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HOUSE OF REPRESENTATIVES
COUNCIL FOR LIFELONG LEARNING
ANALYSIS

BILL #: CS/CS/CS/HB 519
RELATING TO: Nursing Shortage Solutions
SPONSOR(S): Council for Lifelong Learning, Committee on Health & Human Services Appropriations, Committee on Colleges & Universities, and Representative Murman and Others
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) COLLEGES & UNIVERSITIES YEAS 13 NAYS 0
 - (2) HEALTH & HUMAN SERVICES APPROPRIATIONS YEAS 10 NAYS 0
 - (3) COUNCIL FOR LIFELONG LEARNING YEAS 13 NAYS 0
 - (4)
 - (5)
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I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

CS/CS/CS/HB 519 modifies the repayment provisions of the Nursing Student Loan Forgiveness and the Nursing Scholarship programs and simplifies the eligibility provisions of the Nursing Scholarship Program.

CS/CS/CS/HB 519 creates the Sunshine Workforce Solutions Grant Program, which provides funding to school districts for the creation and implementation of nursing education programs in middle schools and high schools. The bill does not specify a funding source for the grant program.

CS/CS/CS/HB 519 extends the licensure by endorsement option to nurses currently licensed in a territory of the U.S. whose exams and requirements are determined to be substantially equivalent to Florida and to those who have actively practiced nursing in another state, jurisdiction, or territory for two of the preceding three years without having had his or her license acted against. CS/CS/CS/HB 519 also extends the 60-day exemption from licensure to nurses currently licensed in another territory.

CS/CS/CS/HB 519 modifies the provisions governing approval of nursing programs by the Board of Nursing (the Board). An exemption from certain Board rules is provided for any nursing program that maintains accreditation through a nursing accrediting body recognized by the United States Department of Education, providing the program maintains a student pass rate on the National Clinical Licensure Exam of not less than ten percentage points below the national average pass rate as reported annually by the National Council of State Boards of Nursing. CS/CS/CS/HB 519 requires the Board to review an institution whose passing rate on National Clinical Licensure Examination falls below the standard established in the bill and authorizes the Board to assist an institution in complying with the standard.

CS/CS/CS/HB 519 provides a \$1,000,000 appropriation from General Revenue to fund matching grants to hospitals for nurse retention and out-of-state recruitment activities. CS/CS/CS/HB 519 has an effective date of upon becoming a law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

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|-----------------------------------|---|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

The bill creates the Sunshine Workforce Solutions Grant Program and a matching grant program for nurse retention and out-of-state recruitment.

B. PRESENT SITUATION:

The Nursing Shortage

According to a June 2000 study conducted by the Florida Hospital Association (FHA), there is a statewide and nationwide shortage of nurses. The study reported that as of February 2000, there were 1,708 open Registered Nursing positions in the 55 hospitals reporting vacancies. Shortages in Florida were found to mirror the shortage problems on the national level. "The American Organization of Nurse Executives concludes that the solutions to address this current nursing shortage will require actions by nurse education programs to increase the supply and the skill of graduating nurses to assure an adequate, appropriate skill mix for the future." By 2006, Florida will need 34,000 nurses.

Instructional programs and educational institutions in Florida are finding it difficult to react quickly to community needs and requests to produce more nurses. One institution reported approximately 470 spaces available in their nursing program but no students to fill the seats. A health care facility being served by that institution is hiring over 200 nurses from out of the country. Conversely, another institution, with high demand in the county served, reports admissions of 450 students per year and 400 students on a waiting list. However, the Board of Nursing reports that approximately 60 percent of all newly licensed nurses each year are licensed by endorsement through other states, not from Florida's nursing programs.

The Massachusetts Nursing Association attributes nursing shortages, at least in part, to working conditions. According to that organization, studies show that nurses are leaving the field because of working conditions in which they do not feel they are able to provide adequate care.

The Southern Regional Education Board (SREB) reports that nursing faculty shortages are worsening in the 16 SREB states and the District of Columbia to the point that the "... projected shortage of nurse educators threatens the region's capacity to ensure the health of its residents." The SREB survey shows that resignations reported by nursing education programs in the southern region for the 2000-2001 academic year and projected for the next two years will total 558. Of the 350 resignations and 144 retiring nurse educators for 2000-2001, 465 held a masters' degree or a doctorate. Florida, with 56 resignations or expected resignations, was one of four states with total resignations exceeding 50. The two most common reasons for resigning were family

responsibilities and salaries. The survey projections indicate that 784 nurse educators expect to retire in 2002-2006. Florida, with 84, reported the second highest expected number of retiring nurse educators among the SREB states. Twelve institutions in Florida reported not having enough faculty for undergraduate and graduate nursing programs.

C. EFFECT OF PROPOSED CHANGES:

See SECTION-BY-SECTION ANALYSIS

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Creates title "Nursing Shortage Solution Act".

Section 2. Amends s. 240.4075, F.S., relating to the Nursing Student Loan Forgiveness Program.

Present Situation:

Section 240.4075, F.S., the Nursing Student Loan Forgiveness Program, provides loan forgiveness for recipients employed in the following types of designated facilities: nursing homes or hospitals in the state or in state operated medical and health care facilities, public schools, birth centers, federally sponsored community health centers, family practice teaching hospitals, and specialty children's hospitals. The program provides for repayment of loan principal and accrued interest at the following rate:

- 25% of the principal and accrued interest retired after the first year of eligible employment
- 50% of the principal and accrued interest retired after the second year of eligible employment
- 75% of the principal and accrued interest retired after the third year of eligible employment
- 100% of the remaining principal and accrued interest retired after the fourth year of eligible employment.

The Nursing Student Loan Forgiveness Program is available to graduates of accredited or approved nursing programs who have received a Florida license as a Licensed Practical Nurse (L.P.N.), a Registered Nurse (R.N.), or an Advanced Nurse Practitioner (A.R.N.P.).

Effect of Proposed Changes:

CS/CS/CS/HB 519 modifies the principal repayment provisions of the Nursing Student Loan Forgiveness Program to make them more consistent with the provisions of similar state forgiveness loan programs. CS/CS/CS/HB 519 removes the provisions requiring a certain percentage of the loan be retired per year and provides that the Department of Health (DOH) may make loan principal repayments of up to \$4,000 per year for up to a maximum of four years on behalf of selected graduates of accredited or approved nursing programs. It is not clear if any nursing programs are accredited but not approved.

CS/CS/CS/HB 519 provides that all repayments are contingent upon continued proof of employment in a designated facility in this state. The repayments are made directly to the holder of the loan. The state is not responsible for the collection of any interest charges or other remaining balance.

CS/CS/CS/HB 519 provides for continuity of repayments on behalf of the employee should the designated facilities be changed after repayment has begun. In the event that the designated facilities are changed, a nurse shall continue to be eligible for loan forgiveness as long as he or she

continues to work in the facility for which the original loan repayment was made and otherwise meets all conditions of eligibility.

CS/CS/CS/HB 519 provides that students receiving a nursing scholarship pursuant to s. 240.4076, F.S., are not eligible to participate in the Nursing Student Loan Forgiveness Program.

Section 3. Amends s. 240.4076, F.S., relating to the Nursing Scholarship Program.

Present Situation:

Section 240.4076, F.S., the Nursing Scholarship Program, provides scholarships for students enrolled full-time or part-time in approved programs leading to an associate, bachelor, or graduate degree in nursing or advanced nurse practitioner. The scholarship provides payments at the following rates:

- \$8,000 per year for eligible candidates during two years of their undergraduate studies.
- \$12,000 per year for registered nurses pursuing a graduate degree for a faculty position or to practice as an advanced registered nurse practitioner.

For each full year of scholarship assistance, the recipient must work for 12 months in a faculty position in a university or community college nursing program in the state or in a medically underserved area, as approved by the Department of Health. The Nursing Scholarship Program has two sets of penalties for recipients dependent upon the reason the recipient defaults on the education or service requirements of the program.

- Any recipient who does not complete an appropriate program of study or who does not become licensed must repay the Department of Health the entire amount of the scholarship plus 18 percent interest accruing from the date of the scholarship payment.
- Any recipient who does not accept employment as a nurse at an approved health care facility or who does not complete 12 months of approved employment for each year of scholarship assistance received must repay the DOH an amount equal to two times the entire amount of the scholarship plus interest accruing from the date of the scholarship payment at the maximum allowable interest rate permitted by law. Repayment must be made within one year of notice that the recipient is in default.

Effect of Proposed Changes:

CS/CS/CS/HB 519 simplifies the eligibility provisions of the program by providing that a scholarship applicant must be enrolled in an approved nursing program leading to the award of an associate degree, a baccalaureate degree, or a graduate degree in nursing. The bill removes the requirement that a student enrolled in the upper division of a baccalaureate program or a graduate degree program be enrolled in a nursing program that upon graduation will qualify the student for a nursing faculty position or an advanced registered nurse practitioner.

CS/CS/CS/HB 519 simplifies the repayment provisions of the Nursing Scholarship Program by restructuring the penalty provisions for scholarship recipients who fail to fulfill the obligations of the scholarship. CS/CS/CS/HB 519 provides that a recipient must repay to the DOH, on a schedule determined by the department, the entire amount of the scholarship plus 18 percent interest accruing from the date of the scholarship payment, if the recipient fails to fulfill the obligations of the scholarship under any of the following conditions:

- The recipient does not complete an appropriate program of study.
- The recipient does not become licensed.

- The recipient does not accept employment as a nurse at an approved health care facility.
- The recipient does not complete 12 months of approved employment for each year of scholarship assistance.

Section 4. Creates an unnumbered section of the Florida Statutes, relating to the Sunshine Workforce Solution Grant Program.

Present Situation:

Section 233.0612, F.S., currently allows school districts to provide students with programs and instruction at the appropriate grade levels in care of nursing home patients. However, these programs would be paid for with “district dollars”.

The DOE reports that currently there are, in existence, 58 approved Certified Nursing Assistant (CNA) programs in Florida high schools. These CNA programs can articulate directly into Patient Care Technician or Practical Nursing. The CNA program provides a student with the first 22 of 42 competencies for the Practical Nursing (PN) program. DOE additionally reports that the following health science education programs in Florida high schools allow students to attain the first 11 competencies of the PN and RN programs:

- Allied Health Assisting
- Dental Aide
- Dental Lab Assisting
- Electrocardiograph Aide
- First Responder
- Health Unit Coordinator
- Home Health Aide
- Medical Lab Assisting
- Nursing Assistant
- Vision Care Assisting

Furthermore, in 2000-2001, five high schools reported having Practical Nursing programs – three in Broward County, one in Dade County, and one in Duval County. Data from DOE shows that for 1999-2000, there were ten “completers” of secondary PN programs. Of those ten, DOE was able to obtain information on nine. Of those nine, eight were found to have gone on to postsecondary education and training. Of those eight, one was found to be in an associate degree nursing program. The other seven could not be specifically linked to an upper level nursing program; however, that does not necessarily mean that they did not go on to further nursing studies.

Effect of Proposed Changes:

CS/CS/CS/HB 519 creates the Sunshine Workforce Solutions Grant Program, which provides grants, on a competitive basis, to allow school districts to fund all or some of the costs associated with establishing exploratory middle school programs or comprehensive career and technical education programs within high schools to provide for seamless transition to an “appropriate postsecondary education or employment.” CS/CS/CS/HB 519 does not define “exploratory” program or “comprehensive career and technical education” program. It is unclear what parameters would define such programs.

CS/CS/CS/HB 519 requires high school programs to be certified or endorsed by the Florida Board of Nursing to ensure relevant and appropriate student preparation for further education or employment in the nursing industry. CS/CS/CS/HB 519 does not provide parameters for qualification of a program for certification or endorsement. CS/CS/CS/HB 519 states that the certification or endorsement would ensure that all components of the program are relevant and appropriate to prepare the student for further education and employment in nursing. CS/CS/CS/HB 519 does not provide any guidelines or definitions for what materials would be “relevant” or “appropriate”.

CS/CS/CS/HB 519 also requires an articulation agreement for each high school career and technical education program in which high school credit is articulated to a related postsecondary education program to ensure seamless transition from one level to the next without a loss of credit for the student.

CS/CS/CS/HB 519 also requires participation in work-based learning experiences, as defined by rule by the DOE, at the high school level.

Applications containing projected enrollments and projected costs are submitted to DOE. Selection is based on existing infrastructure that would ensure success of the program and statewide geographic dispersion of grant funds. CS/CS/CS/HB 519 does not define "infrastructure". Methods for evaluating the success of the grant program include student recruitment, retention, and program completion. These items are required to be in the application as well. It is unclear whether these criteria are applicable for an initial application or if a school must reapply and requalify after a certain period of time.

Funds awarded may be used for instructional equipment, lab equipment, supplies, personnel, student services, or other expenses associated with the development of a program in nursing. CS/CS/CS/HB 519 does not identify a source of funding for the Sunshine Workforce Solutions Grant.

Section 5. Amends s. 464.009, F.S., relating to licensure by endorsement.

Present Situation:

Section 464.009(1), F.S, provides that the Department of Health must issue an appropriate license to practice professional or practical nursing to an applicant who applied to DOH, remitted a fee set by the Board of Nursing and demonstrates to the Board that he or she:

- Holds a valid license to practice professional or practical nursing in another state of the United States, provided that, when the applicant secured his or her original license, the requirements for licensure were substantially equivalent to or more stringent than those existing in Florida at that time; or
- Meets the qualifications for licensure in s. 464.008, F.S., ¹ and has successfully completed a state, regional, or national examination which is substantially equivalent to or more stringent than the examination given by the department.

Licensure by endorsement is not currently available to those who have actively practiced nursing in another jurisdiction or territory of the U.S. for two of the three preceding years without having had his or her license acted against by the licensing authority of any jurisdiction.

Section 464.009(2), F.S., provides an assumption that "... examinations and requirements from other states", unless specifically listed as otherwise by rule, are substantially equivalent to or more stringent than those of this state. The board may, by rule, specify *states* whose examinations and requirements are not presumed to be substantially equivalent to those of Florida. However, current law does not provide a presumption of equivalency for exams and requirements of *territories of the United States*. Likewise, current law does not provide the board the authorization to specify, by rule, *territories* with exams and requirements not substantially equivalent to those of Florida.

¹ Section 240.008, F.S., sets forth the requirements for an applicant to obtain a license by examination to practice registered nursing or practical nursing in Florida.

Section 464.009, F.S., further provides that an applicant for licensure by endorsement must submit a set of fingerprints to DOH which then submits the fingerprints to the Florida Department of Law Enforcement (FDLE) for a statewide criminal history check. FDLE forwards the fingerprints to the Federal Bureau of Investigation (FBI) for a national criminal history check of the applicant. Upon completion of the criminal history check, the department must issue a license to an applicant who has met all of the other requirements for licensure and has no criminal history. Applicants with criminal histories are referred back to the Board for determination as to whether a license should be issued and under what conditions. Applicants who are under investigation in another state for an act that would constitute a violation of the Nurse Practice Act² or Chapter 456, F.S.,³ are not eligible for a license by endorsement until the investigation is complete. Current law does not extend this prohibition to applicants under investigation in a jurisdiction or territory of the United States.

The department must issue a license within 30 days after completion of all required data collection and verification, provided that the applicant is not required to go before the Board due to information on the application or obtained through the screening process.

Effect of Proposed Changes:

CS/CS/CS/HB 519 provides a third option for applicants seeking licensure by endorsement. The applicant seeking licensure under this option must have actively practiced nursing in another *state, jurisdiction, or territory of the United States* for two of the preceding three years without having had his or her license acted against by the licensing authority of any jurisdiction.

If the applicant has been determined to have no criminal history, he or she will be issued a licensure by endorsement upon completion of the national criminal history check. An applicant who receives a licensure by endorsement under this provision must complete within six months after licensure a Florida laws and rules course that is approved by the Board.

CS/CS/CS/HB 519 extends the licensure by endorsement option to nurses currently licensed in a *territory* of the U.S. whose exams and requirements are determined to be substantially equivalent to those of Florida and adds a presumption that examinations and requirements of *territories of the United States* are substantially equivalent to those of Florida unless specifically stated otherwise by board rule. CS/CS/CS/HB 519 additionally provides authority for the board to specify, by rule, territories of which exams and requirements are not presumed to be substantially equivalent to those of Florida.

CS/CS/CS/HB 519 extends the prohibition against the issuance of a license by endorsement to applicants who are under investigation for an act that would constitute a violation of the Nurse Practice Act or Chapter 456, F.S., in a *jurisdiction or territory* of the United States.

CS/CS/HB 519 repeals this provision on July 1, 2004, unless reenacted by the Legislature.

Section 6. Amends s. 464.019(2), F.S., which details the rules and regulations governing approval of nursing programs; creates s. 464.019(6), F.S., providing nursing program exemption from Board rules regarding student pass rates; and creates s. 464.019(7), F.S., providing a process for institutions to return to compliance if their passing rate drops below the standard.

² The Nurse Practice Act is Part I of Chapter 464, F.S.

³ Chapter 456, F.S., applies to all health care practitioners and details acts which give rise to disciplinary action.

Present Situation:

Nursing Education Program Approval

Section 464.019(1), F.S., requires an institution desiring to conduct an approved nursing program for the education of professional or practical nurses to apply to the DOH and submit evidence that demonstrates compliance with the Nurse Practice Act (Part I of ch. 464, F.S.) and with rules of the Board of Nursing. The application must include a program review fee that may not exceed \$1,000.

The DOH must survey each institution applying for approval and submit its findings to the Board. If the Board is satisfied that the program meets the requirements of the Nurse Practice Act and rules pursuant thereto, the Board must certify the program for approval and the DOH must approve the program. Provisional approval of new programs may be granted pending the licensure results of the first graduating class.

Section 464.019(2), F.S., requires the Board to adopt rules regarding educational objectives, faculty qualifications, curriculum guidelines, administrative procedures, and clinical training as are necessary to ensure that approved programs graduate nurses capable of competent practice under the Nurse Practice Act. In addition, Board rules prescribe student/faculty ratios for clinicals and acceptable minimum performance of graduates on the licensing examination. The Board further stipulates "no institution shall deviate from these rules unless it has received permission from the Board, beforehand, and can show that the variance is necessary, appropriate, and is otherwise consistent with the purposes and application of this chapter."

In addition to delineating minimum curriculum guidelines and administrative procedures, the Board also prohibits certain activities without prior approval of the Board. Rule 64B9-2.006(4), F.A.C., provides that permission of the Board must be granted before any of the following can be changed:

- Number of credit or clock hours, theoretical or clinical instruction in a course
- Sequence of courses in the program
- Number of courses in the program
- Content alterations between courses

Rule 64B9-2.007(12), F.A.C., states that permission of the Board must also be obtained prior to increasing enrollment of full-time students in a year. This rule allows programs with part-time students to equate part-time student admissions to approved full-time student admissions on a two-to-one basis.

According to the Board, an educational institution that wants to increase the enrollment in its nursing program must follow the following process:

The director of the program must submit the following information to the Board:

- the additional or total number of students the program wishes to enroll per class;
- when the increased number of students will begin (some schools enter classes two or three times per year);
- a clinical rotation schedule showing the availability of appropriate clinical experiences;
- documentation of sufficient qualified faculty to teach the increased number of students; and
- letters of understanding or support from other approved schools sharing the same clinical sites.

The information is then validated by the Board of Nursing Education Unit staff (consisting of master's prepared nurses with nursing education backgrounds), and a report is prepared that

outlines whether or not the request meets requirements as stated in the Approved Program rules (64B9-2, F.A.C.).

Board staff reports that the Board approves requests that are accompanied by sufficient information to support that the program can provide appropriate facilities and experiences. If the documentation is not available, the Board may give the program additional time to collect the necessary data. The Board denies the request if the program cannot document the necessary clinical space.

Board staff indicate that when there is a request for an enrollment increase where there are several schools using the same clinical facilities, the Board confirms that other programs are NOT adversely affected by requesting letters of understanding or support from other programs.

During the 2001 Legislative Session, legislation passed which provided that "[t]he Board of Nursing within the Department of Health shall hold in abeyance until July 1, 2002, the development of any rule pursuant to s. 464.019(2), F.S., which relates to the establishment of faculty/student clinical ratios. The Board of Nursing and the Department of Education shall submit to the President of the Senate and the Speaker of the House of Representatives by December 31, 2001, an implementation plan that details both the impact and the cost of any such proposed rule change."⁴

Accordingly, the DOE and the Board formed the Task Force on Clinical Ratios in Florida Nursing Programs (Task Force). The Task Force was composed of representatives of the Board of Nursing, the Division of Community Colleges, the Division of Colleges & Universities, community college presidents, a vocation-technical school director, and program representatives of community colleges and private colleges. Upon completion of its study of the issues, the Task Force offered the following two recommendations:

- Due to the severity of the nursing shortage, the current budgetary crisis, and the lack of empirical data linking the relationship of the level of faculty-student ratios to patient safety and quality education, the Task Force recommends no changes in the faculty-student clinical ratio for a period of two years.
- The Task Force recommends that a study be conducted to examine the issues of the relationship of clinical ratios to patient safety and the quality of education. The study should be conducted by the Florida Center for Nursing or by the Council for Educational Policy Research and Improvement (CEPRI). The data from the study should be presented to a future task force composed of representatives of the Board of Nursing and the Department of Education in order to investigate possible alteration of rules affecting clinical ratios.

Rules relating to nursing programs further provide for the Board to set minimal acceptable performance on the licensing examination for each graduating class. Rule 64B9-2.009, F.A.C., stipulates that the Board required pass rate must not exceed the national average as published by the testing service of the National Council of State Boards of Nursing, Inc.

Rule 64B9-2.015, F.A.C.⁵, provides standards of nursing education for organization and administrative procedures; financial, administrative, and support resources; nursing program director qualifications and faculty qualifications; nursing faculty responsibilities; students; curriculum for profession and practical nursing education programs; clinical sites; faculty-student ratios for clinical experiences; and program evaluation. The rule further provides that the minimal acceptable

⁴ Chapter 2001-203, L.O.F. and Chapter 2001-277, L.O.F.

⁵ Rule 64B9-2.015, F.A.C., took effect on 01/28/02. This rule appears to be duplicative of several rules that existed prior to January 28, 2002, and were not repealed with the adoption of Rule 64B9-2.015, F.A.C.

level of performance required on the National Council of State Boards of Nursing licensing examination for graduates of a nursing education program must be 10 percent below the national or state average, whichever is lowest, as published by the contract testing service of the National Council of State Boards of Nursing.

Department of Health staff report the following pass rates for 2000 as latest results published by the National Council of State Boards of Nursing:

Registered Nurses

National Percent Passing = 83.8%

Florida Percent Passing = 80.6%

Licensed Practical Nurse

National Percent Passing = 85.1%

Florida Percent Passing = 84.6%

Accrediting agencies recognized by the U.S. Department of Education

The U.S. Secretary of Education (Secretary) publishes a list of nationally recognized accrediting agencies that the Secretary determines to be reliable authorities as to the quality of education or training provided by the institutions and programs of higher education they accredit. The Secretary only evaluates accrediting agencies that apply for recognition. The U.S. Department of Education recognizes two accrediting agencies that accredit nursing education programs:

- **Commission on Collegiate Nursing Education (CCNE)** – accredits nursing education programs at the baccalaureate and graduate degree levels.
- **National League of Nursing Accrediting Commission (NLNAC)** – accredits programs in practical nursing, and diploma, associate, baccalaureate and higher degree nurse education programs.

Both organizations were recommended in December 2001 for the maximum recognition term of five years.

Florida currently has several institutions with nursing programs that are accredited by the NLNAC, including all of the state universities that currently offer nursing programs⁶ and four private institutions.⁷ The Florida Community College System has two institutions⁸ with NLNAC accredited practical nursing programs and 18 community colleges⁹ with NLNAC accredited associate degree programs. Additionally, two public school systems consisting of 10 high schools and vocational technical centers, another vocational technical school, and two hospitals¹⁰ have NLNAC accredited practical or associate nursing programs. Three institutions have programs accredited by the CCNE¹¹.

⁶ Florida Agricultural & Mechanical University, Florida Atlantic University, Florida Gulf Coast University, Florida International University, Florida State University, University of Central Florida, University of Florida, University of North Florida, University of South Florida, and University of West Florida. All the previously listed universities, except FGCU, UNF, and UWF have an NLNAC accredited masters degree program in nursing as well as the baccalaureate nursing program.

⁷ Bethune-Cookman College, Jacksonville University, University of Miami, University of Tampa, and Florida Hospital.

⁸ Central Florida Community College and Santa Fe Community College. University of Miami and the University of Tampa have NLNAC accredited baccalaureate and masters degree programs in nursing.

⁹ Central Florida Community College (CC), Broward CC, Daytona Beach CC, Edison CC, Florida CC at Jacksonville, Gulf Coast CC, Indian River CC, Hillsborough CC, Lake City CC, Manatee CC, Miami-Dade CC, Palm Beach CC, Pasco-Hernando CC, Polk CC, Santa Fe CC, Seminole CC, and Valencia CC.

¹⁰ Miami-Dade County School Board, the Broward County School Board, Sarasota County Vocational Technical Center, Mercy Hospital (PN), and Florida Hospital (A.A).

¹¹ Barry University, Florida Southern, and the University of South Florida.

Effect of Proposed Change:

CS/CS/CS/HB 519 modifies the provision relating to the Board process for approving programs. No program will be fully approved or exempted from the Board rules prior to the graduation of the program's first class. CS/CS/CS/HB 519 requires the Board to adopt rules applicable to initial review and conditional approval and rules regarding educational objectives and curriculum guidelines necessary for full approval of a program.

CS/CS/CS/HB 519 requires that such educational objectives consider student attrition rate standards, the availability of qualified faculty, and appropriate clinical training facilities. However, CS/CS/CS/HB 519 prohibits the Board from adopting any rule that would prohibit a qualified institution from placing a student in a facility for a clinical experience, regardless of whether more than one nursing program is using the same facility for clinical experience.

CS/CS/CS/HB 519 requires the Board to adopt rules governing probation, suspension, and termination status of programs that fail to comply with the standards of the Nurse Practice Act.

CS/CS/CS/HB 519 prohibits the Board from limiting the number of students admitted to a nursing program as long as student-to-teacher ratios are maintained. CS/CS/CS/HB 519 further prohibits the Board from changing the student-to-teacher ratios prior to 2004.

CS/CS/CS/HB 519 provides an exemption from certain Board rules for any nursing program that maintains accreditation through a nursing accrediting body recognized by the United States Department of Education. The exemption does not exempt these institutions from rules regarding educational objectives and curriculum guidelines necessary for full approval of a program.¹² The exemption only applies to the extent the program maintains a student pass rate on the National Clinical Licensure Exam of not less than ten percentage points below the national average pass rate as reported annually by the National Council of State Boards of Nursing.

CS/CS/CS/HB 519 requires the Board to review an institution whose passing rate on National Clinical Licensure Examination falls below the standard established in the bill and authorizes the Board to assist an institution to return to compliance.

Section 7. Amends s. 464.022(8), F.S., relating to exemptions of the Nurse Practice Act.

Present Situation:

Section 464.022(8), F.S., provides that no provision of the Nurse Practice Act may be construed to prohibit any nurse currently licensed in another state from performing nursing services in this state for a period of 60 days after furnishing to the employer satisfactory evidence of current licensure in another state and having submitted proper application and fees to the Board for licensure prior to employment. The Board may extend this time for administrative purposes when necessary. This exemption is not applicable to nurses currently licensed in a territory of the United States.

Effect of Proposed Changes:

CS/CS/CS/HB 519 extends the 60-day exemption from licensure currently provided for nurses who are licensed in another state to nurses currently licensed in another territory of the United States.

¹² CS/CS/HB 519 provides an exemption from the rules of the Board, except as provided in 464.019(2)(b), F.S., which is created by CS/CS/HB 519.

Section 8. Creates an unnumbered section providing a \$1 million appropriation to the Department of Health to provide grants to hospitals for nurse retention and recruitment activities.

Present Situation:

According to the Florida Department of Labor, the demand for nurses will increase by 29.3 percent over the next decade equating to a need of almost 36,000 nurses. Based on the latest survey conducted by the Florida Hospital Association, registered nurse vacancy rates in Florida hospitals rose from 11.3 percent in 2000 to 15.6 percent in 2001. The survey also showed that Florida hospitals are experiencing a 3 to 5 percent growth rate in the number of patients treated in hospitals. The 15.6 percent registered nurse vacancy rate is the highest vacancy rate in Florida since the peak of the last nursing shortage during 1988 (15.8 percent) and 1989 (16.3 percent). The registered nurse vacancy rate varies geographically, although the Florida panhandle had the highest overall rate (17.9 percent), urban areas of the state (15.7 percent) reported higher vacancy rates than rural areas (10.4 percent) according to the Florida Hospital Association.

Effect of Proposed Changes:

CS/CS/CS/HB 519 appropriates \$1 million from the General Revenue Fund to the Department of Health to provide grants to hospitals for nurse retention and out-of-state recruitment activities during the 2002-2003 fiscal year. The appropriated monies are subject to a one-for-one match from hospitals. DOH must accept requests for grants beginning July 1, 2002, and determine grant amounts beginning December 1, 2002, once the amount available to be awarded for grants is determined.¹³

The Department of Health must by rule, pursuant to ss. 120.536(1) and 120.54, F.S., adopt criteria for grant awards. The criteria must include a requirement that for a hospital to be eligible for a grant the hospital must have experienced an average vacancy rate among nursing positions of 20 percent or more during the preceding 12 months.

CS/CS/CS/HB 519 specifies that if the amount available for distribution is less than the aggregate amount of grant requests that meet DOH criteria, DOH must provide grants on a pro rata basis.

Section 9. This act shall take effect upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

FY 02-03

FY 03-04

Department of Health

General Revenue

Hospital Grant Program

(appropriated in the bill)

\$1,000,000

\$ - 0 -

¹³ Money available for grants will be an amount equal to the portion of the \$1 million appropriation that was matched and the matching funds.

DOH provides the following estimates for administrative costs to the DOH for which no appropriation is provided in CS/CS/CS/HB 519:

	FY 02-03	FY 03-04
Rulemaking Costs	\$3,378	\$0
Supplies and Travel for rule development workshops	\$2,000	\$0
Non-recurring expense package for a pay grade 23	\$4,219	\$0
Operating capital outlay for a pay grade 23	\$1,500	\$0
Total Non-recurring expenditures	\$11,097	\$0
.5 FTE Governmental Operations Consultant II - salary plus fringe benefits (paygrade 23)	\$17,150	\$22,866
Recurring expense for pay grade 23	\$7,112	\$7,112
Total recurring costs	\$24,262	\$29,978
Total Estimated Expenditures *	\$35,359	\$29,978

* Recurring costs and estimations for FY 03-04 are based on the assumption that the grant program will be funded in subsequent years.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private health care facilities and organizations may benefit economically if the nursing shortage is reduced as a result of the implementation of CS/CS/CS/HB 519.

D. FISCAL COMMENTS:

The DOH offered the following comments regarding certain provisions in the bill. The fiscal impact of changing repayment provisions on the Nursing Student Loan Forgiveness Program and the Nursing Scholarship Program is not known, but is anticipated to be minimal. CS/CS/CS/HB 519 provides a \$1 million appropriation to the DOH to provide matching grants to hospitals.

CS/CS/CS/HB 519 does not identify a funding source for the Sunshine Workforce Solutions Grant. Implementing and administering the grant program may require additional administrative dollars for

the DOE. Additionally, it is unclear whether local school districts will have to use district funds for the Sunshine Workforce Solutions Grant Program. The Division of Community Colleges suggests four grants of \$125,000 each for a total of \$500,000 as an appropriate funding amount.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

CS/CS/CS/HB 519 does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

CS/CS/CS/HB 519 does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

CS/CS/CS/HB 519 does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

CS/CS/CS/HB 519 does not appear to violate any constitutional provisions.

B. RULE-MAKING AUTHORITY:

CS/CS/CS/HB 519 requires the Board to adopt rules applicable to initial review and conditional approval and rules regarding educational objectives and curriculum guidelines necessary for full approval of a program.

CS/CS/CS/HB 519 requires the Board to adopt rules governing probation, suspension, and termination status of programs that fail to comply with the standards of the Nurse Practice Act.

CS/CS/CS/HB 519 prohibits the Board from limiting the number of students admitted to a nursing program as long as student-to-teacher ratios are maintained but also prohibits the Board from changing the student-to-teacher ratios before 2004.

CS/CS/CS/HB 519 prohibits the Board from adopting any rule that would prohibit a qualified institution from placing a student in a facility for a clinical experience, regardless of whether more than one nursing program is using the same facility for clinical experience.

CS/CS/CS/HB 519 provides new authority for the board to specify, by rule, territories of which exams and requirements are not presumed to be substantially equivalent to those of Florida.

CS/CS/CS/HB 519 requires the Department of Health to adopt criteria for grant awards by rule and pursuant to ss. 120.536(1) and 120.54, F.S.

C. OTHER COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On January 29, 2002, the Committee on Colleges & Universities adopted a strike-everything amendment and passed the bill as CS/HB 519. The CS/HB 519 differs from the original bill in the following ways:

- CS/HB 519 does not create a new loan forgiveness program for nurses but modifies repayment provisions of the currently existing Nursing Student Loan Forgiveness Program and the Nursing Scholarship Program.
- CS/HB 519 provides for a comprehensive career and technical education program of study within a high school to be certified and endorsed by the Board of Nursing rather than the "nursing industry".
- CS/HB 519 does not create a licensure by reciprocity provision. CS/HB 519 provides a third option for applicants seeking licensure by endorsement. Persons applying under this provision who meet all the requirements for licensure pursuant to this provision may be issued a 180-day work permit pending the receipt of the national criminal history check.
- CS/HB 519 provides that rules of the Board of Nursing regarding educational objectives must consider the availability of qualified faculty and appropriate clinical training facilities rather than the retention of qualified faculty.
- CS/HB 519 prohibits the Board from adopting any rule that would prohibit a qualified institution from placing a student in a facility for a clinical experience, regardless of whether more than one nursing program is using the same facility for clinical experience.
- CS/HB 519 only provides exemption from certain Board rules to nursing programs with accreditation through an accrediting body recognized by the United States Department of Education rather than to any program located in a regionally accredited institution.
- CS/HB 519 appropriates \$1 million from the General Revenue Fund to the Department of Health to provide grants to hospitals for nurse retention and out-of-state recruitment activities during the 2002-2003 fiscal year.

On February 8, 2002, the Committee on Health and Human Services Appropriations adopted seven amendments to CS/HB 519 and passed the bill as CS/CS/HB 519. The CS/CS/HB 519 differs from the CS/HB 519 in the following ways:

- CS/CS/HB 519 removes the 180-day temporary work permit for applicants seeking licensure by endorsement.
- CS/CS/HB 519 prohibits the Board from changing the student-to-teacher ratios before 2004.
- CS/CS/HB 519 changes the student passing rate from seven percent to ten percent below the national average before a nursing program can be exempt from certain rules of the Board.
- CS/CS/HB 519 requires the Board to review an institution whose passing rate on National Clinical Licensure Examination falls below the standard established in the bill and authorizes the Board to assist an institution in complying with the standard.
- CS/CS/HB 519 clarifies the time frame for the Department of Health to implement and administer grants to hospitals for nursing retention and recruitment activities, and removes the provision that requires moneys not matched by September 30, 2002, to revert to the General Revenue Fund.
- CS/CS/HB 519 includes several technical changes for clarification and consistency.

On February 28, 2002, the Council for Lifelong Learning adopted four amendments to CS/CS/HB 519 and passed the bill as CS/CS/CS/HB 519. CS/CS/CS/HB 519 differs from the CS/CS/HB 519 in the following ways:

- CS/CS/CS/HB 519 provides that a recipient must repay to the DOH, on a schedule determined by the department, the entire amount of the scholarship plus 18 percent interest accruing from

the date of the scholarship payment, if the recipient fails to fulfill the obligations of the scholarship under any of the following conditions: the recipient does not complete an appropriate program of study; the recipient does not become licensed; the recipient does not accept employment as a nurse at an approved health care facility; or the recipient does not complete 12 months of approved employment for each year of scholarship assistance. The previous versions of the bill directed repayment to be in accordance with ss. 240.451 and 240.465, F.S.

- Unlike previous versions of the bill, CS/CS/CS/HB 519 extends licensure by endorsement option to nurses who have actively practiced nursing in another *jurisdiction or territory of the United States* for two of the preceding three years without having had his or her license acted against by the licensing authority of any jurisdiction.
- Unlike previous versions of the bill, CS/CS/CS/HB 519 extends the licensure by endorsement option to nurses currently licensed in a *territory* of the U.S. whose exams and requirements are determined to be substantially equivalent to those of Florida and adds a presumption that examinations and requirements of *territories of the United States* are substantially equivalent to those of Florida unless specifically stated otherwise by board rule.
- Unlike previous versions of the bill, CS/CS/CS/HB 519 extends the prohibition against the issuance of a license by endorsement to applicants who are under investigation for an act that would constitute a violation of the Nurse Practice Act or Chapter 456, F.S., in a *jurisdiction or territory of the United States*.
- Unlike previous versions of the bill, CS/CS/CS/HB 519 extends the 60-day exemption from licensure currently provided for nurses who are licensed in another state to nurses currently licensed in another territory of the United States.

VII. SIGNATURES:

COMMITTEE ON COLLEGES & UNIVERSITIES:

Prepared by:

Maria L. Eckard

Staff Director:

Betty H. Tilton, Ph.D.

AS REVISED BY THE COMMITTEE ON HEALTH & HUMAN SERVICES APPROPRIATIONS:

Prepared by:

Tom Weaver

Staff Director:

Cynthia Kelly

AS FURTHER REVISED BY THE COUNCIL FOR LIFELONG LEARNING:

Prepared by:

Maria L. Eckard

Council Director:

Patricia Levesque
