

1 A bill to be entitled
2 An act relating to increased production of nurses in
3 Florida; amending s. 464.019, F.S.; authorizing the Board
4 of Nursing to change faculty-to-student ratios only under
5 certain circumstances; requiring a study to evaluate rules
6 regarding clinical instruction; providing for assistance
7 to approved nursing programs to expand capacity; amending
8 s. 464.0195, F.S.; requiring the Florida Center for
9 Nursing to develop and maintain an information system;
10 requiring an implementation plan; creating s. 1004.09,
11 F.S.; establishing a contract grant program for increasing
12 the capacity of approved nursing programs; requiring the
13 Department of Education to establish guidelines and
14 procedures; specifying requirements for grant proposals;
15 establishing priorities for receipt of grants; providing
16 for review, approval, and funding of proposals; requiring
17 the State Board of Education to submit a report on
18 implementation status; amending s. 1009.66, F.S.; renaming
19 the Nursing Student Loan Forgiveness Program and
20 transferring administration of the program to the
21 Department of Education; revising criteria for receiving
22 funds under the program and for repayment of loans;
23 requiring that certain nurses employed as faculty in an
24 approved nursing program be given priority in receiving
25 funds under the program; renaming the Nursing Student Loan
26 Forgiveness Trust Fund and transferring administration of
27 the trust fund to the Department of Education; authorizing
28 the adoption of rules; amending s. 1009.67, F.S.; renaming

29 | the Nursing Scholarship Program and transferring
 30 | administration of the program to the Department of
 31 | Education; revising criteria for receiving funds under the
 32 | program; revising repayment provisions; requiring the
 33 | adoption of rules; amending s. 215.20, F.S.; conforming
 34 | provisions relating to the trust fund; requiring the
 35 | Department of Education to identify specified examinations
 36 | for earning postsecondary credit for mastery of nursing
 37 | course material; requiring a status report; providing for
 38 | a type two transfer; providing an effective date.

39 |

40 | Be It Enacted by the Legislature of the State of Florida:

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42 | Section 1. Subsection (2) of section 464.019, Florida
 43 | Statutes, is amended, and subsection (8) is added to said
 44 | section, to read:

45 | 464.019 Approval of nursing programs.--

46 | (2)(a) The board shall adopt rules, applicable to initial
 47 | review and conditional approval of a program, regarding
 48 | educational objectives, faculty qualifications, curriculum
 49 | guidelines, administrative procedures, and clinical training. An
 50 | applicant institution shall comply with such rules in order to
 51 | obtain conditional program approval. No program shall be
 52 | considered fully approved, nor shall any program be exempted
 53 | from such rules, prior to the graduation of the program's first
 54 | class.

55 | (b) The board shall adopt rules regarding educational
 56 | objectives and curriculum guidelines as are necessary to grant

57 full approval to a program and to ensure that fully approved
58 programs graduate nurses capable of competent practice under
59 this part. Rules regarding educational objectives shall consider
60 student attrition rate standards, availability of qualified
61 faculty, and appropriate clinical training facilities. However,
62 the board shall adopt no rule that prohibits a qualified
63 institution from placing a student in a facility for clinical
64 experience, regardless of whether more than one nursing program
65 is using the same facility for clinical experience.

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

69 (d) The board shall not adopt any rule limiting the number
70 of students admitted to a nursing program, provided appropriate
71 faculty-to-student ratios are maintained, and provided the board
72 shall not enact any changes to faculty-to-student ratios that
73 have the effect of limiting capacity in approved nursing
74 programs unless such changes are based in scientific research
75 prior to 2004.

76 (e) The board, in conjunction with the Florida Center for
77 Nursing, shall conduct a study of research literature to
78 evaluate existing rules regarding clinical instruction,
79 including an assessment of expanding the use of qualified
80 registered nurses as supervisors and simulation as effective
81 ways to maximize the opportunities for clinical experiences.

82 (8) The board shall work with the Department of Health,
83 the Department of Education, and the Florida Center for Nursing
84 to assist any approved nursing program with increasing capacity

85 to produce more nurses to enter the workforce in the state. Such
 86 assistance may include, but is not limited to:

87 (a) Facilitating the development of partnerships between
 88 the program and clinical facilities that maximize the
 89 opportunities for clinical experiences for the students,
 90 including the use of clinical personnel in teaching roles.

91 (b) Identifying strategies for reducing the demands of
 92 nonclinical requirements on nursing faculty, including
 93 consolidating core requirements across nursing majors and tracks
 94 and identifying courses that are taught in other health and
 95 medical fields that could be jointly offered, taught by non-
 96 nurse faculty, or substituted for nursing courses.

97 (c) Developing alternative models of clinical education
 98 that reduce the burden on nursing faculty, including expanding
 99 the use of preceptors, providing more clinical instruction as a
 100 concentrated clinical experience later in the program, and
 101 increasing the use of simulators.

102 (d) Providing master's programs at primary health care
 103 facilities to build faculties of onsite nursing instructors to
 104 help meet the nursing needs of those facilities.

105 Section 2. Subsection (4) is added to section 464.0195,
 106 Florida Statutes, to read:

107 464.0195 Florida Center for Nursing; goals; information
 108 system.--

109 (4) The Florida Center for Nursing, in collaboration with
 110 the Department of Health, the Agency for Health Care
 111 Administration, the Agency for Workforce Innovation, and the
 112 Department of Education, and in consultation with the Office of

113 Program Policy Analysis and Government Accountability, shall
 114 develop and maintain an information system to assess the
 115 workforce needs of the nursing profession in the state. The
 116 information system shall be designed to enable the center to
 117 produce reliable, comparable, and comprehensive data on the
 118 nursing workforce in the state; identify potential nursing
 119 shortages and the areas in which they may occur; assess the
 120 productivity of approved nursing programs, especially in
 121 responding to identified workforce needs; and establish a
 122 registry to link approved nursing programs that need additional
 123 clinical sites or faculty to expand their capacity with licensed
 124 health care providers that may be able to assist in meeting such
 125 needs. Data to support the information system may be collected
 126 as part of the initial and renewal licensure process for both
 127 individuals and health care facilities and as part of the Board
 128 of Nursing program approval process. No later than November 1,
 129 2005, the Florida Center for Nursing shall submit to the
 130 President of the Senate and the Speaker of the House of
 131 Representatives an implementation plan for the information
 132 system, including projected cost and recommended rule changes
 133 that may be required to collect the information necessary for
 134 the system to be successful.

135 Section 3. Section 1004.09, Florida Statutes, is created
 136 to read:

137 1004.09 Nursing education grant program.--The Department
 138 of Education shall establish a contract grant program for
 139 increasing the capacity of nursing programs approved by the
 140 Board of Nursing at postsecondary educational institutions to

141 produce more nurses or nursing faculty to enter the workforce in
142 the state. The department shall establish application
143 procedures, guidelines, accountability measures, and timelines
144 for implementation of the grant program and advise all Board of
145 Nursing approved programs accordingly.

146 (1) Proposals for a grant authorized pursuant to this
147 section must:

148 (a) Indicate the number of students to be served, the
149 length of the proposed program, and the projected cost.

150 (b) Document the workforce need to be addressed through
151 the expanded capacity of the existing nursing program.

152 (c) Demonstrate a pool of qualified applicants to fill the
153 expanded capacity.

154 (2) Funds for a grant provided pursuant to this section
155 must be used to support new students and not to supplant current
156 funding or students. An institution applying for a grant must
157 certify to the department that it will not reduce funding or the
158 current level of enrollment in its existing nursing program. Any
159 such reduction shall result in a pro rata reduction in the grant
160 awarded pursuant to this section.

161 (3) Priority in the awarding of new grants authorized
162 pursuant to this section shall be given to proposals that comply
163 with three or more of the following:

164 (a) Proposals that result in new nurses in the workforce
165 or nurses moving to a higher level on the career ladder.

166 (b) Proposals that could be implemented as early as the
167 fall of 2005.

168 (c) Proposals that include partnerships or collaborations

169 with other institutions, programs, or health care providers.

170 (d) Proposals for programs offered at the worksite or
 171 through distance learning that permit nurses to achieve a higher
 172 level of nursing licensure.

173 (e) Proposals for accelerated programs that shorten the
 174 time required to receive a diploma, certificate, or degree;
 175 obtain licensure; and enter the workforce.

176 (f) Proposals that target exiting military personnel or
 177 other persons interested in making career changes.

178 (g) Proposals from nursing programs with demonstrated
 179 success as evidenced by graduation rates, licensure examination
 180 passage rates, and placement of graduates in nursing employment
 181 in the state.

182 (h) Proposals for programs that would address the state's
 183 need for rapid production of highly skilled clinical nurses and
 184 qualified nursing faculty, such as the fast-track baccalaureate
 185 to doctoral program, the Clinical Nurse Leader Program, and the
 186 Doctor of Nursing Practice program.

187 (4) Subsequent to the first year of funding for the grant
 188 program, priority for awarding grants shall be for renewal
 189 grants to nursing programs that are making adequate progress
 190 towards their contracted production.

191 (5) Grant recipients must enter into a contract between
 192 the postsecondary educational institution and the state to
 193 produce a specific number of nursing graduates within a specific
 194 time period.

195 (6) Nursing programs receiving grants pursuant to this
 196 section must submit periodic reports to the department

197 documenting compliance with the accountability measures
 198 established by the department. Award amounts in subsequent years
 199 shall be tied to student retention; the production of degrees,
 200 certificates, or diplomas; and the number of graduates placed in
 201 a nursing position in the state.

202 (7) Proposals submitted pursuant to this section shall be
 203 reviewed by the Board of Nursing and the State Board of
 204 Education. Final approval and level of funding shall be
 205 determined by the State Board of Education with consideration
 206 given to comments submitted to the State Board of Education by
 207 the Board of Nursing.

208 (8) The State Board of Education shall monitor compliance
 209 with accountability requirements.

210 (9) By February 1, 2006, the State Board of Education
 211 shall submit a report to the President of the Senate and the
 212 Speaker of the House of Representatives on the status of
 213 implementation of the grant program.

214 Section 4. Section 1009.66, Florida Statutes, is amended
 215 to read:

216 1009.66 Nursing Student Loan Reimbursement ~~Forgiveness~~
 217 Program.--

218 (1) To encourage qualified personnel to seek employment in
 219 areas of this state in which critical nursing shortages exist,
 220 there is established the Nursing Student Loan Reimbursement
 221 ~~Forgiveness~~ Program. The primary function of the program is to
 222 increase employment and retention of registered nurses and
 223 licensed practical nurses in nursing homes and hospitals in the
 224 state and in state-operated medical and health care facilities,

225 public schools, birth centers, federally sponsored community
226 health centers, family practice teaching hospitals, and
227 specialty children's hospitals and the employment and retention
228 of instructional faculty in nursing programs approved by the
229 Board of Nursing by making repayments toward loans received by
230 students from federal or state programs or commercial lending
231 institutions for the support of postsecondary study in
232 accredited or approved nursing programs or for the support of
233 study in a preparatory course for foreign-trained nurses offered
234 by an approved nursing program.

235 (2) To be eligible, a candidate must have graduated from
236 an accredited or approved nursing program or have successfully
237 completed a preparatory course for foreign-trained nurses
238 offered by an approved nursing program and have received a
239 Florida license as a licensed practical nurse or a registered
240 nurse or a Florida certificate as an advanced registered nurse
241 practitioner.

242 (3) Only loans to pay the costs of tuition, books, and
243 living expenses shall be covered, at an amount not to exceed
244 \$4,000 for each year of education toward the degree obtained.

245 (4) From the funds available, the Department of Education
246 ~~Health~~ may make loan principal repayments of up to \$4,000 a year
247 for up to 4 years on behalf of eligible candidates pursuant to
248 subsection (2) ~~selected graduates of an accredited or approved~~
249 ~~nursing program~~. All repayments shall be contingent upon
250 continued proof of employment in the designated facilities in
251 this state and shall be made ~~directly~~ to the holder of the loan
252 or the lending institution for loans held by a lending

253 institution. The state shall bear no responsibility for the
 254 collection of any interest charges or other remaining balance.
 255 In the event that the designated facilities are changed, a nurse
 256 shall continue to be eligible for loan reimbursement ~~forgiveness~~
 257 as long as he or she continues to work in the facility for which
 258 the original loan repayment was made and otherwise meets all
 259 conditions of eligibility.

260 (5) There is created the Nursing Student Loan
 261 Reimbursement ~~Forgiveness~~ Trust Fund to be administered by the
 262 Department of Education ~~Health~~ pursuant to this section and s.
 263 1009.67 and department rules. The Chief Financial Officer shall
 264 authorize expenditures from the trust fund upon receipt of
 265 vouchers approved by the Department of Education ~~Health~~. All
 266 moneys collected from the private health care industry and other
 267 private sources for the purposes of this section shall be
 268 deposited into the Nursing Student Loan Reimbursement
 269 ~~Forgiveness~~ Trust Fund. Any balance in the trust fund at the end
 270 of any fiscal year shall remain therein and shall be available
 271 for carrying out the purposes of this section and s. 1009.67.

272 (6) In addition to licensing fees imposed under part I of
 273 chapter 464, there is hereby levied and imposed an additional
 274 fee of \$5, which fee shall be paid upon licensure or renewal of
 275 nursing licensure. Revenues collected from the fee imposed in
 276 this subsection shall be deposited in the Nursing Student Loan
 277 Reimbursement ~~Forgiveness~~ Trust Fund of the Department of
 278 Education ~~Health~~ and will be used solely for the purpose of
 279 carrying out the provisions of this section and s. 1009.67. Up
 280 to 50 percent of the revenues appropriated to implement this

281 subsection may be used for the nursing scholarship loan program
 282 established pursuant to s. 1009.67.

283 (7) Funds contained in the Nursing Student Loan
 284 Reimbursement ~~Forgiveness~~ Trust Fund which are to be used for
 285 loan reimbursement ~~forgiveness~~ for those nurses employed by
 286 hospitals, birth centers, and nursing homes and for those nurses
 287 employed as instructional faculty in an approved nursing program
 288 must be matched on a dollar-for-dollar basis by contributions or
 289 tuition reductions from the employing institutions, except that
 290 this provision shall not apply to state-operated medical and
 291 health care facilities, community colleges, state universities,
 292 public schools, county health departments, federally sponsored
 293 community health centers, teaching hospitals as defined in s.
 294 408.07, family practice teaching hospitals as defined in s.
 295 395.805, or specialty hospitals for children as used in s.
 296 409.9119. An estimate of the annual trust fund dollars shall be
 297 made at the beginning of the fiscal year based on historic
 298 expenditures from the trust fund. Applicant requests shall be
 299 reviewed on a quarterly basis, and applicant awards shall be
 300 based on the following priority of employer until all such
 301 estimated trust funds are awarded: nursing programs approved by
 302 the Board of Nursing if the employer and the award recipient
 303 agree that the award recipient will spend a minimum of 75
 304 percent of his or her time providing instruction, developing
 305 curriculum, or advising or mentoring students for the duration
 306 of the award; state-operated medical and health care facilities;
 307 public schools; county health departments; federally sponsored
 308 community health centers; teaching hospitals as defined in s.

309 408.07; family practice teaching hospitals as defined in s.
 310 395.805; specialty hospitals for children as used in s.
 311 409.9119; and other hospitals, birth centers, and nursing homes.

312 ~~(8) The Department of Health may solicit technical~~
 313 ~~assistance relating to the conduct of this program from the~~
 314 ~~Department of Education.~~

315 (8)(9) The Department of Education ~~Health~~ is authorized to
 316 recover from the Nursing Student Loan Reimbursement ~~Forgiveness~~
 317 Trust Fund its costs for administering the Nursing Student Loan
 318 Reimbursement ~~Forgiveness~~ Program.

319 (9)(10) The State Board of Education ~~Department of Health~~
 320 may adopt rules necessary to administer this program.

321 (10)(11) This section shall be implemented only as
 322 specifically funded.

323 (11)(12) Students receiving a nursing scholarship loan
 324 pursuant to s. 1009.67 are not eligible to participate in the
 325 Nursing Student Loan Reimbursement ~~Forgiveness~~ Program.

326 Section 5. Section 1009.67, Florida Statutes, is amended
 327 to read:

328 1009.67 Nursing Scholarship Loan Program.--

329 (1) There is established within the Department of
 330 Education ~~Health~~ a scholarship loan program for the purpose of
 331 attracting capable and promising students to the nursing
 332 profession.

333 (2) A scholarship loan applicant shall be enrolled in an
 334 approved nursing program leading to the award of an associate
 335 degree, a baccalaureate degree, or a graduate degree in nursing
 336 or enrolled in a preparatory course for foreign-trained nurses

337 offered by an approved nursing program.

338 (3) A scholarship loan may be awarded for no more than 2
339 years, in an amount not to exceed \$8,000 per year. However,
340 registered nurses pursuing a graduate degree for a faculty
341 position or to practice as an advanced registered nurse
342 practitioner may receive up to \$12,000 per year. These amounts
343 shall be adjusted by the amount of increase or decrease in the
344 consumer price index for urban consumers published by the United
345 States Department of Commerce.

346 (4) Credit for repayment of a scholarship loan shall be as
347 follows:

348 (a) For each full year of scholarship loan assistance, the
349 recipient agrees to work for 12 months in a faculty position in
350 a college of nursing or community college nursing program in
351 this state and spend a minimum of 75 percent of his or her time
352 providing instruction, developing curriculum, or advising or
353 mentoring students or agrees to work for 12 months at a health
354 care facility in a medically underserved area as approved by the
355 Department of Health. Scholarship loan recipients who attend
356 school on a part-time basis shall have their employment service
357 obligation prorated in proportion to the amount of scholarship
358 loan payments received.

359 (b) Eligible health care facilities include nursing homes
360 and hospitals in this state, state-operated medical or health
361 care facilities, public schools, county health departments,
362 federally sponsored community health centers, colleges of
363 nursing in universities in this state, and community college
364 nursing programs in this state, family practice teaching

365 hospitals as defined in s. 395.805, or specialty children's
 366 hospitals as described in s. 409.9119. The recipient shall be
 367 encouraged to complete the service obligation at a single
 368 employment site. If continuous employment at the same site is
 369 not feasible, the recipient may apply to the department for a
 370 transfer to another approved health care facility.

371 (c) Any recipient who does not complete an appropriate
 372 program of studies, who does not become licensed, who does not
 373 accept employment as a nurse at an approved health care
 374 facility, or who does not complete 12 months of approved
 375 employment for each year of scholarship loan assistance received
 376 shall repay to the Department of Education Health, on a schedule
 377 to be determined by the department, the entire amount of the
 378 scholarship loan plus ~~18 percent~~ interest ~~accruing from the date~~
 379 ~~of the scholarship payment~~. Repayment schedules and applicable
 380 interest rates shall be determined by rules of the State Board
 381 of Education. Moneys repaid shall be deposited into the Nursing
 382 Student Loan Reimbursement ~~Forgiveness~~ Trust Fund established in
 383 s. 1009.66. However, the department may provide additional time
 384 for repayment if the department finds that circumstances beyond
 385 the control of the recipient caused or contributed to the
 386 default.

387 (5) Scholarship loan payments shall be transmitted to the
 388 recipient upon receipt of documentation that the recipient is
 389 enrolled in an approved nursing program. The Department of
 390 Education Health shall develop a formula to prorate payments to
 391 scholarship loan recipients so as not to exceed the maximum
 392 amount per academic year.

393 (6) The State Board of Education ~~Department of Health~~
 394 shall adopt rules, including rules to address extraordinary
 395 circumstances that may cause a recipient to default on either
 396 the school enrollment or employment contractual agreement, to
 397 implement this section.

398 (7) The Department of Education ~~Health~~ may recover from
 399 the Nursing Student Loan Reimbursement ~~Forgiveness~~ Trust Fund
 400 its costs for administering the nursing scholarship loan
 401 program.

402 Section 6. Paragraphs (h) and (l) of subsection (4) of
 403 section 215.20, Florida Statutes, are amended to read:

404 215.20 Certain income and certain trust funds to
 405 contribute to the General Revenue Fund.--

406 (4) The income of a revenue nature deposited in the
 407 following described trust funds, by whatever name designated, is
 408 that from which the appropriations authorized by subsection (3)
 409 shall be made:

410 (h) Within the Department of Education:

- 411 1. The Educational Certification and Service Trust Fund.
- 412 2. The Phosphate Research Trust Fund.
- 413 3. The Nursing Student Loan Reimbursement Trust Fund.

414 (1) Within the Department of Health:

- 415 1. The Administrative Trust Fund.
- 416 2. The Brain and Spinal Cord Injury Program Trust Fund.
- 417 3. The Donations Trust Fund.
- 418 4. The Emergency Medical Services Trust Fund.
- 419 5. The Epilepsy Services Trust Fund.
- 420 6. The Florida Drug, Device, and Cosmetic Trust Fund.

- 421 7. The Grants and Donations Trust Fund.
- 422 8. The Medical Quality Assurance Trust Fund.
- 423 ~~9. The Nursing Student Loan Forgiveness Trust Fund.~~
- 424 ~~9.10.~~ The Planning and Evaluation Trust Fund.
- 425 ~~10.11.~~ The Radiation Protection Trust Fund.

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427 The enumeration of the foregoing moneys or trust funds shall not
 428 prohibit the applicability thereto of s. 215.24 should the
 429 Governor determine that for the reasons mentioned in s. 215.24
 430 the money or trust funds should be exempt herefrom, as it is the
 431 purpose of this law to exempt income from its force and effect
 432 when, by the operation of this law, federal matching funds or
 433 contributions or private grants to any trust fund would be lost
 434 to the state.

435 Section 7. By July 1, 2006, the Department of Education,
 436 with input from public and private postsecondary educational
 437 institutions, shall identify national standardized or licensure
 438 examinations by which secondary and postsecondary students may
 439 demonstrate mastery of postsecondary nursing course material and
 440 earn postsecondary credit for such courses. The examinations and
 441 corresponding minimum scores required for an award of credit
 442 shall be delineated by the State Board of Education in the
 443 statewide articulation agreement. The delineation of such
 444 examinations shall not preclude community colleges and
 445 universities from awarding credit by examination based on
 446 student performance on examinations developed within and
 447 recognized by the individual postsecondary educational
 448 institutions. By February 1, 2006, the Department of Education

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449 shall provide a status report on implementation of this section
450 to the Governor, the President of the Senate, and the Speaker of
451 the House of Representatives.

452 Section 8. All statutory powers, duties, functions,
453 records, positions, property, and unexpended balances of
454 appropriations, allocations, or other funds of the Department of
455 Health relating to the Nursing Student Loan Reimbursement
456 Program and the Nursing Student Loan Reimbursement Trust Fund as
457 created in s. 1009.66, Florida Statutes, and the Nursing
458 Scholarship Loan Program as created in s. 1009.67, Florida
459 Statutes, are transferred by a type two transfer as provided for
460 in s. 20.06(2), Florida Statutes, from the Department of Health
461 to the Department of Education.

462 Section 9. This act shall take effect July 1, 2005.