

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Health Policy Committee

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BILL: SB 1648

INTRODUCER: Senator Gaetz

SUBJECT: UWF/M.S. Degree/Nursing/Social Work

DATE: April 7, 2007

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Matthews</u>	<u>HE</u>	<b>Favorable</b>
2.	<u>Munroe</u>	<u>Wilson</u>	<u>HP</u>	<b>Favorable</b>
3.	_____	_____	<u>HI</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

This bill authorizes the creation of both a master of science degree program in nursing and a master of science degree program in social work at the University of West Florida.

This bill creates section 1004.386, Florida Statutes.

**II. Present Situation:**

**Nursing**

Nursing is regulated under part I of chapter 464, F.S. The part provides definitions and requirements for nursing licensure of licensed practical nurses, registered nurses, and advanced registered nurse practitioners.

Advanced registered nurse practitioners may perform all duties of a registered nurse and advanced level nursing in accordance with established protocols, including managing selected medical problems, monitoring and altering drug therapies, initiating appropriate therapies for certain conditions, performing physical examinations, ordering and evaluating diagnostic tests, ordering physical and occupational therapy, and initiating and monitoring therapies for certain uncomplicated acute illnesses.

Part I of chapter 464, F.S., requires the Board of Nursing to adopt rules authorizing advanced registered nurse practitioners to perform acts of medical diagnosis and treatment, prescription, and operation which are identified and approved by a joint committee. Advanced registered nurse practitioners may perform medical acts under the general supervision of a medical

physician, osteopathic physician, or dentist within the framework of standing protocols which identify the medical acts to be performed and the conditions for their performance. The Board of Nursing and the Board of Medicine have filed identical administrative rules setting forth standards for the protocols<sup>1</sup> which establish obligations on medical physicians, osteopathic physicians, and dentists who enter into protocol relationships with advanced registered nurse practitioners. The Board of Osteopathic Medicine and the Board of Dentistry, which have regulatory jurisdiction over osteopathic physicians and dentists, respectively, are not required to adopt administrative rules regarding the standards for advanced registered nurse practitioner protocols. Although advanced registered nurse practitioners may prescribe medications in accordance with a protocol, they cannot prescribe controlled substances.

Section 464.012, F.S., requires advanced registered nurse practitioners to hold current licensure to practice professional nursing. Certification is required, as provided by rule of the Board of Nursing, in the following categories:

- Certified registered nurse anesthetists;
- Certified nurse midwives; and
- Nurse practitioners.<sup>2</sup>

The American Association of Colleges of Nursing (AACN), a national nursing accrediting body, reports that the United States is in the midst of a nursing shortage that is expected to intensify as baby boomers age and the need for health care grows. Though AACN reported a 9.6 percent enrollment increase in entry-level baccalaureate programs in nursing in 2005, this increase is not sufficient to meet the projected demand for nurses. The HRSA officials state that “to meet the projected growth in demand for RN services, the U.S. must graduate approximately 90 percent more nurses from US nursing programs.”

A report of the Florida Center for Nursing (FCN) indicates that even with expansions, Florida continues to turn away qualified applicants to nursing programs.<sup>3</sup> A major factor prohibiting admissions are the lack of faculty and lack of clinical space.<sup>4</sup> A majority of nursing programs responding to a survey conducted by the Southern Regional Education Board also found that a majority of graduate degree programs could have admitted more students but did not have enough qualified applicants and suggests that the faculty shortage is, in part, due to insufficient interest in graduate education in nursing.<sup>5</sup> The FCN study notes that this would further stunt the ability of Florida to increase its nurse supply by the production of graduate nurses.<sup>6</sup>

### **Social Workers**

Chapter 491, F.S., governs the regulation of master’s level psychotherapists, including clinical social workers. In order to obtain licensure to practice clinical social work in Florida a person must:

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<sup>1</sup> See Rules 64B-4.010 and 64B-35.002, Florida Administrative Code.

<sup>2</sup> See s. 464.012(2), F.S.

<sup>3</sup> “The Florida Nursing Shortage” January 2007 by the Florida Center for Nursing.

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> Id.

- Complete an application and pay the appropriate fee;
- Have received a doctoral degree in social work from a graduate school of social work which at the time the applicant graduated was accredited by an accrediting agency recognized by the United States Department of Education or have received a master's degree in social work from a graduate school of social work which at the time the applicant graduated was accredited by the Council on Social Work Education or the Canadian Association of Schools of Social Work, or graduated from a program that has been determined to be equivalent to programs approved by the Council on Social Work Education by the Foreign Equivalency Determination Service of the Council on Social Work Education;
- Complete a supervised field placement which was part of the applicant's advanced concentration in direct practice, during which the applicant provided clinical services directly to clients;
- Complete 24 semester hours or 32 quarter hours in theory of human behavior and practice methods as courses in clinically oriented services, including a minimum of one course in psychopathology, and no more than one course in research, taken in an accredited or approved school of social work;
- Have had not less than 2 years of clinical social work experience, which took place subsequent to completion of a graduate degree in social work at an institution meeting the accreditation requirements of this section, under the supervision of a licensed clinical social worker or the equivalent who is a qualified supervisor as determined by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling;
- Have passed a theory and practice examination provided by the department for this purpose; and
- Have demonstrated, in a manner designated by rule of the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

Section 491.0145, F.S., authorizes the Department of Health to certify an applicant as a certified master social worker subject to the following:

- Submission of an application to the Department of Health;
- Proof of receipt of a doctoral degree in social work, or a master's degree with a major focus in clinical practice or administration;
- At least three years' experience in practice at an advanced level; and
- An acceptable examination score.<sup>7</sup>

The certification of master social workers is voluntary and does not prevent any person from performing comparable acts that certified master social workers may perform as a part of their professional duties.

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<sup>7</sup> See s. 491.0145(1) through (4), F.S.

## Program Approval

Section 1004.03, F.S., requires the State Board of Education to establish criteria for the approval of new programs at state universities. These criteria include, but are not limited to, the following:

- New programs may not be approved unless the same objectives cannot be met through use of educational technology;
- Unnecessary duplication of programs offered by public and independent institutions shall be avoided;
- Cooperative programs, particularly within regions, should be encouraged;
- New programs must be approved only if they are consistent with the state master plans adopted by the State Board of Education; and
- A new graduate-level program may be approved if:
  - The university has taken into account the offerings of its counterparts, including institutions in other sectors, particularly at the regional level;
  - The addition of the program will not alter the emphasis on undergraduate education; and
  - The regional need and demand for the graduate program was addressed and the community needs are obvious.

New programs leading to a degree offered as a credential for a specific license granted under law or the State Constitution require specific legislative approval.<sup>8</sup>

The Second Judicial Circuit struck down s. 1004.03, F.S., in its entirety, in a Summary Final Judgment, on February 28, 2007.<sup>9</sup> The State Board of Education filed a Motion for Rehearing and/or Motion to Alter or Amend Judgment on March 7, 2007. Therefore, the case is reopened, and the outcome of the court's decision is uncertain at this time.

The Board of Governors has retained authority to approve doctoral and professional degree programs and has delegated the approval of specialist, master's, and baccalaureate degree programs to the Board of Trustees at each university. The University of West Florida Board of Trustees approved the request for approval of the Master of Science in Nursing and Master of Science in Social Work programs at its March 20, 2007 meeting.

### **New Masters' Programs at the University of West Florida**

#### *Master of Science in Nursing*

The School of Allied Health and Life Sciences at the University of West Florida (UWF) convened an advisory committee, staffed by the regional health care community, junior college representatives, and health-related UWF personnel. Over the last year, the committee examined the educational needs of the health care industry, and determined that a Master of Science in Nursing program is greatly needed. Of critical importance, the committee noted, is the need for nurses skilled in geriatric care, due to the significant increase in the senior population in Northwest Florida. Committee members also concluded that an insufficient supply of academic

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<sup>8</sup> See s. 1004.03(3), F.S.

<sup>9</sup> *Floridians for Constitutional Integrity, Inc., v. State Board of Education*, 2<sup>nd</sup> Judicial Circuit (2004 CA 003040).

programs is available to accommodate the pool of qualified graduate nursing applicants, due to a lack of faculty. Specific recommendations included an education track, an administration track, and a certificate in Geriatric Nursing. Since its inception in 2001, the Bachelor of Science degree in Nursing program has increased from 24 to 303 students.

#### *Master of Science in Social Work*

The UWF additionally requests expansion of its current Bachelors in Social Work program, to a Masters in Social Work program. As support for its request, UWF asserts that this discipline provides considerable diversity in specialization. Fields of practice include health care, including mental health care; children and family services; child welfare services; gerontology; criminal justice; rehabilitative services; developmental disabilities services; and military family services. The UWF also indicates the critical need for a greater workforce of social work professionals.

### **Critical Need Occupations**

According to the Agency for Workforce Innovation (AWI), some areas in Florida report current and projected shortages of registered nurses. Researchers cite an aging registered nurse workforce and an inadequate number of nursing graduates as the basis for the short supply of the profession.<sup>10</sup> An insufficient supply of nursing faculty contributes to the inadequate number of nursing graduates.

A similar shortage exists regarding social workers in the state.<sup>11</sup> The demand for social workers, like other social and human service assistants, as categorized by the AWI, is also expected to outpace supply. In fact, the AWI indicates that this category ranks among the most rapidly growing occupations.

### **III. Effect of Proposed Changes:**

This bill authorizes the University of West Florida to establish separate masters of science level degree programs in the areas of nursing and social work.

If this bill passes, the only school in the State University System that would not have a graduate program in nursing would be the New College.

The effective date of the bill is July 1, 2007.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

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<sup>10</sup> See Agency for Workforce Innovation's Occupational Profile for Registered Nurses at <http://www.labormarketinfo.com/library/pubs/profiles/nurse.pdf> (Last visited on April 5, 2007).

<sup>11</sup> See Agency for Workforce Innovation's Occupational Profile for Social and Human Services Assistants at <http://www.labormarketinfo.com/library/pubs/profiles/socialservice.pdf> (Last visited on April 5, 2007).

**B. Public Records/Open Meetings Issues:**

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

**C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

These programs will provide greater access to advanced job opportunities, in the areas of social work and nursing.

**C. Government Sector Impact:**

For the Masters Degree in Nursing program, the UWF projects first year costs at \$280,661, expected to reach \$463,116 in the fifth year of implementation. This reflects a student population starting at an estimated 15 FTE, increasing to 40 by year five. Most of the costs will be absorbed through existing capacity, with remaining costs to be funded through private support or reallocations from low-enrollment programs. Additionally, the UWF has received commitments from local and regional hospitals for moneys to support development of the masters degree program.

For the Masters Degree in Social Work program, the UWF projects a cost of \$815,651 in the first year of implementation, to increase to \$904,266 in the fifth year, reflecting an increase in student FTEs from 14 to 56 students. All costs would be funded through existing capacity in the current Department of Social Work.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The Board of Governors indicates that placing an academic program in statute is problematic because it impedes the ability of the university to terminate or make changes to the degree program.

## **VIII. Summary of Amendments:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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