does not apply to become an approved program pursuant to
421 sub-subparagraph a., the program shall be deemed an approved
422 program from the date ~~that~~ the program ceased to be accredited
423 until the 31st day after that date. On the 31st day after the
424 program ceased to be accredited, the program shall be closed and
425 the educational institution conducting the program must comply
426 with paragraph (7) (b) ~~(8) (b)~~.

427 (10) (11) IMPLEMENTATION STUDY.—The Florida Center for
428 Nursing and the education policy area of the Office of Program
429 Policy Analysis and Government Accountability shall study the
430 implementation ~~5-year administration~~ of this section and submit
431 reports to the Governor, the President of the Senate, and the
432 Speaker of the House of Representatives in January of each year
433 following the effective date of this act ~~by January 30, 2011, and~~
434 ~~annually thereafter through January 30, 2015~~. The annual reports
435 shall address the previous academic year; provide ~~set forth~~ data

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436 on the measures specified in paragraphs (a) and (b), as such
437 data becomes available; and include an evaluation of such data
438 for purposes of determining whether this section is increasing
439 the availability of nursing education programs and the
440 production of quality nurses. The department and each approved
441 program or accredited program shall comply with requests for
442 data from the Florida Center for Nursing ~~and the education~~
443 ~~policy area of the Office of Program Policy Analysis and~~
444 ~~Government Accountability.~~

445 (a) The Florida Center for Nursing ~~education policy area of~~
446 ~~the Office of Program Policy Analysis and Government~~
447 ~~Accountability~~ shall evaluate program-specific data for each
448 approved program and accredited program conducted in the state,
449 including, but not limited to:

450 1. The number of programs and student slots available.

451 2. The number of student applications submitted, the number
452 of qualified applicants, and the number of students accepted.

453 3. The number of program graduates.

454 4. Program retention rates of students tracked from program
455 entry to graduation.

456 5. Graduate passage rates on the National Council of State
457 Boards of Nursing Licensing Examination.

458 6. The number of graduates who become employed as practical
459 or professional nurses in the state.

460 (b) The Florida Center for Nursing shall evaluate the
461 board's implementation of the:

462 1. Program application approval process, including, but not
463 limited to, the number of program applications submitted under
464 subsection (1); the number of program applications approved and

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465 denied by the board under subsection (2); the number of denials
466 of program applications reviewed under chapter 120; and a
467 description of the outcomes of those reviews.

468 2. Accountability processes, including, but not limited to,
469 the number of programs on probationary status, the number of
470 approved programs for which the program director is required to
471 appear before the board under subsection (5) ~~(6)~~, the number of
472 approved programs terminated by the board, the number of
473 terminations reviewed under chapter 120, and a description of
474 the outcomes of those reviews.

475 ~~(c) For any state fiscal year in which the Florida Center
476 for Nursing does not receive legislative appropriations, the
477 education policy area of the Office of Program Policy Analysis
478 and Government Accountability shall perform the duties assigned
479 by this subsection to the Florida Center for Nursing.~~

480 (11) ACCREDITATION REQUIRED.—

481 (a) A nursing education program that prepares students for
482 the practice of professional nursing, that was approved under
483 this section before July 1, 2014, and that enrolled students
484 before July 1, 2014, must become an accredited program by July
485 1, 2019.

486 (b) A nursing education program that prepares students for
487 the practice of professional nursing, that was approved under
488 this section before July 1, 2014, but did not enroll students
489 before that date, must become an accredited program within 5
490 years after the date of enrolling the program's first students.

491 (c) A nursing education program that prepares students for
492 the practice of professional nursing and that is approved by the
493 board after June 30, 2014, must become an accredited program

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494 within 5 years after the date of enrolling the program's first
495 students.

496 (d) This subsection does not apply to a nursing education
497 program provided by an institution that is exempted from
498 licensure by the Commission for Independent Education under s.
499 1005.06(1)(e).

500 Section 4. Subsection (1) of section 456.014, Florida
501 Statutes, is amended to read:

502 456.014 Public inspection of information required from
503 applicants; exceptions; examination hearing.—

504 (1) All information required by the department of any
505 applicant shall be a public record and shall be open to public
506 inspection pursuant to s. 119.07, except financial information,
507 medical information, school transcripts, examination questions,
508 answers, papers, grades, and grading keys, which are
509 confidential and exempt from s. 119.07(1) and shall not be
510 discussed with or made accessible to anyone except the program
511 director of an approved program or accredited program as
512 provided in s. 464.019(6) ~~464.019(7)~~, members of the board, the
513 department, and staff thereof, who have a bona fide need to know
514 such information. Any information supplied to the department by
515 any other agency which is exempt from the provisions of chapter
516 119 or is confidential shall remain exempt or confidential
517 pursuant to applicable law while in the custody of the
518 department or the agency.

519 Section 5. This act shall take effect July 1, 2014.