

1 A bill to be entitled
2 An act relating to nursing programs; amending s. 464.003,
3 F.S.; defining terms for purposes of the Nurse Practice
4 Act; amending s. 464.019, F.S.; revising provisions for
5 the approval of nursing programs by the Board of Nursing;
6 requiring institutions wishing to conduct a nursing
7 program to submit an application and pay a fee to the
8 Department of Health; providing application requirements
9 and procedures; providing standards for the approval of
10 nursing programs; providing that programs approved by the
11 board before a specified date are considered approved
12 under the act; requiring approved programs to annually
13 submit a report; specifying contents of annual reports;
14 providing for denial of applications; providing procedures
15 for a review of the board's intent to deny an application;
16 authorizing administrative hearings to review denied
17 applications; requiring the board to publish on its
18 Internet website certain information about nursing
19 programs; requiring that a nursing program be placed on
20 probation under certain circumstances; requiring programs
21 placed on probation to disclose certain information to
22 students and applicants; authorizing the board to
23 terminate a nursing program under certain circumstances;
24 requiring a nursing program that closes to notify the
25 board of certain information; providing that the board has
26 no rulemaking authority to implement the section;
27 providing an effective date.
28

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

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31 Section 1. Subsections (9) through (15) are added to
32 section 464.003, Florida Statutes, to read:

33 464.003 Definitions.--As used in this part, the term:

34 (9) "Clinical preceptor" means a registered nurse employed
35 by a clinical training facility who serves as a role model and
36 clinical resource person for a specified period to an individual
37 enrolled in an approved nursing education program.

38 (10) "Clinical preceptor program" means a program that
39 uses individualized teaching-learning strategies in which a
40 nursing student participates in clinical nursing practice while
41 assigned to a clinical preceptor.

42 (11) "Clinical simulation" means a strategy used to
43 replicate clinical practice as closely as possible to teach
44 theory, assessment, technology, pharmacology, and skills.

45 (12) "Clinical training" means direct nursing care
46 experiences with patients or clients that offer the student the
47 opportunity to integrate, apply, and refine specific skills and
48 abilities based on theoretical concepts and scientific
49 principles.

50 (13) "Community-based clinical experiences" means
51 activities consistent with the curriculum and involving
52 individuals, families, and groups with the intent of promoting
53 wellness, maintaining health, and preventing illness. Structured
54 nursing services may not be offered, and invasive procedures may
55 not be performed, at sites used for community-based clinical
56 experiences.

CS/HB 1209

2009

57 (14) "Curriculum" means the planned sequence of course
58 offerings and learning experiences that comprise a nursing
59 education program.

60 (15) "Probationary status" means the status of a nursing
61 education program that has not met the standards of s. 464.019.

62 Section 2. Section 464.019, Florida Statutes, is amended
63 to read:

64 (Substantial rewording of section. See
65 s. 464.019, F.S., for present text.)

66 464.019 Approval of nursing programs.--

67 (1) An institution that wishes to conduct a program for
68 the education of professional or practical nurses must submit a
69 program application and a program review fee of \$1,000 to the
70 department. Within 3 months after receipt of a program
71 application and program review fee, the board shall approve a
72 program that documents compliance with the standards in
73 paragraphs (a) through (1) or shall issue a notice of intent to
74 deny the application under subsection (3). Each program
75 application must document that:

76 (a) The institution's professional nursing program faculty
77 are led by a director who is a licensed registered nurse in this
78 state and who has at least a bachelor's degree in nursing and a
79 master's degree in nursing or a related field.

80 (b) The institution's practical nursing program faculty
81 are led by a director who is licensed as a registered nurse in
82 this state and who has at least a bachelor's degree in nursing.

83 (c) At least 50 percent of the institution's professional
84 nursing program's faculty members are registered nurses licensed

85 in this state with a bachelor's degree in nursing and a master's
86 degree in nursing or a related field.

87 (d) At least 50 percent of the institution's practical
88 nursing program's faculty members are registered nurses licensed
89 in this state with a bachelor's degree in nursing.

90 (e) At least 50 percent of the institution's curriculum
91 consists of clinical training.

92 (f) No more than 25 percent of the institution's clinical
93 training consists of clinical simulation.

94 (g) The institution has signed an agreement with each
95 agency, facility, and organization included in the curriculum
96 plan as a clinical training site or a community-based clinical
97 experience site.

98 (h) The institution has written policies for faculty that
99 include provisions for direct supervision by faculty or clinical
100 preceptors for students in clinical training consistent with the
101 following standards:

102 1. The number of program faculty members equals at least
103 one faculty member supervising every 12 students unless the
104 written agreement between the program and the agency, facility,
105 or organization providing clinical training sites allows more
106 students, not to exceed 18 students, to be supervised by one
107 faculty member.

108 2. Indirect supervision may occur only in community-based
109 clinical experiences and only when the supervisor is immediately
110 available to the student by telephone.

111 (i) The institution's curriculum plan documents both
112 clinical experience and theoretical instruction in medical,

113 surgical, obstetric, pediatric, geriatric, and psychiatric
114 nursing in acute care, long-term care, and community settings.

115 (j) The institution's professional nursing programs
116 provide instruction in biological, physical, social, and
117 behavioral sciences.

118 (k) The institution's practical nursing programs provide
119 theoretical instruction and clinical application of personal,
120 family, and community health concepts; nutrition; human growth
121 and development throughout the life span; body structure and
122 function; interpersonal relationship skills; mental health
123 concepts; pharmacology and administration of medications; and
124 legal aspects of practice.

125 (l) The institution's professional nursing programs meet
126 the standards for practical nursing programs in paragraph (k)
127 and provide theoretical instruction and clinical application in
128 interpersonal relationships and leadership skills, professional
129 role and function, and health teaching and counseling skills.

130 (2) (a) Professional or practical nursing programs that
131 receive full or provisional approval from the board before July
132 1, 2009, are considered approved under this section. To retain
133 approved status, a program must submit the report required under
134 paragraph (c) to the board by November 1, 2009, and annually
135 thereafter.

136 (b) Professional or practical nursing programs that are
137 approved by the board under subsection (1) on or after July 1,
138 2009, shall annually submit the report required under paragraph
139 (c) to the board by November 1 of each year following initial
140 approval.

141 (c) The annual report required by this subsection shall
142 document the program's retention rates of students tracked from
143 program entry to graduation and provide a statement verifying
144 continued compliance with subsection (1).

145 (3) If the board determines that the program application
146 does not document compliance with subsection (1), the board
147 shall provide the applicant with a notice of intent to deny the
148 application, which shall set forth written reasons for the
149 denial. Within 30 days after receipt of the notice of intent to
150 deny the application, the applicant may submit to the board
151 documentation rebutting the board's reasons for denial. Within
152 30 days after receipt of such documentation from an applicant,
153 the board must issue a notice indicating its approval or denial
154 of the program application. An applicant may request a hearing
155 on the denial of its program application pursuant to chapter
156 120.

157 (4) The board shall publish on its Internet website the
158 following information about nursing programs located in this
159 state:

160 (a) Each program application, including all related
161 documentation provided by the applicant, for each approved
162 nursing program.

163 (b) A comprehensive list of nursing programs in the state.

164 (c) The accreditation status of each program, including
165 identification of the accrediting body.

166 (d) Each program's approval status.

167 (e) Each program's graduate passage rate for the National
168 Council of State Boards of Nursing Licensing Examination.

169 (f) The national average passage rate for the National
170 Council of State Boards of Nursing Licensing Examination.

171 (g) Each program's student retention rates tracked from
172 program entry to graduation.

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174 The information published pursuant to this subsection shall be
175 made available in a manner that allows interactive searches and
176 comparisons of specific programs. The board shall publish this
177 information on its Internet website by December 31, 2009, and
178 update the information at least quarterly.

179 (5) (a) If the performance of a program's graduates on the
180 National Council of State Boards of Nursing Licensing
181 Examination falls 10 percent or more below the national average,
182 as published by the contract testing service of the National
183 Council of State Boards of Nursing, for 2 consecutive years, the
184 program shall be placed on probation and the program director
185 shall be required to appear before the board to present a plan
186 for remediation. The program must achieve compliance with the
187 graduation performance requirements of this paragraph within the
188 next 2 consecutive years.

189 (b) If a program fails to submit the annual report
190 required by subsection (2), or if the program's report fails to
191 document compliance with subsection (1), the program shall be
192 placed on probation. The program must submit the annual report
193 or document compliance, as appropriate, within 6 months after
194 the program's placement on probation.

195 (c) A program placed on probationary status shall disclose
196 such status in writing to the program's students and applicants.

CS/HB 1209

2009

197 (d) The board may terminate a program that fails to comply
198 with paragraph (a) or paragraph (b) pursuant to chapter 120.

199 (6) A nursing program that closes shall notify the board
200 in writing and advise the board of the arrangements for storage
201 of permanent records.

202 (7) The board has no rulemaking authority to implement
203 this section.

204 Section 3. This act shall take effect July 1, 2009.