

1 A bill to be entitled
2 An act relating to nursing education programs;
3 amending s. 464.019, F.S.; revising application
4 requirements for nursing education programs;
5 requiring, rather than authorizing, certain degree
6 requirements to be documented in a specified manner;
7 requiring the program director to certify certain
8 documentation as true and accurate; providing
9 additional requirements for program applications;
10 requiring the Board of Nursing to deny an application
11 under certain circumstances; authorizing the board to
12 revoke the approval of specified existing programs;
13 requiring each program director to submit an annual
14 report and written remediation plan to the board;
15 requiring the board to terminate a program under
16 certain circumstances; providing a penalty; removing
17 provisions authorizing an extension of a program's
18 probationary status; authorizing certain agents and
19 employees of the Department of Health to conduct
20 onsite evaluations and inspections under certain
21 circumstances; authorizing the department to collect
22 evidence for certain purposes; providing that a
23 failure of a program to refuse to allow such
24 evaluation or inspection is deemed a certain
25 violation; revising rulemaking authority; conforming a

26 provision to changes made by the act; providing an
 27 effective date.

28

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

30

31 Section 1. Subsections (1) and (3), paragraphs (a) and (b)
 32 of subsection (5), subsection (8), and paragraph (f) of
 33 subsection (11) of section 464.019, Florida Statutes, are
 34 amended, paragraph (e) is added to subsection (2), and paragraph
 35 (e) is added to subsection (5) of that section, to read:

36 464.019 Approval of nursing education programs.—

37 (1) PROGRAM APPLICATION.—An educational institution that
 38 wishes to conduct a program in this state for the prelicensure
 39 education of professional or practical nurses must submit to the
 40 department a program application and review fee of \$1,000 for
 41 each prelicensure nursing education program to be offered at the
 42 institution's main campus, branch campus, or other instructional
 43 site. The program application must include the legal name of the
 44 educational institution, the legal name of the nursing education
 45 program, the legal name of the nursing education program
 46 director, and, if such institution is accredited, the name of
 47 the accrediting agency. The application must also document that:

48 (a)1. For a professional nursing education program, the
 49 program director and at least 50 percent of the program's
 50 faculty members are registered nurses who have a master's or

51 higher degree in nursing or a bachelor's degree in nursing and a
52 master's or higher degree in a field related to nursing.

53 2. For a practical nursing education program, the program
54 director and at least 50 percent of the program's faculty
55 members are registered nurses who have a bachelor's or higher
56 degree in nursing.

57
58 The educational degree requirements of this paragraph must ~~may~~
59 be documented by an official transcript or by a written
60 statement from the program director of the educational
61 institution verifying that the institution conferred the degree.
62 The program director shall certify the official transcript or
63 written statement as true and accurate.

64 (b) The program's nursing major curriculum consists of at
65 least:

66 1. Fifty percent clinical training in the United States,
67 the District of Columbia, or a possession or territory of the
68 United States for a practical nursing education program, an
69 associate degree professional nursing education program, or a
70 professional diploma nursing education program.

71 2. Forty percent clinical training in the United States,
72 the District of Columbia, or a possession or territory of the
73 United States for a bachelor's degree professional nursing
74 education program.

75 (c) No more than 50 percent of the program's clinical

76 training consists of clinical simulation.

77 (d) The program has signed agreements with each agency,
78 facility, and organization included in the curriculum plan as
79 clinical training sites and community-based clinical experience
80 sites.

81 (e) The program has written policies for faculty which
82 include provisions for direct or indirect supervision by program
83 faculty or clinical preceptors for students in clinical training
84 consistent with the following standards:

85 1. The number of program faculty members equals at least
86 one faculty member directly supervising every 12 students unless
87 the written agreement between the program and the agency,
88 facility, or organization providing clinical training sites
89 allows more students, not to exceed 18 students, to be directly
90 supervised by one program faculty member.

91 2. For a hospital setting, indirect supervision may occur
92 only if there is direct supervision by an assigned clinical
93 preceptor, a supervising program faculty member is available by
94 telephone, and such arrangement is approved by the clinical
95 facility.

96 3. For community-based clinical experiences that involve
97 student participation in invasive or complex nursing activities,
98 students must be directly supervised by a program faculty member
99 or clinical preceptor and such arrangement must be approved by
100 the community-based clinical facility.

101 4. For community-based clinical experiences not subject to
102 subparagraph 3., indirect supervision may occur only when a
103 supervising program faculty member is available to the student
104 by telephone.

105
106 A program's policies established under this paragraph must
107 require that a clinical preceptor who is supervising students in
108 a professional nursing education program be a registered nurse
109 or, if supervising students in a practical nursing education
110 program, be a registered nurse or licensed practical nurse.

111 (f) The professional or practical nursing curriculum plan
112 documents clinical experience and theoretical instruction in
113 medical, surgical, obstetric, pediatric, and geriatric nursing.
114 A professional nursing curriculum plan shall also document
115 clinical experience and theoretical instruction in psychiatric
116 nursing. Each curriculum plan must document clinical training
117 experience in appropriate settings that include, but are not
118 limited to, acute care, long-term care, and community settings.

119 (g) The professional or practical nursing education
120 program provides theoretical instruction and clinical
121 application in personal, family, and community health concepts;
122 nutrition; human growth and development throughout the life
123 span; body structure and function; interpersonal relationship
124 skills; mental health concepts; pharmacology and administration
125 of medications; and legal aspects of practice. A professional

126 nursing education program must also provide theoretical
127 instruction and clinical application in interpersonal
128 relationships and leadership skills; professional role and
129 function; and health teaching and counseling skills.

130 (h) The professional or practical nursing education
131 program has established evaluation and standardized admission
132 criteria. The admission criteria must, at a minimum, identify
133 those students who are likely to need additional preparation and
134 educational support to be successful program graduates. The
135 program shall maintain documentation of the individualized
136 student academic support plan for those students identified as
137 in need of additional preparation and educational support.

138 (i) The professional or practical nursing education
139 program has an established comprehensive examination to prepare
140 students for the National Council of State Boards of Nursing
141 Licensing Examination (NCLEX). This type of comprehensive
142 examination must be termed an exit examination that all programs
143 will administer and may not be the sole exclusion to graduation
144 if the student has otherwise successfully completed all
145 coursework required by the program. The program director is
146 responsible for ensuring that the average exit examination
147 results of the program are posted on the program's website and
148 reported in the program's annual report to the board as
149 required under subsection (3).

150 (j) The program shall submit to the board established

151 criteria for remediation that will be offered to students who do
152 not successfully pass the exit examination. A program with NCLEX
153 passage rates at least 10 percentage points below the average
154 passage rate for the most recent calendar year must offer
155 remediation at no additional cost or refer the student to an
156 approved remedial program and pay for that program for the
157 student.

158 (2) PROGRAM APPROVAL.—

159 (e) The board shall deny an application from a program
160 which has had adverse action taken against it by another
161 regulatory jurisdiction in the United States. The board may also
162 revoke the approval of an existing approved program that has had
163 adverse action taken against it by another regulatory
164 jurisdiction in the United States.

165 (3) ANNUAL REPORT.—By November 1 of each year, each
166 approved program's director ~~program~~ shall submit to the board an
167 annual report comprised of an affidavit certifying continued
168 compliance with subsection (1), a summary description of the
169 program's compliance with subsection (1), and documentation for
170 the previous academic year that, to the extent applicable,
171 describes:

172 (a) The number of student applications received, qualified
173 applicants, applicants accepted, accepted applicants who enroll
174 in the program, students enrolled in the program, and program
175 graduates.

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

178 (c) The program's accreditation status, including
 179 identification of the accrediting agency.

180

181 The board shall terminate the program pursuant to chapter 120 if
 182 the requirements of this subsection are not met. The program
 183 director is also subject to discipline under s. 456.072(1)(k).

184 (5) ACCOUNTABILITY.—

185 (a)1. An approved program must achieve a graduate passage
 186 rate for first-time test takers which is not more than 10
 187 percentage points lower than the average passage rate during the
 188 same calendar year for graduates of comparable degree programs
 189 who are United States educated, first-time test takers on the
 190 National Council of State Boards of Nursing Licensing
 191 Examination, as calculated by the contract testing service of
 192 the National Council of State Boards of Nursing. For purposes of
 193 this subparagraph, an approved program is comparable to all
 194 degree programs of the same program type from among the
 195 following program types:

196 a. Professional nursing education programs that terminate
 197 in a bachelor's degree.

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

200 c. Professional nursing education programs that terminate

201 in a diploma.

202 d. Practical nursing education programs.

203 2. If an approved program's graduate passage rates do not
204 equal or exceed the required passage rates for 1 ~~2~~ consecutive
205 calendar year ~~years~~, the board shall place the program on
206 probationary status pursuant to chapter 120 and the program
207 director shall submit a written remediation plan to the board.
208 The program director shall appear before the board to present
209 then ~~a~~ plan for remediation, which shall include specific
210 nationally recognized benchmarks to identify progress toward a
211 graduate passage rate goal. The board shall terminate a program
212 pursuant to chapter 120 if the program director fails to submit
213 a written remediation plan or fails to appear before the board
214 and present the remediation plan no later than 6 months after
215 the date of the program being placed on probation. The program's
216 director is also subject to disciplinary action under s.
217 456.072(1)(k) for such failure. The program must remain on
218 probationary status until it achieves a graduate passage rate
219 that equals or exceeds the required passage rate for ~~any~~ 1
220 calendar year. The board shall deny a program application for a
221 new prelicensure nursing education program submitted by an
222 educational institution if the institution has an existing
223 program that is already on probationary status.

224 3. Upon the program's achievement of a graduate passage
225 rate that equals or exceeds the required passage rate, the

226 board, at its next regularly scheduled meeting following release
 227 of the program's graduate passage rate by the National Council
 228 of State Boards of Nursing, shall remove the program's
 229 probationary status. If the program, during the 2 calendar year
 230 ~~years~~ following its placement on probationary status, does not
 231 achieve the required passage rate ~~for any 1 calendar year~~, the
 232 board must ~~may extend the program's probationary status for 1~~
 233 ~~additional year, provided the program has demonstrated adequate~~
 234 ~~progress toward the graduate passage rate goal by meeting a~~
 235 ~~majority of the benchmarks established in the remediation plan.~~
 236 ~~If the program is not granted the 1-year extension or fails to~~
 237 ~~achieve the required passage rate by the end of such extension,~~
 238 ~~the board shall~~ terminate the program pursuant to chapter 120.

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

250 (e) Duly authorized agents or employees of the department

251 may conduct onsite evaluations or inspections at all reasonable
 252 hours to ensure that approved programs or accredited programs
 253 are in full compliance with this chapter, or to determine
 254 whether this chapter or s. 456.072 is being violated. The
 255 department may collect any necessary evidence needed to ensure
 256 compliance with this chapter or for prosecution as deemed
 257 necessary. A failure of a program to refuse to allow an onsite
 258 evaluation or inspection is deemed a violation of a legal
 259 obligation imposed by the board or the department.

260 (8) RULEMAKING.—The board does not have rulemaking
 261 authority to administer this section, except that the board
 262 shall adopt rules that prescribe the format for submitting
 263 program applications under subsection (1) and annual reports
 264 under subsection (3), to enforce and administer subsection (5),
 265 and to administer the documentation of the accreditation of
 266 nursing education programs under subsection (11). The board may
 267 adopt rules relating to the nursing curriculum, including rules
 268 relating to the uses and limitations of simulation technology,
 269 and rules relating to the criteria to qualify for an extension
 270 of time to meet the accreditation requirements under paragraph
 271 (11) (f). The board may not impose any condition or requirement
 272 on an educational institution submitting a program application,
 273 an approved program, or an accredited program, except as
 274 expressly provided in this section.

275 (11) ACCREDITATION REQUIRED.—

276 ~~(f) An approved nursing education program may, no sooner~~
277 ~~than 90 days before the deadline for meeting the accreditation~~
278 ~~requirements of this subsection, apply to the board for an~~
279 ~~extension of the accreditation deadline for a period which does~~
280 ~~not exceed 2 years. An additional extension may not be granted.~~
281 ~~In order to be eligible for the extension, the approved program~~
282 ~~must establish that it has a graduate passage rate of 60 percent~~
283 ~~or higher on the National Council of State Boards of Nursing~~
284 ~~Licensing Examination for the most recent calendar year and must~~
285 ~~meet a majority of the board's additional criteria, including,~~
286 ~~but not limited to, all of the following:~~

287 ~~1. A student retention rate of 60 percent or higher for~~
288 ~~the most recent calendar year.~~

289 ~~2. A graduate work placement rate of 70 percent or higher~~
290 ~~for the most recent calendar year.~~

291 ~~3. The program has applied for approval or been approved~~
292 ~~by an institutional or programmatic accreditor recognized by the~~
293 ~~United States Department of Education.~~

294 ~~4. The program is in full compliance with subsections (1)~~
295 ~~and (3) and paragraph (5) (b).~~

296 ~~5. The program is not currently in its second year of~~
297 ~~probationary status under subsection (5).~~

298
299 ~~The applicable deadline under this paragraph is tolled from the~~
300 ~~date on which an approved program applies for an extension until~~

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301 ~~the date on which the board issues a decision on the requested~~
302 ~~extension.~~

303 Section 2. This act shall take effect July 1, 2024.