

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 certain nursing programs to submit a program
9 application and pay a program review fee to the Department
10 of Health; specifying that a program application is deemed
11 approved if the board does not act within specified
12 timeframes; providing application requirements and
13 procedures; providing standards for the approval of
14 nursing programs; specifying that, upon the board's
15 approval of a program application, the program becomes an
16 approved program; providing that programs provisionally
17 approved by the board, and certain programs on
18 probationary status, as of a specified date are approved
19 programs under the act; providing that certain programs on
20 probationary status as of a specified date remain on
21 probationary status; requiring such programs on
22 probationary status to comply within a specified period
23 with a requirement related to program graduate passage
24 rates; requiring the board to terminate programs that do
25 not comply; requiring approved programs to annually submit
26 a report; specifying contents of annual reports; providing
27 for denial of program applications; providing procedures
28 for processing incomplete program applications; requiring

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

51 |
52 | Be It Enacted by the Legislature of the State of Florida:

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

57 464.003 Definitions.--As used in this part, the term:

58 (8) "Approved program" means a nursing program conducted
59 in a school, college, or university which is approved under ~~by~~
60 ~~the board pursuant to~~ s. 464.019 for the education of nurses.

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

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

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

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

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

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

83 Section 2. Section 464.019, Florida Statutes, is amended
84 to read:

85 (Substantial rewording of section. See

86 s. 464.019, F.S., for present text.)

87 464.019 Approval of nursing programs.--

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

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

105 (b) For a practical nursing program, the program director
106 and at least 50 percent of the program's faculty members are
107 registered nurses who have, at a minimum, a bachelor's degree in
108 nursing.

109 (c) The program's nursing major curriculum consists of at
110 least:

111 1. Fifty percent clinical training for a practical nursing
112 program, an associate degree professional nursing program, or a

113 professional diploma nursing program.

114 2. Forty percent clinical training for a bachelor's degree
115 professional nursing program.

116 (d) No more than 25 percent of the program's clinical
117 training consists of clinical simulation.

118 (e) The program has signed agreements with each agency,
119 facility, and organization included in the curriculum plan as
120 clinical training sites and community-based clinical experience
121 sites.

122 (f) The program has written policies for faculty which
123 include provisions for direct or indirect supervision by program
124 faculty or clinical preceptors for students in clinical training
125 consistent with the following standards:

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

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

137 3. For community-based clinical experiences that involve
138 student participation in invasive or complex nursing activities,
139 students must be directly supervised by a program faculty member
140 or clinical preceptor and such arrangement must be approved by

141 the community-based clinical facility.

142 4. For community-based clinical experiences not subject to
143 subparagraph 3., indirect supervision may occur only when a
144 supervising program faculty member is available to the student
145 by telephone.

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

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

164
165 Upon the board's approval of a program application, the program
166 becomes an approved program under this section.

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

169 1. Has full or provisional approval from the board or is
170 on probationary status, except as provided in subparagraph 2.,
171 becomes an approved program under this section. In order to
172 retain approved program status, such program shall submit the
173 report required under paragraph (c) to the board by November 1,
174 2009, and annually thereafter.

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

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

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

197 1. The number of student applications received, the number
198 of qualified applicants, and the number of students accepted.

199 2. The number of program graduates.

200 3. The program's graduate passage rate on the National
201 Council of State Boards of Nursing Licensing Examination.

202 4. The program's retention rates for students tracked from
203 program entry to graduation.

204 5. The program's accreditation status, including
205 identification of the accrediting body.

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

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

218 (4) The board shall publish on its Internet website data
219 on nursing programs located in the state. The data shall
220 include:

221 (a) All documentation provided by the applicant for each
222 approved nursing program application submitted on or after July
223 1, 2009.

224 (b) The summary description of each program's compliance

225 as submitted under paragraph (2) (c).

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

228 (d) The accreditation status for each program, including
229 identification of the accrediting body.

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

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

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

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

237

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

243 (5) (a) If a professional or practical nursing program's
244 average graduate passage rate for first-time test takers on the
245 National Council of State Boards of Nursing Licensing
246 Examination falls 10 percent or more below the national average
247 passage rate for first-time test takers educated in the United
248 States, as annually published by the contract testing service of
249 the National Council of State Boards of Nursing, for 2
250 consecutive calendar years, the board shall place the program on
251 probation and the program director shall be required to appear
252 before the board to present a plan for remediation. The program

253 shall remain on probationary status until it achieves compliance
254 with the graduate passage rate requirement and shall be
255 terminated by the board under paragraph (d) if the program does
256 not achieve compliance within 2 calendar years.

257 (b) If a program fails to submit the annual report
258 required in subsection (2), the board shall place the program on
259 probation. The program shall remain on probationary status until
260 it submits the annual report and shall be terminated by the
261 board under paragraph (d) if it does not submit the annual
262 report within 6 months after the report's due date.

263 (c) A program placed on probationary status shall disclose
264 its probationary status in writing to the program's students and
265 applicants.

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

269 (6) A nursing program that closes shall notify the board
270 in writing and advise the board of the arrangements for storage
271 of permanent records.

272 (7) The board does not have any rulemaking authority to
273 administer this section, except that the board shall adopt a
274 rule that prescribes the format for submitting program
275 applications under subsection (1) and submitting summary
276 descriptions of program compliance under paragraph (2)(c). The
277 board may not impose any condition or requirement on an
278 institution submitting a program application, an approved
279 program, or a program on probationary status except as expressly
280 provided in this section. The board shall repeal all rules, or

281 portions thereof, in existence on July 1, 2009, that are
282 inconsistent with this subsection.

283 (8) The Florida Center for Nursing and the Office of
284 Program Policy Analysis and Government Accountability shall
285 each:

286 (a) Monitor the administration of this section and
287 evaluate the effectiveness of this section in achieving quality
288 nursing programs with a higher production of quality nursing
289 graduates.

290 (b) Report its findings and make recommendations, if
291 warranted, to improve the effectiveness of this section to the
292 Governor, the President of the Senate, and the Speaker of the
293 House of Representatives by February 1, 2010.

294 (9) The Florida Center for Nursing and the education
295 policy area of the Office of Program Policy Analysis and
296 Government Accountability shall study the 5-year administration
297 of this section and submit reports to the Governor, the
298 President of the Senate, and the Speaker of the House of
299 Representatives by January 30, 2011, and annually thereafter
300 through January 30, 2015. The annual reports shall address the
301 previous academic year; set forth data on the measures specified
302 in paragraphs (a) and (b) for each prelicensure practical and
303 professional nursing program in the state, as such data becomes
304 available; and include an evaluation of such data for purposes
305 of determining whether this section is increasing the
306 availability of nursing programs and the production of quality
307 nurses.

308 (a) The education policy area of the Office of Program

309 Policy Analysis and Government Accountability shall evaluate
310 program-specific data including, but not limited to:

311 1. The number of nursing education programs and student
312 slots available.

313 2. The number of student applications submitted, the
314 number of qualified applicants, and the number of students
315 accepted.

316 3. The number of program graduates.

317 4. Program retention rates of students tracked from
318 program entry to graduation.

319 5. Graduate passage rates on the National Council of State
320 Boards of Nursing Licensing Examination.

321 6. The number of graduates who become employed as
322 practical or professional nurses in the state.

323 (b) The Florida Center for Nursing shall evaluate the
324 board's implementation of the:

325 1. Program application approval process, including, but
326 not limited to, the number of program applications submitted
327 under subsection (1); the number of program applications
328 approved and denied by the board under subsections (1) and (3);
329 the number of denials of program applications reviewed under
330 chapter 120; and a description of the outcomes of those reviews.

331 2. Probation and termination processes, including, but not
332 limited to, the number of programs placed on probationary
333 status, the number of programs terminated by the board under
334 paragraph (5) (d), the number of terminations reviewed under
335 chapter 120, and a description of the outcomes of those reviews.

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