

## ENROLLED

CS/CS/HB 1209, Engrossed 1

2009 Legislature

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

## ENROLLED

CS/CS/HB 1209, Engrossed 1

2009 Legislature

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:

53 |  
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:

ENROLLED

CS/CS/HB 1209, Engrossed 1

2009 Legislature

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:

ENROLLED

CS/CS/HB 1209, Engrossed 1

2009 Legislature

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

## ENROLLED

CS/CS/HB 1209, Engrossed 1

2009 Legislature

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

ENROLLED

CS/CS/HB 1209, Engrossed 1

2009 Legislature

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:

ENROLLED

CS/CS/HB 1209, Engrossed 1

2009 Legislature

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:

ENROLLED

CS/CS/HB 1209, Engrossed 1

2009 Legislature

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



ENROLLED

CS/CS/HB 1209, Engrossed 1

2009 Legislature

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

ENROLLED

CS/CS/HB 1209, Engrossed 1

2009 Legislature

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

## ENROLLED

CS/CS/HB 1209, Engrossed 1

2009 Legislature

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

ENROLLED

CS/CS/HB 1209, Engrossed 1

2009 Legislature

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.