

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Griffitts offered the following:

Amendment to Amendment (621510) (with title amendment)

Remove lines 5-1190 of the amendment and insert:

Section 1. Subsections (1), (2), (3), (5), (8), and (10) and paragraph (f) of subsection (11) of section 464.019, Florida Statutes, are amended to read:

464.019 Approval of nursing education programs.—

(1) PROGRAM APPLICATION.—An educational institution that wishes to conduct a program in this state for the prelicensure education of professional or practical nurses must submit to the department a program application and review fee of \$1,000 for each prelicensure nursing education program to be offered at the

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14 institution's main campus, branch campus, or other instructional
15 site. The program application must include the legal name of the
16 educational institution, the legal name of the nursing education
17 program, the legal name of the nursing education program
18 director, the status and outcome of any disciplinary case
19 pending or closed against the applicant in another regulatory
20 jurisdiction in the United States, and, if such institution is
21 accredited, the name of the accrediting agency. The application
22 must also document that:

23 (a)1. For a professional nursing education program, the
24 program director and at least 50 percent of the program's
25 faculty members are registered nurses who have a master's or
26 higher degree in nursing or a bachelor's degree in nursing and a
27 master's or higher degree in a field related to nursing.

28 2. For a practical nursing education program, the program
29 director and at least 50 percent of the program's faculty
30 members are registered nurses who have a bachelor's or higher
31 degree in nursing.

32
33 The educational degree requirements of this paragraph may be
34 documented by an official transcript or by a written statement
35 from the program director of the educational institution
36 verifying that the institution conferred the degree. The program
37 director shall certify the official transcript or written
38 statement as true and accurate.

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39 (b) The program's nursing major curriculum consists of at
40 least:

41 1. Fifty percent clinical training in the United States,
42 the District of Columbia, or a possession or territory of the
43 United States for a practical nursing education program, an
44 associate degree professional nursing education program, or a
45 professional diploma nursing education program.

46 2. Forty percent clinical training in the United States,
47 the District of Columbia, or a possession or territory of the
48 United States for a bachelor's degree professional nursing
49 education program.

50 (c) No more than 50 percent of the program's clinical
51 training consists of clinical simulation.

52 (d) The program has signed agreements with each agency,
53 facility, and organization included in the curriculum plan as
54 clinical training sites and community-based clinical experience
55 sites.

56 (e) The program has written policies for faculty which
57 include provisions for direct or indirect supervision by program
58 faculty or clinical preceptors for students in clinical training
59 consistent with the following standards:

60 1. The number of program faculty members equals at least
61 one faculty member directly supervising every 12 students unless
62 the written agreement between the program and the agency,
63 facility, or organization providing clinical training sites

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allows more students, not to exceed 18 students, to be directly supervised by one program faculty member.

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

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

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

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

(f) The professional or practical nursing curriculum plan documents clinical experience and theoretical instruction in medical, surgical, obstetric, pediatric, and geriatric nursing.

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89 A professional nursing curriculum plan must ~~shall~~ also document
90 clinical experience and theoretical instruction in psychiatric
91 nursing. Each curriculum plan must document clinical training
92 experience in appropriate settings that include, but are not
93 limited to, acute care, long-term care, and community settings.

94 (g) The professional or practical nursing education
95 program provides theoretical instruction and clinical
96 application in personal, family, and community health concepts;
97 nutrition; human growth and development throughout the life
98 span; body structure and function; interpersonal relationship
99 skills; mental health concepts; pharmacology and administration
100 of medications; and legal aspects of practice. A professional
101 nursing education program must also provide theoretical
102 instruction and clinical application in interpersonal
103 relationships and leadership skills; professional role and
104 function; and health teaching and counseling skills.

105 (h) The professional or practical nursing education
106 program has established evaluation and standardized admission
107 criteria. The admission criteria must, at a minimum, identify
108 those students who are likely to need additional educational
109 support to be successful program graduates. The program must
110 maintain documentation of the individualized student academic
111 support plan for those students identified as in need of
112 additional preparation and educational support.

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113 (i) The professional or practical nursing education
114 program has an established comprehensive examination, known as
115 an exit examination, or a full preparation course incorporating
116 multiple comprehensive examinations, known as a preparation
117 course, to prepare students for the National Council of State
118 Boards of Nursing Licensing Examination. The exit examination or
119 preparation course must be administered to all students before
120 program completion. Successful completion of the exit
121 examination or preparation course may not be required for
122 graduation unless students are notified of such requirement in
123 writing upon enrollment in the program. The program director is
124 responsible for posting the average exit examination results of
125 the program on the program's website.

126 (j) The professional or practical nursing education
127 program has submitted to the board the established criteria for
128 remediation that will be available for students who do not pass
129 the exit examination or preparation course.

130 (2) PROGRAM APPROVAL.—

131 (a) Upon receipt of a program application and review fee,
132 the department shall examine the application to determine if it
133 is complete. If the application is not complete, the department
134 ~~must~~ ~~shall~~ notify the educational institution in writing of any
135 errors or omissions within 30 days after the department's
136 receipt of the application. A program application is deemed
137 complete upon the department's receipt of:

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138 1. The initial application, if the department does not
139 notify the educational institution of any errors or omissions
140 within the 30-day period; or

141 2. A revised application that corrects each error and
142 omission of which the department notifies the educational
143 institution within the 30-day period.

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

149 1. Approve the application if it documents compliance with
150 subsection (1); or

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

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(c) A program application is deemed approved if the board does not act within the 90-day review period provided under paragraph (b).

(d) Upon the board's approval of a program application, the program becomes an approved program.

(e) The board may consider adverse actions taken against a nursing education program by another regulatory jurisdiction in the United States in determining program approval. The program director of an approved program must notify the board within 15 days after any adverse action taken against the program by another regulatory jurisdiction in the United States.

1. The board shall deny an application from an applicant if another regulatory jurisdiction in the United States has terminated or otherwise revoked its authority to operate a nursing education program.

2. The board may investigate the nature of an adverse action. In instances of adverse action other than termination or revocation of a program's authority to operate, the board may:

a. Approve the application;

b. Approve the application with conditions; or

c. Deny the application.

3. The board may impose disciplinary remedies on an approved program against which an adverse action has been taken by another regulatory jurisdiction in the United States. The

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board may impose remedies up to and including revocation of a program's approval pursuant to rules adopted under this section.

(f) The board may deny an application for approval if the board determines that the applicant is owned by any individual, group of individuals, or entity who directly or indirectly owned, controlled, or held a 25 percent or greater financial or ownership interest in a nursing education program that was on probationary status at the time of its closure.

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

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

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

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

(d) The program's average exit examination or preparation course results.

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The board must terminate the program if the requirements of this subsection are not met. The program director is also subject to discipline under s. 456.072(1)(k) for such failure.

(5) ACCOUNTABILITY.—

(a)1. An approved program must achieve a graduate passage rate for first-time test takers which 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. 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. If an approved program's graduate passage rates do not equal or exceed the required passage rates for 1 calendar year ~~2~~

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~~consecutive calendar years~~, the board must ~~shall~~ place the program on probationary status pursuant to chapter 120 and the program director must submit a written remediation plan to the board. The program director must ~~shall~~ appear before the board to present the ~~a~~ plan for remediation, which must ~~shall~~ include specific nationally recognized benchmarks to identify progress toward a graduate passage rate goal. The board must terminate a program if the program director fails to submit a written remediation plan that complies with this section or fails to appear before the board and present the remediation within 6 months after the program is placed on probation. The program's director is also subject to discipline under s. 456.072(1)(k) for such failure. 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 must ~~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

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260 following its placement on probationary status, does not achieve
261 the required passage rate ~~for any 1 calendar year~~, the board
262 ~~must~~ may ~~extend the program's probationary status for 1~~
263 ~~additional year, provided the program has demonstrated adequate~~
264 ~~progress toward the graduate passage rate goal by meeting a~~
265 ~~majority of the benchmarks established in the remediation plan.~~
266 ~~If the program is not granted the 1-year extension or fails to~~
267 ~~achieve the required passage rate by the end of such extension,~~
268 ~~the board shall~~ terminate the program pursuant to chapter 120.

269 (b) If an approved program fails to submit the annual
270 report required in subsection (3), the board must ~~shall~~ notify
271 the program director and president or chief executive officer of
272 the educational institution in writing within 15 days after the
273 due date of the annual report. The program director must ~~shall~~
274 appear before the board at the board's next regularly scheduled
275 meeting to explain the reason for the delay. The board must
276 ~~shall~~ terminate the program pursuant to chapter 120 if the
277 program director fails to appear before the board, as required
278 under this paragraph, or if the program does not submit the
279 annual report within 30 days ~~6 months~~ after the due date.

280 (c) A nursing education program, whether accredited or
281 nonaccredited, which has been placed on probationary status
282 must:

283 1. ~~shall~~ Disclose its probationary status in writing to
284 the program's students and applicants. The notification must

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include an explanation of the implications of the program's probationary status on the students or applicants.

2. Offer remediation at no additional cost or pay for remediation from a board-approved remedial program for:

a. Students who do not pass the program's exit examination or preparation course.

b. Each program graduate who fails to pass the National Council of State Boards of Nursing Licensing Examination as a first-time test taker within 1 calendar year after graduation.

(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 must ~~shall~~ recalculate the passage rates of the programs receiving the transferring students, excluding the test scores of those students transferring more than 12 credits.

(e) If an approved program's graduate passage rate is below 30 percent in a calendar year, the program must reimburse the total cost of tuition and fees paid by each student who failed to pass the National Council of State Boards of Nursing Licensing Examination as a first-time test taker in that calendar year. The program must outline its plan for meeting this requirement in its written remediation plan under subparagraph (a)2.

(f) Duly authorized agents or employees of the department may conduct onsite evaluations or inspections at all regular

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310 hours of operation to verify that approved programs or
311 accredited programs are in full compliance with this chapter, or
312 to determine whether this chapter or s. 456.072 is being
313 violated. The department may collect any necessary evidence
314 needed to verify compliance with this chapter or for prosecution
315 as deemed necessary. The failure of a program to allow an onsite
316 evaluation or inspection is deemed a violation of a legal
317 obligation imposed by the board or the department.

318 (8) RULEMAKING.—The board does not have rulemaking
319 authority to administer this section, except that the board
320 shall adopt rules that prescribe the format for submitting
321 program applications under subsection (1) and annual reports
322 under subsection (3), and to administer the documentation of the
323 accreditation of nursing education programs under subsection
324 (11). By December 31, 2025, the board shall adopt rules to
325 conduct investigations and take actions consistent with
326 subsection (2) and to enforce and administer subsection (5). The
327 board may adopt rules relating to the nursing curriculum,
328 including rules relating to the uses and limitations of
329 simulation technology, ~~and rules relating to the criteria to~~
330 ~~qualify for an extension of time to meet the accreditation~~
331 ~~requirements under paragraph (11)(f).~~ The board may not impose
332 any condition or requirement on an educational institution
333 submitting a program application, an approved program, or an

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334 accredited program, except as expressly provided in this
335 section.

336 (10) IMPLEMENTATION STUDY.—The Florida Center for Nursing
337 shall study the administration of this section and submit
338 reports to the Governor, the President of the Senate, and the
339 Speaker of the House of Representatives annually by January 30.
340 The annual reports shall address the previous academic year;
341 provide data on the measures specified in paragraphs (a) and
342 (b), as such data becomes available; and include an evaluation
343 of such data for purposes of determining whether this section is
344 increasing the availability of nursing education programs and
345 the production of quality nurses. The department and each
346 approved program or accredited program shall comply with
347 requests for data from the Florida Center for Nursing.

348 (a) The Florida Center for Nursing shall evaluate program-
349 specific data for each approved program and accredited program
350 conducted in the state, including, but not limited to:

- 351 1. The number of programs and student slots available.
- 352 2. The number of student applications submitted, the
353 number of qualified applicants, and the number of students
354 accepted.
- 355 3. The number of program graduates.
- 356 4. Program retention rates of students tracked from
357 program entry to graduation.
- 358 5. Program exit examination results.

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359 6. The number of students offered remediation due to exit
360 examination performance and the number of students who completed
361 remediation.

362 7. The impact of exit examinations and remediation on
363 graduation rates and graduate passage rates on the National
364 Council of State Boards of Nursing Licensing Examination.

365 ~~8.5.~~ Graduate passage rates on the National Council of
366 State Boards of Nursing Licensing Examination.

367 ~~9.6.~~ The number of graduates who become employed as
368 practical or professional nurses in the state.

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

371 1. Program application approval process, including, but
372 not limited to, the number of program applications submitted
373 under subsection (1), the number of program applications
374 approved and denied by the board under subsection (2), the
375 number of denials of program applications reviewed under chapter
376 120, and a description of the outcomes of those reviews.

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

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(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 reports required by this subsection.

(11) ACCREDITATION REQUIRED.—

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

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

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

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

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

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

~~The applicable deadline under this paragraph is tolled from the date on which an approved program applies for an extension until the date on which the board issues a decision on the requested extension.~~

Section 2. This act shall take effect July 1, 2025.

T I T L E A M E N D M E N T

Remove lines 1197-1331 of the amendment and insert:

An act relating to nursing education programs;
amending s. 464.019, F.S.; revising application
requirements for nursing education program approval;
requiring the Board of Nursing to deny an application
under certain circumstances; authorizing the board to
revoke a program's approval under certain
circumstances; authorizing the board to investigate
the nature of an adverse action and take specified
actions; revising requirements for annual reports
program directors of approved programs are required to
submit to the board; providing for the termination of

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434 a program's approval, and discipline of its program
435 director, under certain circumstances; revising
436 remediation procedures for approved programs with
437 graduate passage rates that do not meet specified
438 requirements; deleting a provision authorizing the
439 board to extend a program's probationary status;
440 revising requirements for certain nursing education
441 programs placed on probationary status; providing
442 requirements for programs with certain graduate
443 passage rates; authorizing agents of the Department of
444 Health to conduct onsite evaluations and inspections
445 of approved and accredited nursing education programs;
446 authorizing the department to collect evidence as part
447 of such evaluations and inspections; deeming failure
448 or refusal of a program to allow such evaluation or
449 inspection as a violation of a legal obligation;
450 revising and providing rulemaking authority of the
451 board; revising program-specific data the Florida
452 Center for Nursing evaluates for certain programs;
453 deleting a provision authorizing approved nursing
454 education programs to request an extension to meet the
455 board's accreditation requirements; providing an
456 effective date.

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