

By Representative Murman

1 A bill to be entitled
 2 An act relating to nursing shortage solutions;
 3 providing a short title; amending s. 445.012,
 4 F.S.; replacing the Careers for Florida's
 5 Future Incentive Grant Program with the Careers
 6 for Florida's Future Loan Forgiveness Program;
 7 providing for management of the program by the
 8 Office of Student Financial Assistance of the
 9 Department of Education; providing duties of
 10 the department; providing criteria and
 11 requirements of the program; deleting
 12 provisions relating to authority and duties of
 13 Workforce Florida, Inc.; deleting provisions
 14 relating to awarding grants; creating the
 15 Sunshine Workforce Solutions Grant Program;
 16 providing legislative intent; providing
 17 purposes; providing procedures, requirements,
 18 and criteria for administering the program;
 19 providing duties of the Department of
 20 Education; amending s. 456.072, F.S.; excluding
 21 nursing licensees from application of certain
 22 acts constituting grounds for disciplinary
 23 action; amending s. 464.018, F.S.; specifying
 24 additional acts constituting grounds for
 25 disciplinary action for nursing licensees;
 26 amending s. 464.019, F.S.; revising rulemaking
 27 authority of the Board of Nursing relating to
 28 approval of nursing programs; exempting certain
 29 nursing programs from certain board rules under
 30 certain circumstances; providing requirements;
 31 creating s. 464.085, F.S.; authorizing the

1 Department of Health to issue certain persons a
2 nursing license under certain circumstances;
3 providing for future repeal; repealing ss.
4 445.0121, 445.0122, 445.0123, 445.0124, and
5 445.0125, F.S., relating to the Careers for
6 Florida's Future Incentive Grant Program
7 provisions; providing an effective date.
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9 WHEREAS, Florida is aggressively pursuing a K-20
10 approach in dealing with educational issues, has many
11 coordinated partnerships in place, and utilizes nationally
12 recognized mechanisms such as dual enrollment, common course
13 numbering, common prerequisites, standardized program lengths,
14 and statewide A.S. to B.S. articulation, and

15 WHEREAS, there are areas of critical workforce
16 shortages that require such a coordinated K-20 effort from
17 middle school to graduate school to take advantage of
18 partnerships and mechanisms already in place as building
19 blocks, and

20 WHEREAS, the Florida vacancy rate for nurses is 16.2
21 percent and the number of A.S. degrees awarded in Florida has
22 declined at a time when 40 percent of the workforce will be
23 over the age of 50 by 2010, NOW, THEREFORE,

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

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27 Section 1. This act may be cited as the "Nursing
28 Shortage Solution Act."

29 Section 2. Section 445.012, Florida Statutes, is
30 amended to read:
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1 445.012 Careers for Florida's Future Loan Forgiveness
2 ~~Incentive Grant~~ Program.--

3 (1) The Careers for Florida's Future Loan Forgiveness
4 ~~Incentive Grant~~ Program is created to encourage students in
5 this state to obtain degrees or certificates in postsecondary
6 programs that produce graduates with job skills in nursing
7 ~~advanced technology~~ which are critical to the economic future
8 of this state. The program shall provide for forgiveness of
9 loans ~~a forgivable loan~~ that require ~~requires~~ a student to
10 ~~enroll in and complete an eligible program and then to~~
11 maintain employment in an eligible occupation in this state
12 for 1 year for each year of loan forgiveness ~~grant receipt~~.
13 ~~The recipient must begin repayment of the grant 1 year after~~
14 ~~the recipient is no longer enrolled in an eligible institution~~
15 ~~or completes the program, unless the recipient obtains~~
16 ~~employment in an eligible occupation.~~

17 (2) The Office of Student Financial Assistance of the
18 Department of Education ~~Workforce Florida, Inc.~~, shall manage
19 the Careers for Florida's Future Loan Forgiveness ~~Incentive~~
20 ~~Grant~~ Program in accordance with rules and procedures
21 established for this purpose. ~~Workforce Florida, Inc., shall~~
22 ~~contract with the Office of Student Financial Assistance in~~
23 ~~the Department of Education to administer the incentive grant~~
24 ~~program for students pursuing baccalaureate degrees or degree~~
25 ~~career education programs that articulate into baccalaureate~~
26 ~~degree programs.~~The office shall advertise the availability
27 of the loan forgiveness ~~grant~~ program and ~~collect all~~
28 ~~delinquent incentive grant repayments.~~

29 (a) The Department of Education shall make payments on
30 loans from federal or state programs or commercial lending
31 institutions for the support of postsecondary study in

1 approved certificate, associate degree, or baccalaureate
2 degree programs in nursing.~~The Office of Student Financial~~
3 ~~Assistance of the Department of Education shall issue awards~~
4 ~~from the incentive grant program each semester. Before the~~
5 ~~registration period each semester, the department shall~~
6 ~~transmit payment for each award to the president or director~~
7 ~~of the postsecondary education institution, or his or her~~
8 ~~representative, except that the department may withhold~~
9 ~~payment if the receiving institution fails to report or make~~
10 ~~refunds to the department as required in this section.~~

11 (b) Only loans to pay the costs of tuition, fees,
12 books, and living expenses shall be covered in an amount not
13 to exceed \$1,800 for each year of education toward a
14 certificate, \$3,000 for each year of education toward an
15 associate degree or at a lower division toward a baccalaureate
16 degree, and \$6,000 for each year of education at an upper
17 division toward a baccalaureate degree.~~Within 30 days after~~
18 ~~the end of regular registration each semester, the educational~~
19 ~~institution shall certify to the department the eligibility~~
20 ~~status of each student who receives an award. After the end of~~
21 ~~the drop-and-add period, an institution is not required to~~
22 ~~reevaluate or revise a student's eligibility status, but must~~
23 ~~make a refund to the department if a student who receives an~~
24 ~~award disbursement terminates enrollment for any reason during~~
25 ~~an academic term and a refund is permitted by the~~
26 ~~institution's refund policy.~~

27 (c) Contingent upon proof of employment in an eligible
28 occupation in the area of nursing, loan principal payments
29 shall be made directly to the federal or state programs or
30 commercial lending institutions holding the loan as follows:
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1 1. Twenty-five percent of the loan principal and
2 accrued interest shall be retired after the first year of
3 eligible employment.

4 2. Fifty percent of the loan principal and accrued
5 interest shall be retired after the second year of eligible
6 employment.

7 3. Seventy-five percent of the loan principal and
8 accrued interest shall be retired after the third year of
9 eligible employment.

10 4. The remaining loan principal and accrued interest
11 shall be retired after the fourth year of eligible employment.

12
13 In no case may payment for any student exceed \$6,000 in any
14 12-month period.~~An institution that receives funds from the~~
15 ~~program shall certify to the department the amount of funds~~
16 ~~disbursed to each student and shall remit to the department~~
17 ~~any undisbursed advances within 60 days after the end of~~
18 ~~regular registration. The department may suspend or revoke an~~
19 ~~institution's eligibility to receive future moneys for the~~
20 ~~program if the department finds that an institution has not~~
21 ~~complied with this section.~~

22 (3) The Department of Education may adopt rules
23 necessary for administering the program.~~Workforce Florida,~~
24 ~~Inc., shall allocate to each regional workforce board its~~
25 ~~share of funds available for incentive grants in eligible~~
26 ~~diploma, certificate, and degree career education programs~~
27 ~~that do not articulate into baccalaureate programs. Each~~
28 ~~regional workforce board shall administer the program,~~
29 ~~including determining award recipients within funds available~~
30 ~~to it for that purpose. Workforce Florida, Inc., shall~~
31 ~~contract with the Office of Student Financial Assistance in~~

1 ~~the Department of Education for collecting delinquent~~
2 ~~incentive grant repayments.~~

3 ~~(a) Workforce Florida, Inc., shall reallocate any~~
4 ~~funds not encumbered by the regional workforce boards by~~
5 ~~January 31 of each year to other regional workforce boards for~~
6 ~~additional awards, in accordance with rules and procedures~~
7 ~~established for this purpose.~~

8 ~~(b) Within 30 days after the student begins classes,~~
9 ~~the educational institution shall certify to the regional~~
10 ~~workforce board the eligibility status of each student who~~
11 ~~receives an award. After this report, an institution is not~~
12 ~~required to reevaluate or revise a student's eligibility~~
13 ~~status, but must make a refund to the regional workforce board~~
14 ~~if a student who receives an award disbursement terminates~~
15 ~~enrollment for any reason during the period that would permit~~
16 ~~a refund by the institution's refund policy.~~

17 ~~(c) Regional workforce boards shall ensure that each~~
18 ~~recipient receives maximum funding possible by coordinating~~
19 ~~career education awards with Individual Training Accounts~~
20 ~~funded by the federal Workforce Investment Act, Retention~~
21 ~~Incentive Training Accounts funded by the federal Temporary~~
22 ~~Assistance for Needy Families Act, the federal Welfare-to-Work~~
23 ~~program, and other programs intended to assist incumbent~~
24 ~~workers in upgrading their skills.~~

25 ~~(4) This section shall be implemented only as~~
26 ~~specifically funded. If funds appropriated are not adequate to~~
27 ~~provide the maximum allowable award to each eligible~~
28 ~~applicant, full awards must be provided in the order of~~
29 ~~priority established by Workforce Florida, Inc. Awards must~~
30 ~~not be reduced to increase the number of recipients.~~

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1 ~~(5) A recipient who is pursuing a baccalaureate degree~~
2 ~~shall receive \$100 for each lower-division credit hour in~~
3 ~~which the student is enrolled at an eligible college or~~
4 ~~university, up to a maximum of \$1,500 per semester, and \$200~~
5 ~~for each upper-division credit hour in which the student is~~
6 ~~enrolled at an eligible college or university, up to a maximum~~
7 ~~of \$3,000 per semester. For purposes of this section, a~~
8 ~~student is pursuing a baccalaureate degree if he or she is in~~
9 ~~a program that articulates into a baccalaureate degree program~~
10 ~~by agreement of the Articulation Coordinating Committee. A~~
11 ~~student in an applied technology diploma program, a~~
12 ~~certificate career education program, or a degree career~~
13 ~~education program that does not articulate into a~~
14 ~~baccalaureate degree program shall receive \$2 for each~~
15 ~~vocational contact hour, or the equivalent, for certificate~~
16 ~~programs, or \$60 for each credit hour, or the equivalent, for~~
17 ~~degree career education programs and applied technology~~
18 ~~programs for which the student is enrolled at an eligible~~
19 ~~college, technical center, or nonpublic career education~~
20 ~~school.~~

21 ~~(6) If a recipient who is enrolled in a diploma,~~
22 ~~certificate, or degree career education program that does not~~
23 ~~articulate into a baccalaureate degree program transfers from~~
24 ~~one eligible institution to another within the same workforce~~
25 ~~region and continues to meet eligibility requirements, the~~
26 ~~award shall be transferred with the student.~~

27 ~~(7) If a recipient who is enrolled in a baccalaureate~~
28 ~~degree or a degree career education program that articulates~~
29 ~~into a baccalaureate degree program transfers from one~~
30 ~~eligible institution to another and continues to meet~~
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1 ~~eligibility requirements, the award shall be transferred with~~
2 ~~the student.~~

3 ~~(8) An award recipient may use an award for enrollment~~
4 ~~in a summer term if funds are available.~~

5 ~~(9) Funds may not be used to pay for remedial,~~
6 ~~college-preparatory, or vocational-preparatory coursework.~~

7 Section 3. Sunshine Workforce Solutions Grant
8 Program.--

9 (1) The Legislature recognizes the need for school
10 districts to be able to respond to critical workforce
11 shortages in nursing. The Sunshine Workforce Solutions Grant
12 Program is created to provide grants to school districts on a
13 competitive basis to fund all or some of the costs associated
14 with establishing an exploratory program at the middle school
15 level or a comprehensive career and technical education
16 program within a high school that provides a program of study
17 in nursing that will provide a seamless transition to an
18 appropriate postsecondary education or employment.

19 (a) A comprehensive career and technical education
20 program within a high school that provides a program of study
21 in nursing must be certified or endorsed by the nursing
22 industry to ensure that all components of the program are
23 relevant and appropriate to prepare the student for further
24 education and employment in nursing.

25 (b) Each career and technical education program
26 offered by a high school and able to be articulated to a
27 postsecondary level must also have an articulation agreement
28 with one or more appropriate postsecondary education
29 institutions to ensure a seamless transition to a related
30 postsecondary program without a loss of credit for the
31 student.

1 (c) Participation in work-based learning experiences,
2 as defined in rule by the Department of Education, shall be
3 required at the high school level.

4 (2) Funds awarded for a Sunshine Workforce Solutions
5 Grant may be used for instructional equipment, laboratory
6 equipment, supplies, personnel, student services, or other
7 expenses associated with the development of a program in
8 nursing.

9 (3) The Department of Education shall accept
10 applications from middle schools and high schools for grants
11 under the Sunshine Workforce Solutions Grant Program.

12 (a) Applications shall contain projected enrollments
13 and projected costs for the Sunshine Workforce Solutions
14 Grants.

15 (b) The Department of Education shall review and rank
16 each application for a grant and shall submit to the
17 Legislature a list, in priority order by middle schools and
18 high schools, of applicants recommended for grant awards.

19 (c) Schools shall be selected based on existing
20 infrastructure that would ensure success of the program. The
21 department shall consider statewide geographic dispersion of
22 grant funds in ranking the applications.

23 (d) Demonstrated successful student recruitment,
24 retention, and program completion strategies shall be an
25 evaluative criteria in awarding grants under this section.

26 Section 4. Paragraphs (aa) and (bb) of subsection (1)
27 of section 456.072, Florida Statutes, are amended to read:

28 456.072 Grounds for discipline; penalties;
29 enforcement.--

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1 (1) The following acts shall constitute grounds for
2 which the disciplinary actions specified in subsection (2) may
3 be taken:

4 (aa) Performing or attempting to perform health care
5 services on the wrong patient, a wrong-site procedure, a wrong
6 procedure, or an unauthorized procedure or a procedure that is
7 medically unnecessary or otherwise unrelated to the patient's
8 diagnosis or medical condition. For the purposes of this
9 paragraph, performing or attempting to perform health care
10 services includes the preparation of the patient. This
11 paragraph does not apply to persons licensed under chapter
12 464, which persons are subject to the provisions of s.
13 464.018(1)(o).

14 (bb) Leaving a foreign body in a patient, such as a
15 sponge, clamp, forceps, surgical needle, or other
16 paraphernalia commonly used in surgical, examination, or other
17 diagnostic procedures. For the purposes of this paragraph, it
18 shall be legally presumed that retention of a foreign body is
19 not in the best interest of the patient and is not within the
20 standard of care of the profession, regardless of the intent
21 of the professional. This paragraph does not apply to persons
22 licensed under chapter 464, which persons are subject to the
23 provisions of s. 464.018(1)(o).

24 Section 5. Paragraph (o) is added to subsection (1) of
25 section 464.018, Florida Statutes, to read:

26 464.018 Disciplinary actions.--

27 (1) The following acts constitute grounds for denial
28 of a license or disciplinary action, as specified in s.
29 456.072(2):

30 (o)1. Performing or attempting to perform a surgical
31 procedure on the wrong patient, a wrong-site surgical

1 procedure, a wrong surgical procedure, or a surgical procedure
2 that is medically unnecessary or otherwise unrelated to the
3 patient's diagnosis or medical condition.

4 2. Leaving a foreign body in a patient when leaving
5 the foreign body is not medically necessary, unless removal of
6 the foreign body is not in the best interest of the patient.

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8 In any case involving disciplinary action relating to a person
9 licensed under this chapter, this paragraph supersedes s.
10 456.072(1)(aa) or (bb).

11 (2) The board may enter an order denying licensure or
12 imposing any of the penalties in s. 456.072(2) against any
13 applicant for licensure or licensee who is found guilty of
14 violating any provision of subsection (1) of this section or
15 who is found guilty of violating any provision of s.
16 456.072(1).

17 Section 6. Subsection (2) of section 464.019, Florida
18 Statutes, is amended, and subsection (6) is added to said
19 section, to read:

20 464.019 Approval of nursing programs.--

21 (2)(a) The board shall adopt rules, applicable to
22 initial review and conditional approval of a program,
23 regarding educational objectives, faculty qualifications,
24 curriculum guidelines, administrative procedures, and clinical
25 training. An applicant institution shall comply with such
26 rules in order to obtain conditional program approval. No
27 program shall be considered fully approved, nor shall any
28 program be exempted from such rules, prior to the graduation
29 of the program's first class.

30 (b) The board shall adopt rules regarding educational
31 objectives and curriculum guidelines as are necessary to grant

1 full approval to a program and to ensure that fully approved
2 programs graduate nurses capable of competent practice under
3 this part. Rules regarding educational objectives shall
4 consider student attrition rate standards and retention of
5 qualified faculty.

6 (c) The board shall adopt rules governing probation,
7 suspension, and termination status of programs that fail to
8 comply with the standards of this part.

9 (d) The board shall not adopt any rule limiting the
10 number of students admitted to a nursing program provided
11 appropriate faculty-to-student ratios are maintained.

12 (6) Any nursing program that maintains accreditation
13 through an accrediting body recognized by the United States
14 Department of Education, or any nursing program located within
15 a regionally accredited institution of higher education, shall
16 be exempt from the rules of the board except as provided in
17 paragraph (2)(b), provided such exemption shall apply only to
18 the extent the program maintains a student pass rate on the
19 National Clinical Licensure Exam of not less than 7 percentage
20 points below the national average pass rate as reported
21 annually by the National Council of State Boards of Nursing.

22 Section 7. Section 464.085, Florida Statutes, is
23 created to read:

24 464.085 Licensure by reciprocity.--

25 (1) The department shall issue a license by
26 reciprocity to practice professional or practical nursing to
27 an applicant who, upon applying to the department and
28 remitting a fee not to exceed \$100, demonstrates that he or
29 she:

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1 (a) Holds a full, valid, and unrestricted license to
2 practice professional or practical nursing in another state of
3 the United States.

4 (b) Has successfully completed a state, regional, or
5 national examination that is substantially equivalent to the
6 examination given by the department.

7 (c) Has the ability to communicate in the English
8 language, which may be determined by an examination given by
9 the department.

10 (2) The department shall not issue a license by
11 reciprocity to any applicant who is under investigation in
12 another state for an act that would constitute a violation of
13 this part or chapter 456 until such time as the investigation
14 is complete, at which time the provisions of s. 464.018 shall
15 apply.

16 (3) This section is repealed July 1, 2004, unless
17 reviewed and saved from repeal through reenactment by the
18 Legislature.

19 Section 8. Sections 445.0121, 445.0122, 445.0123,
20 445.0124, and 445.0125, Florida Statutes, are repealed.

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

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HOUSE SUMMARY

Creates the "Nursing Shortage Solution Act." Replaces the Careers for Florida's Future Incentive Grant Program with the Careers for Florida's Future Loan Forgiveness Program to provide for loan forgiveness of costs associated with degree programs in nursing. Creates the Sunshine Workforce Solutions Grant Program to provide grants to school districts to establish programs for studies in nursing to respond to critical workforce shortages in nursing. Specifies procedures performed or attempted to be performed for purposes of grounds for disciplinary action for nursing licensees. Revises rulemaking authority of the Board of Nursing relating to approval of nursing programs. Exempts accredited nursing programs from board rules relating to program approval under certain circumstances. Authorizes the Department of Health to issue professional or practical nursing licenses to qualified persons from other states. See bill for details.