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1
2 An act relating to nursing education programs;
3 amending s. 464.019, F.S.; revising application
4 requirements for nursing education program approval;
5 requiring the Board of Nursing to deny an application
6 under certain circumstances; authorizing the board to
7 revoke a program's approval under certain
8 circumstances; authorizing the board to investigate
9 the nature of an adverse action and take specified
10 actions; revising requirements for annual reports
11 program directors of approved programs are required to
12 submit to the board; providing for the termination of
13 a program's approval, and discipline of its program
14 director, under certain circumstances; revising
15 remediation procedures for approved programs with
16 graduate passage rates that do not meet specified
17 requirements; deleting a provision authorizing the
18 board to extend a program's probationary status;
19 revising requirements for certain nursing education
20 programs placed on probationary status; providing
21 requirements for programs with certain graduate
22 passage rates; authorizing agents of the Department of
23 Health to conduct onsite evaluations and inspections
24 of approved and accredited nursing education programs;
25 authorizing the department to collect evidence as part

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26 of such evaluations and inspections; deeming failure
27 or refusal of a program to allow such evaluation or
28 inspection as a violation of a legal obligation;
29 revising and providing rulemaking authority of the
30 board; revising program-specific data the Florida
31 Center for Nursing evaluates for certain programs;
32 deleting a provision authorizing approved nursing
33 education programs to request an extension to meet the
34 board's accreditation requirements; providing an
35 effective date.

36
37 Be It Enacted by the Legislature of the State of Florida:

38
39 Section 1. Subsections (1), (2), (3), (5), (8), and (10)
40 and paragraph (f) of subsection (11) of section 464.019, Florida
41 Statutes, are amended to read:

42 464.019 Approval of nursing education programs.—

43 (1) PROGRAM APPLICATION.—An educational institution that
44 wishes to conduct a program in this state for the prelicensure
45 education of professional or practical nurses must submit to the
46 department a program application and review fee of \$1,000 for
47 each prelicensure nursing education program to be offered at the
48 institution's main campus, branch campus, or other instructional
49 site. The program application must include the legal name of the
50 educational institution, the legal name of the nursing education

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51 | program, the legal name of the nursing education program
52 | director, the status and outcome of any disciplinary case
53 | pending or closed against the applicant in another regulatory
54 | jurisdiction in the United States, and, if such institution is
55 | accredited, the name of the accrediting agency. The application
56 | must also document that:

57 | (a)1. For a professional nursing education program, the
58 | program director and at least 50 percent of the program's
59 | faculty members are registered nurses who have a master's or
60 | higher degree in nursing or a bachelor's degree in nursing and a
61 | master's or higher degree in a field related to nursing.

62 | 2. For a practical nursing education program, the program
63 | director and at least 50 percent of the program's faculty
64 | members are registered nurses who have a bachelor's or higher
65 | degree in nursing.

66 |
67 | The educational degree requirements of this paragraph may be
68 | documented by an official transcript or by a written statement
69 | from the program director of the educational institution
70 | verifying that the institution conferred the degree. The program
71 | director shall certify the official transcript or written
72 | statement as true and accurate.

73 | (b) The program's nursing major curriculum consists of at
74 | least:

75 | 1. Fifty percent clinical training in the United States,

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76 | the District of Columbia, or a possession or territory of the
77 | United States for a practical nursing education program, an
78 | associate degree professional nursing education program, or a
79 | professional diploma nursing education program.

80 | 2. Forty percent clinical training in the United States,
81 | the District of Columbia, or a possession or territory of the
82 | United States for a bachelor's degree professional nursing
83 | education program.

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

86 | (d) The program has signed agreements with each agency,
87 | facility, and organization included in the curriculum plan as
88 | clinical training sites and community-based clinical experience
89 | sites.

90 | (e) The program has written policies for faculty which
91 | include provisions for direct or indirect supervision by program
92 | faculty or clinical preceptors for students in clinical training
93 | consistent with the following standards:

94 | 1. The number of program faculty members equals at least
95 | one faculty member directly supervising every 12 students unless
96 | the written agreement between the program and the agency,
97 | facility, or organization providing clinical training sites
98 | allows more students, not to exceed 18 students, to be directly
99 | supervised by one program faculty member.

100 | 2. For a hospital setting, indirect supervision may occur

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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. A professional nursing curriculum plan must ~~shall~~ also document clinical experience and theoretical instruction in psychiatric nursing. Each curriculum plan must document clinical training

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126 experience in appropriate settings that include, but are not
127 limited to, acute care, long-term care, and community settings.

128 (g) The professional or practical nursing education
129 program provides theoretical instruction and clinical
130 application in personal, family, and community health concepts;
131 nutrition; human growth and development throughout the life
132 span; body structure and function; interpersonal relationship
133 skills; mental health concepts; pharmacology and administration
134 of medications; and legal aspects of practice. A professional
135 nursing education program must also provide theoretical
136 instruction and clinical application in interpersonal
137 relationships and leadership skills; professional role and
138 function; and health teaching and counseling skills.

139 (h) The professional or practical nursing education
140 program has established evaluation and standardized admission
141 criteria. The admission criteria must, at a minimum, identify
142 those students who are likely to need additional educational
143 support to be successful program graduates. The program must
144 maintain documentation of the individualized student academic
145 support plan for those students identified as in need of
146 additional preparation and educational support.

147 (i) The professional or practical nursing education
148 program has an established comprehensive examination, known as
149 an exit examination, or a full preparation course incorporating
150 multiple comprehensive examinations, known as a preparation

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151 course, to prepare students for the National Council of State
152 Boards of Nursing Licensing Examination. The exit examination or
153 preparation course must be administered to all students before
154 program completion. Successful completion of the exit
155 examination or preparation course may not be required for
156 graduation unless students are notified of such requirement in
157 writing upon enrollment in the program. The program director is
158 responsible for posting the average exit examination results of
159 the program on the program's website.

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

164 (2) PROGRAM APPROVAL.—

165 (a) Upon receipt of a program application and review fee,
166 the department shall examine the application to determine if it
167 is complete. If the application is not complete, the department
168 must ~~shall~~ notify the educational institution in writing of any
169 errors or omissions within 30 days after the department's
170 receipt of the application. A program application is deemed
171 complete upon the department's receipt of:

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

175 2. A revised application that corrects each error and

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omission of which the department notifies the educational institution within the 30-day period.

(b) Following the department's receipt of a complete program application, the board may conduct an onsite 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.

(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

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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 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

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226 probationary status at the time of its closure.

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

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

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

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

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

244
245 The board must terminate the program if the requirements of this
246 subsection are not met. The program director is also subject to
247 discipline under s. 456.072(1)(k) for such failure.

248 (5) ACCOUNTABILITY.—

249 (a)1. An approved program must achieve a graduate passage
250 rate for first-time test takers which is not more than 10

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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 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

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276 program if the program director fails to submit a written
277 remediation plan that complies with this section or fails to
278 appear before the board and present the remediation within 6
279 months after the program is placed on probation. The program's
280 director is also subject to discipline under s. 456.072(1)(k)
281 for such failure. The program must remain on probationary status
282 until it achieves a graduate passage rate that equals or exceeds
283 the required passage rate for ~~any~~ 1 calendar year. The board
284 must ~~shall~~ deny a program application for a new prelicensure
285 nursing education program submitted by an educational
286 institution if the institution has an existing program that is
287 already on probationary status.

288 3. Upon the program's achievement of a graduate passage
289 rate that equals or exceeds the required passage rate, the
290 board, at its next regularly scheduled meeting following release
291 of the program's graduate passage rate by the National Council
292 of State Boards of Nursing, shall remove the program's
293 probationary status. If the program, during the 2 calendar years
294 following its placement on probationary status, does not achieve
295 the required passage rate ~~for any 1 calendar year~~, the board
296 must ~~may extend the program's probationary status for 1~~
297 ~~additional year, provided the program has demonstrated adequate~~
298 ~~progress toward the graduate passage rate goal by meeting a~~
299 ~~majority of the benchmarks established in the remediation plan.~~
300 ~~If the program is not granted the 1-year extension or fails to~~

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301 ~~achieve the required passage rate by the end of such extension,~~
302 ~~the board shall~~ terminate the program pursuant to chapter 120.

303 (b) If an approved program fails to submit the annual
304 report required in subsection (3), the board must ~~shall~~ notify
305 the program director and president or chief executive officer of
306 the educational institution in writing within 15 days after the
307 due date of the annual report. The program director must ~~shall~~
308 appear before the board at the board's next regularly scheduled
309 meeting to explain the reason for the delay. The board must
310 ~~shall~~ terminate the program pursuant to chapter 120 if the
311 program director fails to appear before the board, as required
312 under this paragraph, or if the program does not submit the
313 annual report within 30 days ~~6 months~~ after the due date.

314 (c) A nursing education program, whether accredited or
315 nonaccredited, which has been placed on probationary status
316 must:

317 1. shall ~~shall~~ Disclose its probationary status in writing to
318 the program's students and applicants. The notification must
319 include an explanation of the implications of the program's
320 probationary status on the students or applicants.

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

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

325 b. Each program graduate who fails to pass the National

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326 Council of State Boards of Nursing Licensing Examination as a
327 first-time test taker within 1 calendar year after graduation.

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

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

342 (f) Duly authorized agents or employees of the department
343 may conduct onsite evaluations or inspections at all regular
344 hours of operation to verify that approved programs or
345 accredited programs are in full compliance with this chapter, or
346 to determine whether this chapter or s. 456.072 is being
347 violated. The department may collect any necessary evidence
348 needed to verify compliance with this chapter or for prosecution
349 as deemed necessary. The failure of a program to allow an onsite
350 evaluation or inspection is deemed a violation of a legal

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351 obligation imposed by the board or the department.

352 (8) RULEMAKING.—The board does not have rulemaking
353 authority to administer this section, except that the board
354 shall adopt rules that prescribe the format for submitting
355 program applications under subsection (1) and annual reports
356 under subsection (3), and to administer the documentation of the
357 accreditation of nursing education programs under subsection
358 (11). By December 31, 2025, the board shall adopt rules to
359 conduct investigations and take actions consistent with
360 subsection (2) and to enforce and administer subsection (5). The
361 board may adopt rules relating to the nursing curriculum,
362 including rules relating to the uses and limitations of
363 simulation technology, ~~and rules relating to the criteria to~~
364 ~~qualify for an extension of time to meet the accreditation~~
365 ~~requirements under paragraph (11)(f).~~ The board may not impose
366 any condition or requirement on an educational institution
367 submitting a program application, an approved program, or an
368 accredited program, except as expressly provided in this
369 section.

370 (10) IMPLEMENTATION STUDY.—The Florida Center for Nursing
371 shall study the administration of this section and submit
372 reports to the Governor, the President of the Senate, and the
373 Speaker of the House of Representatives annually by January 30.
374 The annual reports shall address the previous academic year;
375 provide data on the measures specified in paragraphs (a) and

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(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.

(a) The Florida Center for Nursing 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. Program exit examination results.
6. The number of students offered remediation due to exit examination performance and the number of students who completed remediation.
7. The impact of exit examinations and remediation on graduation rates and graduate passage rates on the National Council of State Boards of Nursing Licensing Examination.
- 8.5. Graduate passage rates on the National Council of State Boards of Nursing Licensing Examination.

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401 ~~9.6.~~ The number of graduates who become employed as
402 practical or professional nurses in the state.

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

405 1. Program application approval process, including, but
406 not limited to, the number of program applications submitted
407 under subsection (1), the number of program applications
408 approved and denied by the board under subsection (2), the
409 number of denials of program applications reviewed under chapter
410 120, and a description of the outcomes of those reviews.

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

418 (c) The Florida Center for Nursing shall complete an
419 annual assessment of compliance by programs with the
420 accreditation requirements of subsection (11), include in the
421 assessment a determination of the accreditation process status
422 for each program, and submit the assessment as part of the
423 reports required by this subsection.

424 (11) ACCREDITATION REQUIRED.—

425 ~~(f) An approved nursing education program may, no sooner~~

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~~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.~~

~~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~~

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451 ~~extension.~~

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