By Senator Grimsley

An act relating to the regulation of nursing; amending s. 464.012, F.S.; removing an obsolete qualification no longer sufficient to satisfy certain certification requirements; amending chapter 2016-139, Laws of Florida; removing an obsolete qualification no longer sufficient to satisfy certain certification requirements from an act with a future effective date; amending s. 464.013, F.S.; requiring certain continuing education courses to be approved by the Board of Nursing; removing a requirement that certain continuing education courses be offered by specified entities; amending s. 464.019, F.S.; authorizing the board to conduct certain on-site evaluations; removing a limiting criterion from the requirement to measure graduate passage rates; removing a requirement that certain nursing program graduates complete a specific preparatory course; clarifying circumstances when programs in probationary status must be terminated; providing that accredited and nonaccredited nursing education programs must disclose probationary status; requiring notification of probationary status to include certain information; prohibiting a terminated or closed program from seeking program approval for a certain time; authorizing the board to adopt certain rules; requiring accredited programs to meet program accountability requirements and requirements to provide notification of probationary status; removing requirements that the Office of Program Policy Analysis and Government Accountability perform certain tasks; requiring the Florida Center for Nursing to make an annual assessment of compliance by nursing
programs with certain accreditation requirements;  
requiring the center to include its assessment in a  
report to the Governor and the Legislature; removing  
the requirement that the Office of Program Policy  
Analysis and Government Accountability perform  
specified duties under certain circumstances;  
requiring the termination of a program under certain  
circumstances; providing effective dates.

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

Section 1. Subsection (1) of section 464.012, Florida  
Statutes, is amended to read:  
464.012 Certification of advanced registered nurse  
practitioners; fees; controlled substance prescribing.—  
(1) Any nurse desiring to be certified as an advanced  
registered nurse practitioner shall apply to the department and  
submit proof that he or she holds a current license to practice  
professional nursing and that he or she meets one or more of the  
following requirements as determined by the board:  
(a) Satisfactory completion of a formal postbasic  
educational program of at least one academic year, the primary  
purpose of which is to prepare nurses for advanced or  
specialized practice.  
(b) Certification by an appropriate specialty board.  
Such certification shall be required for initial state  
certification and any recertification as a registered nurse  
anesthetist, psychiatric nurse, or nurse midwife. The board may  
by rule provide for provisional state certification of graduate
nurse anesthetists, psychiatric nurses, and nurse midwives for a period of time determined to be appropriate for preparing for and passing the national certification examination.

(3) Graduation from a program leading to a master’s degree in a nursing clinical specialty area with preparation in specialized practitioner skills. For applicants graduating on or after October 1, 1998, graduation from a master’s degree program shall be required for initial certification as a nurse practitioner under paragraph (4)(c). For applicants graduating on or after October 1, 2001, graduation from a master’s degree program shall be required for initial certification as a registered nurse anesthetist under paragraph (4)(a).

Section 2. Effective December 31, 2018, or upon enactment of the Nurse Licensure Compact into law by 26 states, whichever occurs first, section 8 of chapter 2016-139, Laws of Florida, is amended to read:

Section 8. Subsection (1) of section 464.012, Florida Statutes, is amended to read:

464.012 Certification of advanced registered nurse practitioners; fees.—

(1) Any nurse desiring to be certified as an advanced registered nurse practitioner shall apply to the department and submit proof that he or she holds a current license to practice professional nursing or holds an active multistate license to practice professional nursing pursuant to s. 464.0095 and that he or she meets one or more of the following requirements as determined by the board:

(a) Satisfactory completion of a formal postbasic educational program of at least one academic year, the primary
The purpose of which is to prepare nurses for advanced or specialized practice.

(a) Certification by an appropriate specialty board. Such certification shall be required for initial state certification and any recertification as a registered nurse anesthetist or nurse midwife. The board may by rule provide for provisional state certification of graduate nurse anesthetists and nurse midwives for a period of time determined to be appropriate for preparing for and passing the national certification examination.

(b) Graduation from a program leading to a master’s degree in a nursing clinical specialty area with preparation in specialized practitioner skills. For applicants graduating on or after October 1, 1998, graduation from a master’s degree program shall be required for initial certification as a nurse practitioner under paragraph (4)(c). For applicants graduating on or after October 1, 2001, graduation from a master’s degree program shall be required for initial certification as a registered nurse anesthetist under paragraph (4)(a).

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

464.013 Renewal of license or certificate.—
(3) The board shall by rule prescribe up to 30 hours of continuing education biennially as a condition for renewal of a license or certificate.

(a) A nurse who is certified by a health care specialty program accredited by the National Commission for Certifying Agencies or the Accreditation Board for Specialty Nursing Certification is exempt from continuing education requirements.
The criteria for programs must be approved by the board.

(b) Notwithstanding the exemption in paragraph (a), as part of the maximum 30 hours of continuing education hours required under this subsection, advanced registered nurse practitioners certified under s. 464.012 must complete at least 3 hours of continuing education on the safe and effective prescription of controlled substances. Such continuing education courses must be approved by the board and must be offered by a statewide professional association of physicians in this state accredited to provide educational activities designated for the American Medical Association Physician’s Recognition Award Category 1 credit, the American Nurses Credentialing Center, the American Association of Nurse Anesthetists, or the American Association of Nurse Practitioners and may be offered in a distance learning format.

Section 4. Paragraph (b) of subsection (2), subsection (5), subsection (8), paragraph (a) of subsection (9), and subsection (10) of section 464.019, Florida Statutes, are amended, paragraph (d) is added to subsection (7) of that section, and paragraph (e) is added to subsection (11) of that section, to read:

464.019 Approval of nursing education programs.—
(2) PROGRAM APPROVAL.—
(b) Following the department’s receipt of a complete program application, the board may conduct an on-site evaluation if necessary to document the applicant’s compliance with subsection (1). Within 90 days after the department’s receipt of a complete program application, the board shall:
1. Approve the application if it documents compliance with
subsection (1); or

2. Provide the educational institution with a notice of intent to deny the application if it does not document compliance with subsection (1). The notice must specify written reasons for the board’s denial of the application. The board may not deny a program application because of an educational institution’s failure to correct an error or omission that the department failed to provide notice of to the institution within the 30-day notice period under paragraph (a). The educational institution may request a hearing on the notice of intent to deny the program application pursuant to chapter 120.

(5) ACCOUNTABILITY.—

(a)1. An approved program must achieve a graduate passage rate for first-time test takers who take the licensure examination within 6 months after graduation from the program that is not more than 10 percentage points lower than the average passage rate during the same calendar year for graduates of comparable degree programs who are United States educated, first-time test takers on the National Council of State Boards of Nursing Licensing Examination, as calculated by the contract testing service of the National Council of State Boards of Nursing. An approved program shall require a graduate from the program who does not take the licensure examination within 6 months after graduation to enroll in and successfully complete a licensure examination preparatory course pursuant to s. 464.008. For purposes of this subparagraph, an approved program is comparable to all degree programs of the same program type from among the following program types:

a. Professional nursing education programs that terminate
in a bachelor’s degree.

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

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

d. Practical nursing education programs.

2. Beginning with graduate passage rates for calendar year 2010, if an approved program’s graduate passage rates do not equal or exceed the required passage rates for 2 consecutive calendar years, the board shall place the program on probationary status pursuant to chapter 120 and the program director shall appear before the board to present a plan for remediation, which shall include specific benchmarks to identify progress toward a graduate passage rate goal. The program must remain on probationary status until it achieves a graduate passage rate that equals or exceeds the required passage rate for any 1 calendar year. The board shall deny a program application for a new prelicensure nursing education program submitted by an educational institution if the institution has an existing program that is already on probationary status.

3. Upon the program’s achievement of a graduate passage rate that equals or exceeds the required passage rate, the board, at its next regularly scheduled meeting following release of the program’s graduate passage rate by the National Council of State Boards of Nursing, shall remove the program’s probationary status. If the program, during the 2 calendar years following its placement on probationary status, does not achieve the required passage rate for any 1 calendar year, the board shall terminate the program pursuant to chapter 120. However,
the board may extend the program’s probationary status for 1 additional year, provided if the program has demonstrated demonstrates adequate progress toward the graduate passage rate goal by meeting a majority of the benchmarks established in the remediation plan. If the program is not granted the 1-year extension or fails to achieve the required passage rate by the end of such extension, the board shall terminate the program pursuant to chapter 120.

(b) If an approved program fails to submit the annual report required in subsection (3), the board shall notify the program director and president or chief executive officer of the educational institution in writing within 15 days after the due date of the annual report. The program director shall appear before the board at the board’s next regularly scheduled meeting to explain the reason for the delay. The board shall terminate the program pursuant to chapter 120 if the program director fails to appear before the board, as required under this paragraph, or if the program does not submit the annual report within 6 months after the due date.

(c) A nursing education An approved program, whether accredited or nonaccredited, which has been placed on probationary status shall disclose its probationary status in writing to the program’s students and applicants. The notification must include an explanation of the implications of the program’s probationary status on student and applicant employment and educational opportunities, including the prospects a student wishing to matriculate at a university will face.

(d) If students from a program that is terminated pursuant
to this subsection transfer to an approved or an accredited program under the direction of the Commission for Independent Education, the board shall recalculate the passage rates of the programs receiving the transferring students, excluding the test scores of those students transferring more than 12 credits.

(7) PROGRAM CLOSURE.—

(d) A program that is terminated or closed under this section may not seek program approval under its original name or a new program name for a minimum of 3 years after the date of termination or closing.

(8) RULEMAKING.—The board does not have rulemaking authority to administer this section, except that the board shall adopt rules that prescribe the format for submitting program applications under subsection (1) and annual reports under subsection (3), and to administer the documentation of the accreditation of nursing education programs under subsection (11). The board may adopt rules related to the nursing curriculum and nursing program implementation plans, which may include definitions of the various types and uses of simulation technology and limitations on the technology’s use. The board may also adopt rules related to program termination or closure under this section and the procedure for a program that is terminated or closed under this section to seek subsequent program approval. The board may not impose any condition or requirement on an educational institution submitting a program application, an approved program, or an accredited program, except as expressly provided in this section.

(9) APPLICABILITY TO ACCREDITED PROGRAMS.—

(a) Subsections (1)-(3), paragraph (4)(b), and paragraphs
(5)(b) and (d) subsection (5) do not apply to an accredited program.

(10) IMPLEMENTATION STUDY.—The Florida Center for Nursing and the education policy area of the Office of Program Policy Analysis and Government Accountability shall study the administration of this section and submit reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually by January 30, through January 30, 2020. The annual reports shall address the previous academic year; provide data on the measures specified in paragraphs (a) and (b), as such data becomes available; and include an evaluation of such data for purposes of determining whether this section is increasing the availability of nursing education programs and the production of quality nurses. The department and each approved program or accredited program shall comply with requests for data from the Florida Center for Nursing and the education policy area of the Office of Program Policy Analysis and Government Accountability.

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

1. The number of programs and student slots available.
2. The number of student applications submitted, the number of qualified applicants, and the number of students accepted.
3. The number of program graduates.
4. Program retention rates of students tracked from program entry to graduation.
5. Graduate passage rates on the National Council of State Boards of Nursing Licensing Examination.

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

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

1. Program application approval process, including, but not limited to, the number of program applications submitted under subsection (1); the number of program applications approved and denied by the board under subsection (2); the number of denials of program applications reviewed under chapter 120; and a description of the outcomes of those reviews.

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

(c) The Florida Center for Nursing shall complete an annual assessment of compliance by programs with the accreditation requirements of subsection (11), include in the assessment a determination of the accreditation process status for each program, and submit the assessment as part of the report required by this subsection. For any state fiscal year in which The Florida Center for Nursing does not receive legislative appropriations, the education policy area of the Office of Program Policy Analysis and Government Accountability shall perform the duties assigned by this subsection to the Florida
Center for Nursing.

(11) ACCREDITATION REQUIRED.—

(e) A nursing education program that fails to meet the accreditation requirements shall be terminated and is ineligible for reapproval under its original name or a new program name for a minimum of 3 years after the date of termination.

Section 5. This act shall take effect July 1, 2017.