

1                   A bill to be entitled  
2           An act relating to nursing programs; amending s. 464.003,  
3           F.S.; revising the definition of the term "approved  
4           program" and defining terms for purposes of the Nurse  
5           Practice Act; amending s. 464.019, F.S.; revising  
6           provisions for the approval of nursing programs by the  
7           Board of Nursing; requiring institutions wishing to  
8           conduct a nursing program to submit a program application  
9           and pay a program review fee to the Department of Health;  
10          providing application requirements and procedures;  
11          providing standards for the approval of nursing programs;  
12          specifying that, upon the board's approval of a program  
13          application, the program becomes an approved program;  
14          providing that programs provisionally approved by the  
15          board, and certain programs on probationary status, as of  
16          a specified date are approved programs under the act;  
17          providing that certain programs on probationary status as  
18          of a specified date remain on probationary status;  
19          requiring such programs on probationary status to comply  
20          within a specified period with a requirement related to  
21          program graduate passage rates; requiring the board to  
22          terminate programs that do not comply; requiring approved  
23          programs to annually submit a report; specifying contents  
24          of annual reports; providing for denial of program  
25          applications; providing procedures for processing  
26          incomplete program applications; requiring the board to  
27          provide a notice of intent to deny a program application  
28          that does not document compliance with certain standards;

CS/CS/HB 1209

2009

29 | authorizing an administrative hearing for review of a  
30 | notice of intent to deny an application; requiring the  
31 | board to publish on its Internet website certain data  
32 | about nursing programs; requiring that a nursing program  
33 | be placed on probation under certain circumstances;  
34 | requiring programs placed on probation to disclose certain  
35 | information to students and applicants; requiring the  
36 | board to terminate a nursing program under certain  
37 | circumstances; requiring a nursing program that closes to  
38 | notify the board of certain information; specifying that  
39 | the board, with certain exceptions, does not have  
40 | rulemaking authority to administer the act; specifying  
41 | that the board may not impose any condition or requirement  
42 | on program approval or retention except as expressly  
43 | provided in the act; requiring the board to repeal certain  
44 | rules in existence as of a specified date; requiring the  
45 | Florida Center for Nursing and the Office of Program  
46 | Policy Analysis and Government Accountability to conduct a  
47 | study and submit reports to the Governor and Legislature;  
48 | providing an effective date.

49 |  
50 | Be It Enacted by the Legislature of the State of Florida:

51 |  
52 | Section 1. Subsection (8) of section 464.003, Florida  
53 | Statutes, is amended, and subsections (9) through (14) are added  
54 | to that section, to read:

55 | 464.003 Definitions.--As used in this part, the term:

56 | (8) "Approved program" means a nursing program conducted

CS/CS/HB 1209

2009

57 in a school, college, or university which is approved under ~~by~~  
58 ~~the board pursuant to~~ s. 464.019 for the education of nurses.

59 (9) "Clinical training" means direct nursing care  
60 experiences with patients or clients which offer the student the  
61 opportunity to integrate, apply, and refine specific skills and  
62 abilities based on theoretical concepts and scientific  
63 principles.

64 (10) "Clinical preceptor" means a registered nurse  
65 employed by a clinical training facility who serves as a role  
66 model and clinical resource person for a specified period to an  
67 individual enrolled in an approved program.

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

71 (12) "Community-based clinical experience" means  
72 activities consistent with the curriculum and involving  
73 individuals, families, and groups with the intent of promoting  
74 wellness, maintaining health, and preventing illness.

75 (13) "Curriculum" means a planned sequence of course  
76 offerings and learning experiences that comprise a nursing  
77 education program.

78 (14) "Probationary status" means the status of a nursing  
79 education program that is subject to s. 464.019(2)(a)2. or  
80 (5)(a) or (b).

81 Section 2. Section 464.019, Florida Statutes, is amended  
82 to read:

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

85        464.019 Approval of nursing programs.--

86        (1) An institution that wishes to conduct a program for  
87 the education of professional or practical nurses shall submit a  
88 program application and a program review fee of \$1,000 to the  
89 department. Within 90 days after receipt of a program  
90 application and program review fee, the board shall approve the  
91 program application if it documents compliance with the  
92 standards in paragraphs (a)-(h). If the program application is  
93 incomplete or does not document compliance, the board shall  
94 follow the procedures in subsection (3). Each program  
95 application must document that:

96        (a) For a professional nursing program, the program  
97 director and at least 50 percent of the program's faculty  
98 members are registered nurses who have, at a minimum, a  
99 bachelor's degree in nursing and a master's degree in nursing or  
100 a related field.

101        (b) For a practical nursing program, the program director  
102 and at least 50 percent of the program's faculty members are  
103 registered nurses who have, at a minimum, a bachelor's degree in  
104 nursing.

105        (c) The program's nursing major curriculum consists of at  
106 least:

107        1. Fifty percent clinical training for a practical nursing  
108 program, an associate degree professional nursing program, or a  
109 professional diploma nursing program.

110        2. Forty percent clinical training for a bachelor's degree  
111 professional nursing program.

112        (d) No more than 25 percent of the program's clinical

113 training consists of clinical simulation.

114 (e) The program has signed agreements with each agency,  
115 facility, and organization included in the curriculum plan as  
116 clinical training sites and community-based clinical experience  
117 sites.

118 (f) The program has written policies for faculty which  
119 include provisions for direct or indirect supervision by program  
120 faculty or clinical preceptors for students in clinical training  
121 consistent with the following standards:

122 1. The number of program faculty members equals at least  
123 one faculty member directly supervising every 12 students unless  
124 the written agreement between the program and the agency,  
125 facility, or organization providing clinical training sites  
126 allows more students, not to exceed 18 students, to be directly  
127 supervised by one program faculty member.

128 2. For a hospital setting, indirect supervision may occur  
129 only if there is direct supervision by an assigned clinical  
130 preceptor, a supervising program faculty member is available by  
131 telephone, and such arrangement is approved by the clinical  
132 facility.

133 3. For community-based clinical experiences that involve  
134 student participation in invasive or complex nursing activities,  
135 students must be directly supervised by a program faculty member  
136 or clinical preceptor and such arrangement must be approved by  
137 the community-based clinical facility.

138 4. For community-based clinical experiences not subject to  
139 subparagraph 3., indirect supervision may occur only when a  
140 supervising program faculty member is available to the student

CS/CS/HB 1209

2009

141 by telephone.

142 (g) The professional or practical nursing curriculum plan  
143 documents clinical experience and theoretical instruction in  
144 medical, surgical, obstetric, pediatric, and geriatric nursing.  
145 A professional nursing curriculum plan shall also document  
146 clinical experience and theoretical instruction in psychiatric  
147 nursing. Each curriculum plan must document clinical training  
148 experience in appropriate settings that include, but are not  
149 limited to, acute care, long-term care, and community settings.

150 (h) The professional or practical nursing program provides  
151 theoretical instruction and clinical application in personal,  
152 family, and community health concepts; nutrition; human growth  
153 and development throughout the life span; body structure and  
154 function; interpersonal relationship skills; mental health  
155 concepts; pharmacology and administration of medications; and  
156 legal aspects of practice. A professional nursing program shall  
157 also provide theoretical instruction and clinical application in  
158 interpersonal relationships and leadership skills; professional  
159 role and function; and health teaching and counseling skills.

160  
161 Upon the board's approval of a program application, the program  
162 becomes an approved program under this section.

163 (2) (a) A professional or practical nursing program that,  
164 as of June 30, 2009:

165 1. Has full or provisional approval from the board or is  
166 on probationary status, except as provided in subparagraph 2.,  
167 becomes an approved program under this section. In order to  
168 retain approved program status, such program shall submit the

CS/CS/HB 1209

2009

169 report required under paragraph (c) to the board by November 1,  
170 2009, and annually thereafter.

171 2. Is on probationary status because the program did not  
172 meet the board's requirement for program graduate passage rates  
173 on the National Council of State Boards of Nursing Licensing  
174 Examination, shall remain on probationary status until the  
175 program achieves compliance with the program graduate passage  
176 rate requirement in paragraph (5)(a). A program that is subject  
177 to this subparagraph must submit the report required under  
178 paragraph (c) to the board by November 1, 2009, and annually  
179 thereafter and must comply with paragraph (5)(c). If the program  
180 does not achieve compliance by July 1, 2011, the board shall  
181 terminate the program as provided in paragraph (5)(d).

182 (b) Each professional or practical nursing program that  
183 has its application approved by the board under subsection (1)  
184 on or after July 1, 2009, shall annually submit the report  
185 required under paragraph (c) to the board by November 1 of each  
186 year following initial approval of its application.

187 (c) The annual report required by this subsection must  
188 include an affidavit certifying continued compliance with  
189 subsection (1), must provide a summary description of the  
190 program's compliance with subsection (1), and must document for  
191 the previous academic year for each professional and practical  
192 nursing program:

193 1. The number of student applications received, the number  
194 of qualified applicants, and the number of students accepted.

195 2. The number of program graduates.

196 3. The program's graduate passage rate on the National

197 Council of State Boards of Nursing Licensing Examination.

198 4. The program's retention rates for students tracked from  
199 program entry to graduation.

200 5. The program's accreditation status, including  
201 identification of the accrediting body.

202 (3) (a) If an institution's program application is  
203 incomplete, the board shall notify the institution of any  
204 apparent errors or omissions within 30 days after receipt of the  
205 application and follow the procedures in s. 120.60.

206 (b) If an institution's program application does not  
207 document compliance with the standards in subsection (1), within  
208 90 days after the board's receipt of the program application,  
209 the board shall provide the institution with a notice of intent  
210 to deny the program application that sets forth written reasons  
211 for the denial. The institution may request a hearing on the  
212 notice of intent to deny the program application pursuant to  
213 chapter 120.

214 (4) The board shall publish on its Internet website data  
215 on nursing programs located in the state. The data shall  
216 include:

217 (a) All documentation provided by the applicant for each  
218 approved nursing program application submitted on or after July  
219 1, 2009.

220 (b) The summary description of each program's compliance  
221 as submitted under paragraph (2) (c).

222 (c) A comprehensive list of each practical and  
223 professional nursing program in the state.

224 (d) The accreditation status for each program, including



CS/CS/HB 1209

2009

225 identification of the accrediting body.

226 (e) Each program's approval or probationary status.

227 (f) Each program's graduate passage rate on the National  
228 Council of State Boards of Nursing Licensing Examination.

229 (g) The national average for passage rates on the National  
230 Council of State Boards of Nursing Licensing Examination.

231 (h) Each program's retention rates for students tracked  
232 from program entry to graduation.

233  
234 The data required to be published under this subsection shall be  
235 made available in a manner that allows interactive searches and  
236 comparisons of specific nursing education programs. The board  
237 shall publish the data by December 31, 2009, and update the  
238 Internet website at least quarterly with the available data.

239 (5) (a) If the program's graduate passage rate on the  
240 National Council of State Boards of Nursing Licensing  
241 Examination falls 10 percent or more below the national average,  
242 as published by the contract testing service of the National  
243 Council of State Boards of Nursing, for 2 consecutive years, the  
244 program shall be placed on probation and the program director  
245 shall be required to appear before the board to present a plan  
246 for remediation. The program must achieve compliance with the  
247 graduate passage rate in this paragraph within the next 2  
248 consecutive years.

249 (b) If a program fails to submit the annual report  
250 required in subsection (2), the board shall place the program on  
251 probation. The program must submit the annual report within 6  
252 months after the program is placed on probation.

CS/CS/HB 1209

2009

253 (c) A program placed on probationary status shall disclose  
254 its probationary status in writing to the program's students and  
255 applicants.

256 (d) The board shall terminate a program that fails to  
257 comply with subparagraph (2)(a)2., paragraph (a), or paragraph  
258 (b) pursuant to chapter 120.

259 (6) A nursing program that closes shall notify the board  
260 in writing and advise the board of the arrangements for storage  
261 of permanent records.

262 (7) The board does not have any rulemaking authority to  
263 administer this section, except that the board shall adopt a  
264 rule that prescribes the format for submitting program  
265 applications under subsection (1) and submitting summary  
266 descriptions of program compliance under paragraph (2)(c). The  
267 board may not impose any condition or requirement on an  
268 institution submitting a program application, an approved  
269 program, or a program on probationary status except as expressly  
270 provided in this section. The board shall repeal all rules, or  
271 portions thereof, in existence on July 1, 2009, that are  
272 inconsistent with this subsection.

273 (8) The Florida Center for Nursing and the Office of  
274 Program Policy Analysis and Government Accountability shall  
275 each:

276 (a) Monitor the administration of this section and  
277 evaluate the effectiveness of this section in achieving quality  
278 nursing programs with a higher production of quality nursing  
279 graduates.

280 (b) Report its findings and make recommendations, if

CS/CS/HB 1209

2009

281 warranted, to improve the effectiveness of this section to the  
282 Governor, the President of the Senate, and the Speaker of the  
283 House of Representatives by February 1, 2010.

284 (9) The Florida Center for Nursing and the education  
285 policy area of the Office of Program Policy Analysis and  
286 Government Accountability shall jointly study the 5-year  
287 administration of this section and submit a report to the  
288 Governor, the President of the Senate, and the Speaker of the  
289 House of Representatives by January 30, 2011, and annually  
290 thereafter through January 30, 2015. Each annual report shall  
291 address the previous academic year and shall include data and  
292 analysis on the following measures for each practical and  
293 professional nursing program in the state, as such data becomes  
294 available:

295 (a) An evaluation of the program application approval  
296 process, including, but not limited to, the number of program  
297 applications submitted under subsection (1); the number of  
298 program applications approved and denied by the board under  
299 subsections (1) and (3), respectively; the number of denials of  
300 program applications reviewed under chapter 120; and a  
301 description of the outcomes of those reviews.

302 (b) An evaluation as to whether nursing program  
303 availability has increased in the state and the quality of  
304 nurses produced by these programs, including, but not limited  
305 to:

- 306 1. The number of programs and student slots available.  
307 2. The number of student applications submitted, the  
308 number of qualified applicants, and the number of students

309 accepted.  
 310 3. The number of program graduates.  
 311 4. Program retention rates of students tracked from  
 312 program entry to graduation.  
 313 5. Graduate passage rates on the National Council of State  
 314 Boards of Nursing Licensing Examination.  
 315 6. The number of graduates who become employed as  
 316 practical or professional nurses in the state.  
 317 (c) An evaluation of compliance with this section,  
 318 including, but not limited to, the number of programs placed on  
 319 probationary status, the number of programs terminated by the  
 320 board under paragraph (5) (d), the number of terminations  
 321 reviewed under chapter 120, and a description of the outcomes of  
 322 those reviews.  
 323 Section 3. This act shall take effect July 1, 2009.