

1                   A bill to be entitled  
2           An act relating to reports of approved nursing  
3           education programs; amending s. 464.003, F.S.;  
4           revising and providing definitions; amending s.  
5           464.019, F.S.; requiring an approved program to submit  
6           to the Board of Nursing specified information relating  
7           to the program's average graduate passage rate;  
8           requiring an approved program to achieve a certain  
9           average graduate passage rate percentage in a  
10          specified period of time or be placed on probationary  
11          status or terminated; removing a provision relating to  
12          average passage rates of comparable degree programs;  
13          requiring an approved program to annually report  
14          certain information to the board by a specified date  
15          beginning in a specified calendar year; requiring the  
16          board to prepare a report detailing the average  
17          graduate passage rate for each approved program and  
18          provide such report to each approved program;  
19          requiring each approved program, within a specified  
20          period of time after receipt of the board's report, to  
21          provide additional information if necessary; requiring  
22          the board to issue a final report; requiring an  
23          approved program to offer a remediation program  
24          designed to assist a student in passing a specified  
25          examination; prohibiting the average graduate passage

26 rate for specified years from being considered by the  
 27 board when determining whether to take any adverse  
 28 action against an approved program; providing  
 29 legislative intent; providing for retroactive  
 30 application; amending s. 960.28, F.S.; correcting a  
 31 cross-reference; providing an effective date.

32

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

34

35 Section 1. Subsections (6) through (13) of section  
 36 464.003, Florida Statutes, are renumbered as subsections (7)  
 37 through (14), respectively, and present subsections (14) and  
 38 (22) of that section are amended to read:

39 464.003 Definitions.—As used in this part, the term:

40 (6) ~~(14)~~ "Average graduate passage rate" means the  
 41 percentage of a program's test takers ~~graduates~~ who, ~~as first-~~  
 42 ~~time test takers,~~ pass the National Council of State Boards of  
 43 Nursing Licensing Examination (NCLEX) during the most recent 2  
 44 consecutive ~~a calendar~~ years ~~year,~~ ~~as calculated by the contract~~  
 45 ~~testing service of the National Council of State Boards of~~  
 46 ~~Nursing.~~ The term includes all test takers as defined in this  
 47 section regardless of the number of times the student takes the  
 48 NCLEX.

49 (22) "Test takers" means those graduates who take the  
 50 NCLEX within 1 year after their graduation date ~~"Required~~

51 ~~passage rate" means the graduate passage rate required for an~~  
 52 ~~approved program pursuant to s. 464.019(5)(a).~~

53 Section 2. Subsections (3), (4), and (5) of section  
 54 464.019, Florida Statutes, are amended to read:

55 464.019 Approval of nursing education programs.—

56 (3) ANNUAL REPORT.—By February ~~November~~ 1 of each year,  
 57 each approved program shall submit to the board an annual report  
 58 comprised of an affidavit certifying continued compliance with  
 59 subsection (1), a summary description of the program's  
 60 compliance with subsection (1), and documentation for the  
 61 previous calendar ~~academic~~ year that, to the extent applicable,  
 62 describes:

63 (a) The number of student applications received, qualified  
 64 applicants, applicants accepted, accepted applicants who enroll  
 65 in the program, students enrolled in the program, and program  
 66 graduates.

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

69 (c) The program's average graduate passage rate.

70 (d) ~~(e)~~ The program's accreditation status, including  
 71 identification of the accrediting agency.

72 (4) INTERNET WEBSITE.—The board shall publish the  
 73 following information on its Internet website:

74 (a) A list of each accredited program conducted in the  
 75 state and the program's average graduate passage rate ~~rates for~~

76 | ~~the most recent 2 calendar years,~~ which the department shall  
 77 | determine through the following sources:

78 | 1. For a program's accreditation status, the specialized  
 79 | accrediting agencies that are nationally recognized by the  
 80 | United States Secretary of Education to accredit nursing  
 81 | education programs.

82 | 2. For a program's average graduate passage rate ~~rates,~~  
 83 | the contract testing service of the National Council of State  
 84 | Boards of Nursing and the approved program.

85 | (b) The following data for each approved program, which  
 86 | includes, to the extent applicable:

87 | 1. All documentation provided by the program in its  
 88 | program application.

89 | 2. The summary description of the program's compliance  
 90 | submitted under subsection (3).

91 | 3. The program's accreditation status, including  
 92 | identification of the accrediting agency.

93 | 4. The program's probationary status.

94 | 5. The program's average graduate passage rate ~~rates for~~  
 95 | ~~the most recent 2 calendar years.~~

96 | 6. Each program's retention rates for students tracked  
 97 | from program entry to graduation.

98 | (c) The average graduate passage rate ~~rates~~ for United  
 99 | States-educated ~~United States educated, first-time~~ test takers  
 100 | ~~on the National Council of State Boards of Nursing Licensing~~

101 ~~Examination for the most recent 2 calendar years, as calculated~~  
102 ~~by the contract testing service of the National Council of State~~  
103 ~~Boards of Nursing.~~ The average graduate passage rate ~~rates~~ shall  
104 be published separately for each type of comparable degree  
105 program listed in paragraph (5) (a) ~~subparagraph (5) (a)1~~.

106  
107 The information required to be published under this subsection  
108 shall be made available in a manner that allows interactive  
109 searches and comparisons of individual programs selected by the  
110 website user. The board shall update the Internet website at  
111 least quarterly with the available information.

112 (5) ACCOUNTABILITY.—

113 (a)~~1~~. An approved program must achieve an average a  
114 graduate passage rate of 75 percent or greater over the most  
115 recent national average graduate passage rate or be placed on  
116 probationary status or terminated as provided in paragraph (b)  
117 ~~for first-time test takers which is not more than 10 percentage~~  
118 ~~points lower than the average passage rate during the same~~  
119 ~~calendar year for graduates of comparable degree programs who~~  
120 ~~are United States educated, first-time test takers on the~~  
121 ~~National Council of State Boards of Nursing Licensing~~  
122 ~~Examination, as calculated by the contract testing service of~~  
123 ~~the National Council of State Boards of Nursing.~~ For purposes of  
124 this paragraph ~~subparagraph~~, an approved program is comparable  
125 to all degree programs of the same program type from among the

126 following program types:

127 a. Professional nursing education programs that terminate  
128 in a bachelor's degree.

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

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

133 d. Practical nursing education programs.

134 (b) Beginning in the 2022 calendar year:

135 1. By February 1 of each calendar year, in consultation  
136 with the board, an approved program shall report to the  
137 board for the most recent 2 consecutive calendar years all  
138 of the following information:

139 a. The names and number of students who graduated, and  
140 their graduation dates, who took, passed, or failed the  
141 NCLEX; and the number of times each student took the NCLEX.

142 b. The percentage of graduates who failed the NCLEX a  
143 third time compared to the number of graduates who took the  
144 NCLEX.

145 c. The number of graduates who were offered the  
146 remediation program, their graduation dates, and the names  
147 of students who participated in the remediation program.

148 d. The average graduate passage rate and whether the  
149 approved program has met or exceeded the average graduate  
150 passage rate required in paragraph (a).

151 2. Upon receipt of the information in subparagraph 1.,  
152 the board shall prepare a report detailing the average  
153 graduate passage rate for each approved program and shall  
154 provide such report to each approved program.

155 3. Upon receipt of the board's report, an approved  
156 program shall have 30 calendar days to provide additional  
157 information to the board if there are any disputes relating  
158 to the information the board used to prepare the report.

159 4. After the board has received all required or  
160 additional information, the board shall issue a final  
161 report detailing the average graduate passage rate for each  
162 approved program in accordance with this subsection.

163 5.2- If an approved program's average graduate passage  
164 rate does ~~rates do~~ not equal or exceed the average graduate  
165 required passage rate required in paragraph (a) ~~rates for 2~~  
166 ~~consecutive calendar years~~, the board shall place the program on  
167 probationary status pursuant to chapter 120 and the program  
168 director shall appear before the board to present a plan for  
169 remediation, which shall include specific benchmarks to identify  
170 progress toward the required average a graduate passage rate  
171 ~~goal~~. The program must remain on probationary status until it  
172 achieves an average a graduate passage rate that equals or  
173 exceeds the required average graduate passage rate for any 1  
174 calendar year. The board shall deny a program application for a  
175 new prelicensure nursing education program submitted by an

176 educational institution if the institution has an existing  
177 program that is already on probationary status.

178 ~~6.3.~~ Upon the program's achievement of an average a  
179 graduate passage rate that equals or exceeds the required  
180 average graduate passage rate, the board, at its next regularly  
181 scheduled meeting following release of the program's average  
182 graduate passage rate ~~by the National Council of State Boards of~~  
183 ~~Nursing~~, shall remove the program's probationary status.

184 7. If the program, during the 2 calendar years following  
185 its placement on probationary status, does not achieve the  
186 required average graduate passage rate ~~for any 1 calendar year~~,  
187 the board may extend the program's probationary status for 1  
188 additional year, provided the program has demonstrated adequate  
189 progress toward achieving the required average graduate passage  
190 rate ~~goal~~ by meeting a majority of the benchmarks established in  
191 the remediation plan.

192 8. If the program is not granted the 1-year extension or  
193 fails to achieve the required average graduate passage rate by  
194 the end of such extension, the board shall terminate the program  
195 pursuant to chapter 120.

196 (c) For each student who fails to pass the NCLEX on his or  
197 her first attempt, and for at least 1 calendar year following  
198 his or her graduation date, an approved program must offer such  
199 student a remediation program designed to assist the student in  
200 passing the NCLEX.



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

212        (e) ~~(e)~~ A nursing education program, whether accredited or  
 213 nonaccredited, which has been placed on probationary status  
 214 shall disclose its probationary status in writing to the  
 215 program's students and applicants. The notification must include  
 216 an explanation of the implications of the program's probationary  
 217 status on the students or applicants.

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

225        (g) The average graduate passage rate of an approved

226 program for calendar years 2020 and 2021, as determined by the  
227 contract testing service of the National Council of State Boards  
228 of Nursing, may not be considered by the board in any manner  
229 when determining whether to take any adverse action against an  
230 approved program, such as placing or continuing an approved  
231 program on probationary status or terminating an existing  
232 approved program that is already on probationary status.

233 (h) It is the intent of the Legislature that the amendment  
234 to this subsection apply retroactively to January 1, 2021, to  
235 prevent placing or continuing an approved program on  
236 probationary status or terminating an existing approved program  
237 that is already on probationary status.

238 Section 3. Subsection (2) of section 960.28, Florida  
239 Statutes, is amended to read:

240 960.28 Payment for victims' initial forensic physical  
241 examinations.—

242 (2) The Crime Victims' Services Office of the department  
243 shall pay for medical expenses connected with an initial  
244 forensic physical examination of a victim of sexual battery as  
245 defined in chapter 794 or a lewd or lascivious offense as  
246 defined in chapter 800. Such payment shall be made regardless of  
247 whether the victim is covered by health or disability insurance  
248 and whether the victim participates in the criminal justice  
249 system or cooperates with law enforcement. The payment shall be  
250 made only out of moneys allocated to the Crime Victims' Services

251 Office for the purposes of this section, and the payment may not  
252 exceed \$1,000 with respect to any violation. The department  
253 shall develop and maintain separate protocols for the initial  
254 forensic physical examination of adults and children. Payment  
255 under this section is limited to medical expenses connected with  
256 the initial forensic physical examination, and payment may be  
257 made to a medical provider using an examiner qualified under  
258 part I of chapter 464, excluding s. 464.003(15) ~~s. 464.003(14)~~;  
259 chapter 458; or chapter 459. Payment made to the medical  
260 provider by the department shall be considered by the provider  
261 as payment in full for the initial forensic physical examination  
262 associated with the collection of evidence. The victim may not  
263 be required to pay, directly or indirectly, the cost of an  
264 initial forensic physical examination performed in accordance  
265 with this section.

266 Section 4. This act shall take effect July 1, 2021.