

By Senator Grimsley

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1                   A bill to be entitled  
2           An act relating to the regulation of nursing; amending  
3           s. 464.012, F.S.; removing an obsolete qualification  
4           no longer sufficient to satisfy certain certification  
5           requirements; amending chapter 2016-139, Laws of  
6           Florida; removing an obsolete qualification no longer  
7           sufficient to satisfy certain certification  
8           requirements from an act with a future effective date;  
9           amending s. 464.013, F.S.; requiring certain  
10          continuing education courses to be approved by the  
11          Board of Nursing; removing a requirement that certain  
12          continuing education courses be offered by specified  
13          entities; amending s. 464.019, F.S.; authorizing the  
14          board to conduct certain on-site evaluations; removing  
15          a limiting criterion from the requirement to measure  
16          graduate passage rates; removing a requirement that  
17          certain nursing program graduates complete a specific  
18          preparatory course; clarifying circumstances when  
19          programs in probationary status must be terminated;  
20          providing that accredited and nonaccredited nursing  
21          education programs must disclose probationary status;  
22          requiring notification of probationary status to  
23          include certain information; prohibiting a terminated  
24          or closed program from seeking program approval for a  
25          certain time; authorizing the board to adopt certain  
26          rules; requiring accredited programs to meet program  
27          accountability requirements and requirements to  
28          provide notification of probationary status; removing  
29          requirements that the Office of Program Policy  
30          Analysis and Government Accountability perform certain  
31          tasks; requiring the Florida Center for Nursing to  
32          make an annual assessment of compliance by nursing

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33 programs with certain accreditation requirements;  
34 requiring the center to include its assessment in a  
35 report to the Governor and the Legislature; removing  
36 the requirement that the Office of Program Policy  
37 Analysis and Government Accountability perform  
38 specified duties under certain circumstances;  
39 requiring the termination of a program under certain  
40 circumstances; providing effective dates.

41  
42 Be It Enacted by the Legislature of the State of Florida:

43  
44 Section 1. Subsection (1) of section 464.012, Florida  
45 Statutes, is amended to read:

46 464.012 Certification of advanced registered nurse  
47 practitioners; fees; controlled substance prescribing.—

48 (1) Any nurse desiring to be certified as an advanced  
49 registered nurse practitioner shall apply to the department and  
50 submit proof that he or she holds a current license to practice  
51 professional nursing and that he or she meets one or more of the  
52 following requirements as determined by the board:

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

57 (a) ~~(b)~~ Certification by an appropriate specialty board.  
58 Such certification shall be required for initial state  
59 certification and any recertification as a registered nurse  
60 anesthetist, psychiatric nurse, or nurse midwife. The board may  
61 by rule provide for provisional state certification of graduate

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62 nurse anesthetists, psychiatric nurses, and nurse midwives for a  
63 period of time determined to be appropriate for preparing for  
64 and passing the national certification examination.

65 (b)~~(e)~~ Graduation from a program leading to a master's  
66 degree in a nursing clinical specialty area with preparation in  
67 specialized practitioner skills. For applicants graduating on or  
68 after October 1, 1998, graduation from a master's degree program  
69 shall be required for initial certification as a nurse  
70 practitioner under paragraph (4) (c). For applicants graduating  
71 on or after October 1, 2001, graduation from a master's degree  
72 program shall be required for initial certification as a  
73 registered nurse anesthetist under paragraph (4) (a).

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

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

80 464.012 Certification of advanced registered nurse  
81 practitioners; fees.—

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

89 ~~(a) Satisfactory completion of a formal postbasic~~  
90 ~~educational program of at least one academic year, the primary~~

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91 ~~purpose of which is to prepare nurses for advanced or~~  
92 ~~specialized practice.~~

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

101 (b) ~~(e)~~ Graduation from a program leading to a master's  
102 degree in a nursing clinical specialty area with preparation in  
103 specialized practitioner skills. For applicants graduating on or  
104 after October 1, 1998, graduation from a master's degree program  
105 shall be required for initial certification as a nurse  
106 practitioner under paragraph (4) (c). For applicants graduating  
107 on or after October 1, 2001, graduation from a master's degree  
108 program shall be required for initial certification as a  
109 registered nurse anesthetist under paragraph (4) (a).

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

112 464.013 Renewal of license or certificate.—

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

116 (a) A nurse who is certified by a health care specialty  
117 program accredited by the National Commission for Certifying  
118 Agencies or the Accreditation Board for Specialty Nursing  
119 Certification is exempt from continuing education requirements.

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120 The criteria for programs must be approved by the board.

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

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

141 464.019 Approval of nursing education programs.—

142 (2) PROGRAM APPROVAL.—

143 (b) Following the department's receipt of a complete  
144 program application, the board may conduct an on-site evaluation  
145 if necessary to document the applicant's compliance with  
146 subsection (1). Within 90 days after the department's receipt of  
147 a complete program application, the board shall:

148 1. Approve the application if it documents compliance with

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149 subsection (1); or

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

160 (5) ACCOUNTABILITY.—

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

177 a. Professional nursing education programs that terminate

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178 in a bachelor's degree.

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

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

183 d. Practical nursing education programs.

184 2. Beginning with graduate passage rates for calendar year  
185 2010, if an approved program's graduate passage rates do not  
186 equal or exceed the required passage rates for 2 consecutive  
187 calendar years, the board shall place the program on  
188 probationary status pursuant to chapter 120 and the program  
189 director shall appear before the board to present a plan for  
190 remediation, which shall include specific benchmarks to identify  
191 progress toward a graduate passage rate goal. The program must  
192 remain on probationary status until it achieves a graduate  
193 passage rate that equals or exceeds the required passage rate  
194 for any 1 calendar year. The board shall deny a program  
195 application for a new prelicensure nursing education program  
196 submitted by an educational institution if the institution has  
197 an existing program that is already on probationary status.

198 3. Upon the program's achievement of a graduate passage  
199 rate that equals or exceeds the required passage rate, the  
200 board, at its next regularly scheduled meeting following release  
201 of the program's graduate passage rate by the National Council  
202 of State Boards of Nursing, shall remove the program's  
203 probationary status. If the program, during the 2 calendar years  
204 following its placement on probationary status, does not achieve  
205 the required passage rate for any 1 calendar year, the board  
206 ~~shall terminate the program pursuant to chapter 120. However,~~

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207 ~~the board~~ may extend the program's probationary status for 1  
208 additional year, provided if the program has demonstrated  
209 ~~demonstrates~~ adequate progress toward the graduate passage rate  
210 goal by meeting a majority of the benchmarks established in the  
211 remediation plan. If the program is not granted the 1-year  
212 extension or fails to achieve the required passage rate by the  
213 end of such extension, the board shall terminate the program  
214 pursuant to chapter 120.

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

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

235 (d) If students from a program that is terminated pursuant



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236 to this subsection transfer to an approved or an accredited  
237 program under the direction of the Commission for Independent  
238 Education, the board shall recalculate the passage rates of the  
239 programs receiving the transferring students, excluding the test  
240 scores of those students transferring more than 12 credits.

241 (7) PROGRAM CLOSURE.—

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

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

263 (9) APPLICABILITY TO ACCREDITED PROGRAMS.—

264 (a) Subsections (1)-(3), paragraph (4)(b), and paragraphs

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265 (5) (b) and (d) ~~subsection (5)~~ do not apply to an accredited  
266 program.

267 (10) IMPLEMENTATION STUDY.—The Florida Center for Nursing  
268 ~~and the education policy area of the Office of Program Policy~~  
269 ~~Analysis and Government Accountability~~ shall study the  
270 administration of this section and submit reports to the  
271 Governor, the President of the Senate, and the Speaker of the  
272 House of Representatives annually by January 30, through January  
273 30, 2020. The annual reports shall address the previous academic  
274 year; provide data on the measures specified in paragraphs (a)  
275 and (b), as such data becomes available; and include an  
276 evaluation of such data for purposes of determining whether this  
277 section is increasing the availability of nursing education  
278 programs and the production of quality nurses. The department  
279 and each approved program or accredited program shall comply  
280 with requests for data from the Florida Center for Nursing ~~and~~  
281 ~~the education policy area of the Office of Program Policy~~  
282 ~~Analysis and Government Accountability.~~

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

- 288 1. The number of programs and student slots available.
- 289 2. The number of student applications submitted, the number  
290 of qualified applicants, and the number of students accepted.
- 291 3. The number of program graduates.
- 292 4. Program retention rates of students tracked from program  
293 entry to graduation.

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294 5. Graduate passage rates on the National Council of State  
295 Boards of Nursing Licensing Examination.

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

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

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

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

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

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323 ~~Center for Nursing.~~

324 (11) ACCREDITATION REQUIRED.—

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

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