

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 to satisfy certification requirements for an advanced
5 registered nurse practitioner; amending s. 464.013,
6 F.S.; requiring certain continuing education courses
7 to be approved by the Board of Nursing; removing a
8 requirement that certain continuing education courses
9 be offered by specified entities; amending s. 464.019,
10 F.S.; authorizing the board to conduct certain on-site
11 evaluations; removing a limiting criterion from the
12 requirement to measure graduate passage rates;
13 removing a requirement that certain nursing program
14 graduates complete a specific preparatory course;
15 clarifying circumstances when programs in probationary
16 status must be terminated; providing that accredited
17 and nonaccredited nursing education programs must
18 disclose probationary status; requiring notification
19 of probationary status to include certain information;
20 prohibiting a terminated or closed program from
21 seeking program approval for a certain time;
22 authorizing the board to adopt certain rules;
23 requiring accredited programs to meet program
24 accountability requirements and requirements to
25 provide notification of probationary status; removing

26 requirements that the Office of Program Policy
 27 Analysis and Government Accountability perform certain
 28 tasks; requiring the Florida Center for Nursing to
 29 make an annual assessment of compliance by nursing
 30 programs with certain accreditation requirements;
 31 requiring the center to include its assessment in a
 32 report to the Governor and the Legislature; removing
 33 the requirement that the Office of Program Policy
 34 Analysis and Government Accountability perform
 35 specified duties under certain circumstances;
 36 requiring the termination of a program under certain
 37 circumstances; providing effective dates.

38

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

40

41 Section 1. Subsection (1) of section 464.012, Florida
 42 Statutes, is amended to read:

43 464.012 Certification of advanced registered nurse
 44 practitioners; fees; controlled substance prescribing.—

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

50 ~~(a) Satisfactory completion of a formal postbasie~~

51 ~~educational program of at least one academic year, the primary~~
52 ~~purpose of which is to prepare nurses for advanced or~~
53 ~~specialized practice.~~

54 (a) ~~(b)~~ Certification by an appropriate specialty board.
55 Such certification shall be required for initial state
56 certification and any recertification as a registered nurse
57 anesthetist, psychiatric nurse, or nurse midwife. The board may
58 by rule provide for provisional state certification of graduate
59 nurse anesthetists, psychiatric nurses, and nurse midwives for a
60 period of time determined to be appropriate for preparing for
61 and passing the national certification examination.

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

71 Section 2. Effective December 31, 2018, or upon enactment
72 of the Nurse Licensure Compact into law by 26 states, whichever
73 occurs first, subsection (1) of section 464.012, is amended to
74 read:

75 464.012 Certification of advanced registered nurse

76 practitioners; fees; controlled substance prescribing.—

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

84 ~~(a) Satisfactory completion of a formal postbasic~~
85 ~~educational program of at least one academic year, the primary~~
86 ~~purpose of which is to prepare nurses for advanced or~~
87 ~~specialized practice.~~

88 (a) ~~(b)~~ Certification by an appropriate specialty board.
89 Such certification shall be required for initial state
90 certification and any recertification as a registered nurse
91 anesthetist, psychiatric nurse, or nurse midwife. The board may
92 by rule provide for provisional state certification of graduate
93 nurse anesthetists, psychiatric nurses, and nurse midwives for a
94 period of time determined to be appropriate for preparing for
95 and passing the national certification examination.

96 (b) ~~(e)~~ Graduation from a program leading to a master's
97 degree in a nursing clinical specialty area with preparation in
98 specialized practitioner skills. For applicants graduating on or
99 after October 1, 1998, graduation from a master's degree program
100 shall be required for initial certification as a nurse

101 practitioner under paragraph (4) (c). For applicants graduating
 102 on or after October 1, 2001, graduation from a master's degree
 103 program shall be required for initial certification as a
 104 registered nurse anesthetist under paragraph (4) (a).

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

107 464.013 Renewal of license or certificate.—

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

111 (a) A nurse who is certified by a health care specialty
 112 program accredited by the National Commission for Certifying
 113 Agencies or the Accreditation Board for Specialty Nursing
 114 Certification is exempt from continuing education requirements.
 115 The criteria for programs must be approved by the board.

116 (b) Notwithstanding the exemption in paragraph (a), as
 117 part of the maximum 30 hours of continuing education ~~hours~~
 118 required under this subsection, advanced registered nurse
 119 practitioners certified under s. 464.012 must complete at least
 120 3 hours of continuing education on the safe and effective
 121 prescription of controlled substances. Such continuing education
 122 courses must be approved by the board and ~~must be offered by a~~
 123 ~~statewide professional association of physicians in this state~~
 124 ~~accredited to provide educational activities designated for the~~
 125 ~~American Medical Association Physician's Recognition Award~~

126 ~~Category 1 credit, the American Nurses Credentialing Center, the~~
127 ~~American Association of Nurse Anesthetists, or the American~~
128 ~~Association of Nurse Practitioners and~~ may be offered in a
129 distance learning format.

130 Section 4. Paragraph (b) of subsection (2), subsection
131 (5), subsection (8), paragraph (a) of subsection (9), and
132 subsection (10) of section 464.019, Florida Statutes, are
133 amended, paragraph (d) is added to subsection (7) of that
134 section, and paragraph (e) is added to subsection (11) of that
135 section, to read:

136 464.019 Approval of nursing education programs.—

137 (2) PROGRAM APPROVAL.—

138 (b) Following the department's receipt of a complete
139 program application, the board may conduct an on-site evaluation
140 if necessary to document the applicant's compliance with
141 subsection (1). Within 90 days after the department's receipt of
142 a complete program application, the board shall:

143 1. Approve the application if it documents compliance with
144 subsection (1); or

145 2. Provide the educational institution with a notice of
146 intent to deny the application if it does not document
147 compliance with subsection (1). The notice must specify written
148 reasons for the board's denial of the application. The board may
149 not deny a program application because of an educational
150 institution's failure to correct an error or omission that the

151 department failed to provide notice of to the institution within
152 the 30-day notice period under paragraph (a). The educational
153 institution may request a hearing on the notice of intent to
154 deny the program application pursuant to chapter 120.

155 (5) ACCOUNTABILITY.—

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

172 a. Professional nursing education programs that terminate
173 in a bachelor's degree.

174 b. Professional nursing education programs that terminate
175 in an associate degree.

176 c. Professional nursing education programs that terminate
177 in a diploma.

178 d. Practical nursing education programs.

179 2. Beginning with graduate passage rates for calendar year
180 2010, if an approved program's graduate passage rates do not
181 equal or exceed the required passage rates for 2 consecutive
182 calendar years, the board shall place the program on
183 probationary status pursuant to chapter 120 and the program
184 director shall appear before the board to present a plan for
185 remediation, which shall include specific benchmarks to identify
186 progress toward a graduate passage rate goal. The program must
187 remain on probationary status until it achieves a graduate
188 passage rate that equals or exceeds the required passage rate
189 for any 1 calendar year. The board shall deny a program
190 application for a new prelicensure nursing education program
191 submitted by an educational institution if the institution has
192 an existing program that is already on probationary status.

193 3. Upon the program's achievement of a graduate passage
194 rate that equals or exceeds the required passage rate, the
195 board, at its next regularly scheduled meeting following release
196 of the program's graduate passage rate by the National Council
197 of State Boards of Nursing, shall remove the program's
198 probationary status. If the program, during the 2 calendar years
199 following its placement on probationary status, does not achieve
200 the required passage rate for any 1 calendar year, the board

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

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

221 (c) A nursing education ~~An approved~~ program, whether
222 accredited or nonaccredited, which has been placed on
223 probationary status shall disclose its probationary status in
224 writing to the program's students and applicants. The
225 notification must include an explanation of the implications of

226 | the program's probationary status on student and applicant
227 | employment and educational opportunities, including the
228 | prospects a student wishing to matriculate at a university will
229 | face.

230 | (d) If students from a program that is terminated pursuant
231 | to this subsection transfer to an approved or an accredited
232 | program under the direction of the Commission for Independent
233 | Education, the board shall recalculate the passage rates of the
234 | programs receiving the transferring students, excluding the test
235 | scores of those students transferring more than 12 credits.

236 | (7) PROGRAM CLOSURE.—

237 | (d) A program that is terminated or closed under this
238 | section may not seek program approval under its original name or
239 | a new program name for a minimum of 3 years after the date of
240 | termination or closing.

241 | (8) RULEMAKING.—The board does not have rulemaking
242 | authority to administer this section, except that the board
243 | shall adopt rules that prescribe the format for submitting
244 | program applications under subsection (1) and annual reports
245 | under subsection (3), and to administer the documentation of the
246 | accreditation of nursing education programs under subsection
247 | (11). The board may adopt rules related to the nursing
248 | curriculum and nursing program implementation plans, which may
249 | include definitions of the various types and uses of simulation
250 | technology and limitations on the technology's use. The board

251 may also adopt rules related to program termination or closure
252 under this section and the procedure for a program that is
253 terminated or closed under this section to seek subsequent
254 program approval. The board may not impose any condition or
255 requirement on an educational institution submitting a program
256 application, an approved program, or an accredited program,
257 except as expressly provided in this section.

258 (9) APPLICABILITY TO ACCREDITED PROGRAMS.—

259 (a) Subsections (1)-(3), paragraph (4)(b), and paragraph
260 (5)(b) ~~subsection (5)~~ do not apply to an accredited program.

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

276 ~~Analysis and Government Accountability.~~

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

282 1. The number of programs and student slots available.

283 2. The number of student applications submitted, the
284 number of qualified applicants, and the number of students
285 accepted.

286 3. The number of program graduates.

287 4. Program retention rates of students tracked from
288 program entry to graduation.

289 5. Graduate passage rates on the National Council of State
290 Boards of Nursing Licensing Examination.

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

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

295 1. Program application approval process, including, but
296 not limited to, the number of program applications submitted
297 under subsection (1); the number of program applications
298 approved and denied by the board under subsection (2); the
299 number of denials of program applications reviewed under chapter
300 120; and a description of the outcomes of those reviews.

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

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

319 (11) ACCREDITATION REQUIRED.—

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

324 Section 5. Except as otherwise expressly provided in this
325 act, this act shall take effect July 1, 2017.