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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2009	.	
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The Committee on Health and Human Services Appropriations
(Haridopolos) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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



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12 (9) "Clinical training" means direct nursing care
13 experiences with patients or clients which offer the student the
14 opportunity to integrate, apply, and refine specific skills and
15 abilities based on theoretical concepts and scientific
16 principles.

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

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

24 (12) "Community-based clinical experience" means activities
25 consistent with the curriculum and involving individuals,
26 families, and groups with the intent of promoting wellness,
27 maintaining health, and preventing illness.

28 (13) "Curriculum" means a planned sequence of course
29 offerings and learning experiences that comprise a nursing
30 education program.

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

34 Section 2. Section 464.019, Florida Statutes, is amended to
35 read:

36 (Substantial rewording of section. See
37 s. 464.019, F.S., for present text.)
38 464.019 Approval of nursing programs.

39 (1) An institution that wishes to conduct a program for the
40 prelicensure education of professional or practical nurses shall



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41 submit a program application and a program review fee of \$1,000
42 to the department. Within 90 days after receipt of a program
43 application and program review fee, the board shall approve the
44 program application if it documents compliance with the
45 standards in paragraphs (a)-(h). If the program application is
46 incomplete or does not document compliance, the board shall
47 follow the procedures in subsection (3). A program application
48 is deemed approved by the board if the board does not act on the
49 application within the timeframes specified in subsection (3) or
50 this subsection. Each program application must document that:

51 (a) For a professional nursing program, the program
52 director and at least 50 percent of the program's faculty
53 members are registered nurses who have, at a minimum, a
54 bachelor's degree in nursing and a master's degree in nursing or
55 a related field.

56 (b) For a practical nursing program, the program director
57 and at least 50 percent of the program's faculty members are
58 registered nurses who have, at a minimum, a bachelor's degree in
59 nursing.

60 (c) The program's nursing major curriculum consists of at
61 least:

62 1. Fifty percent clinical training for a practical nursing
63 program, an associate degree professional nursing program, or a
64 professional diploma nursing program.

65 2. Forty percent clinical training for a bachelor's degree
66 professional nursing program.

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

69 (e) The program has signed agreements with each agency,



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70 facility, and organization included in the curriculum plan as
71 clinical training sites and community-based clinical experience
72 sites.

73 (f) The program has written policies for faculty which
74 include provisions for direct or indirect supervision by program
75 faculty or clinical preceptors for students in clinical training
76 consistent with the following standards:

77 1. The number of program faculty members equals at least
78 one faculty member directly supervising every 12 students unless
79 the written agreement between the program and the agency,
80 facility, or organization providing clinical training sites
81 allows more students, not to exceed 18 students, to be directly
82 supervised by one program faculty member.

83 2. For a hospital setting, indirect supervision may occur
84 only if there is direct supervision by an assigned clinical
85 preceptor, a supervising program faculty member is available by
86 telephone, and such arrangement is approved by the clinical
87 facility.

88 3. For community-based clinical experiences that involve
89 student participation in invasive or complex nursing activities,
90 students must be directly supervised by a program faculty member
91 or clinical preceptor and such arrangement must be approved by
92 the community-based clinical facility.

93 4. For community-based clinical experiences not subject to
94 subparagraph 3., indirect supervision may occur only when a
95 supervising program faculty member is available to the student
96 by telephone.

97 (g) The professional or practical nursing curriculum plan
98 documents clinical experience and theoretical instruction in



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99 medical, surgical, obstetric, pediatric, and geriatric nursing.
100 A professional nursing curriculum plan shall also document
101 clinical experience and theoretical instruction in psychiatric
102 nursing. Each curriculum plan must document clinical training
103 experience in appropriate settings that include, but are not
104 limited to, acute care, long-term care, and community settings.

105 (h) The professional or practical nursing program provides
106 theoretical instruction and clinical application in personal,
107 family, and community health concepts; nutrition; human growth
108 and development throughout the life span; body structure and
109 function; interpersonal relationship skills; mental health
110 concepts; pharmacology and administration of medications; and
111 legal aspects of practice. A professional nursing program shall
112 also provide theoretical instruction and clinical application in
113 interpersonal relationships and leadership skills; professional
114 role and function; and health teaching and counseling skills.

115
116 Upon the board's approval of a program application, the program
117 becomes an approved program under this section.

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

120 1. Has full or provisional approval from the board or is on
121 probationary status, except as provided in subparagraph 2.,
122 becomes an approved program under this section. In order to
123 retain approved program status, such program shall submit the
124 report required under paragraph (c) to the board by November 1,
125 2009, and annually thereafter.

126 2. Is on probationary status because the program did not
127 meet the board's requirement for program graduate passage rates



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128 on the National Council of State Boards of Nursing Licensing
129 Examination, shall remain on probationary status until the
130 program achieves compliance with the program graduate passage
131 rate requirement in paragraph (5)(a). A program that is subject
132 to this subparagraph must submit the report required under
133 paragraph (c) to the board by November 1, 2009, and annually
134 thereafter and must comply with paragraph (5)(c). If the program
135 does not achieve compliance by July 1, 2011, the board shall
136 terminate the program as provided in paragraph (5)(d).

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

142 (c) The annual report required by this subsection must
143 include an affidavit certifying continued compliance with
144 subsection (1), must provide a summary description of the
145 program's compliance with subsection (1), and must document for
146 the previous academic year for each professional and practical
147 nursing program:

148 1. The number of student applications received, the number
149 of qualified applicants, and the number of students accepted.

150 2. The number of program graduates.

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

153 4. The program's retention rates for students tracked from
154 program entry to graduation.

155 5. The program's accreditation status, including
156 identification of the accrediting body.



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

161 (b) If an institution's program application does not
162 document compliance with the standards in subsection (1), within
163 90 days after the board's receipt of the program application,
164 the board shall provide the institution with a notice of intent
165 to deny the program application that sets forth written reasons
166 for the denial. The institution may request a hearing on the
167 notice of intent to deny the program application pursuant to
168 chapter 120.

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

171 (a) All documentation provided by the applicant for each
172 approved nursing program application submitted on or after July
173 1, 2009.

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

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

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

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

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

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

185 (h) Each program's retention rates for students tracked



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186 from program entry to graduation.

187
188 The data required to be published under this subsection shall be
189 made available in a manner that allows interactive searches and
190 comparisons of specific nursing education programs. The board
191 shall publish the data by December 31, 2009, and update the
192 Internet website at least quarterly with the available data.

193 (5) (a) If a professional or practical nursing program's
194 average graduate passage rate for first-time test takers on the
195 National Council of State Boards of Nursing Licensing
196 Examination falls 10 percent or more below the national average
197 passage rate for first-time test takers educated in the United
198 States, as annually published by the contract testing service of
199 the National Council of State Boards of Nursing, for 2
200 consecutive calendar years, the board shall place the program on
201 probation and the program director shall be required to appear
202 before the board to present a plan for remediation. The program
203 shall remain on probationary status until it achieves compliance
204 with the graduate passage rate requirement and shall be
205 terminated by the board under paragraph (d) if the program does
206 not achieve compliance within 2 calendar years.

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

213 (c) A program placed on probationary status shall disclose
214 its probationary status in writing to the program's students and



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215 applicants.

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

219 (6) A nursing program that closes shall notify the board in
220 writing and advise the board of the arrangements for storage of
221 permanent records.

222 (7) The board does not have any rulemaking authority to
223 administer this section, except that the board shall adopt a
224 rule that prescribes the format for submitting program
225 applications under subsection (1) and submitting summary
226 descriptions of program compliance under paragraph (2)(c). The
227 board may not impose any condition or requirement on an
228 institution submitting a program application, an approved
229 program, or a program on probationary status except as expressly
230 provided in this section. The board shall repeal all rules, or
231 portions thereof, in existence on July 1, 2009, that are
232 inconsistent with this subsection.

233 (8) The Florida Center for Nursing and the Office of
234 Program Policy Analysis and Government Accountability shall
235 each:

236 (a) Monitor the administration of this section and evaluate
237 the effectiveness of this section in achieving quality nursing
238 programs with a higher production of quality nursing graduates.

239 (b) Report its findings and make recommendations, if
240 warranted, to improve the effectiveness of this section to the
241 Governor, the President of the Senate, and the Speaker of the
242 House of Representatives by February 1, 2010.

243 (9) The Florida Center for Nursing and the education policy



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244 area of the Office of Program Policy Analysis and Government
245 Accountability shall study the 5-year administration of this
246 section and submit reports to the Governor, the President of the
247 Senate, and the Speaker of the House of Representatives by
248 January 30, 2011, and annually thereafter through January 30,
249 2015. The annual reports shall address the previous academic
250 year; set forth data on the measures specified in paragraphs (a)
251 and (b) for each prelicensure practical and professional nursing
252 program in the state, as such data becomes available; and
253 include an evaluation of such data for purposes of determining
254 whether this section is increasing the availability of nursing
255 programs and the production of quality nurses.

256 (a) The education policy area of the Office of Program
257 Policy Analysis and Government Accountability shall evaluate
258 program-specific data including, but not limited to:

259 1. The number of nursing education programs and student
260 slots available.

261 2. The number of student applications submitted, the number
262 of qualified applicants, and the number of students accepted.

263 3. The number of program graduates.

264 4. Program retention rates of students tracked from program
265 entry to graduation.

266 5. Graduate passage rates on the National Council of State
267 Boards of Nursing Licensing Examination.

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

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

272 1. Program application approval process, including, but not



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273 limited to, the number of program applications submitted under
274 subsection (1); the number of program applications approved and
275 denied by the board under subsections (1) and (3); the number of
276 denials of program applications reviewed under chapter 120; and
277 a description of the outcomes of those reviews.

278 2. Probation and termination processes, including, but not
279 limited to, the number of programs placed on probationary
280 status, the number of programs terminated by the board under
281 paragraph (5)(d), the number of terminations reviewed under
282 chapter 120, and a description of the outcomes of those reviews.

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

284
285 ===== T I T L E A M E N D M E N T =====

286 And the title is amended as follows:

287 Delete everything before the enacting clause
288 and insert:

289 A bill to be entitled
290 An act relating to nursing programs; amending s.
291 464.003, F.S.; revising the definition of the term
292 "approved program" and defining terms for purposes of
293 the Nurse Practice Act; amending s. 464.019, F.S.;
294 revising provisions for the approval of nursing
295 programs by the Board of Nursing; requiring
296 institutions wishing to conduct certain nursing
297 programs to submit a program application and pay a
298 program review fee to the Department of Health;
299 specifying that a program application is deemed
300 approved if the board does not act within specified
301 timeframes; providing application requirements and



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302 procedures; providing standards for the approval of
303 nursing programs; specifying that, upon the board's
304 approval of a program application, the program becomes
305 an approved program; providing that programs
306 provisionally approved by the board, and certain
307 programs on probationary status, as of a specified
308 date are approved programs under the act; providing
309 that certain programs on probationary status as of a
310 specified date remain on probationary status;
311 requiring such programs on probationary status to
312 comply within a specified period with a requirement
313 related to program graduate passage rates; requiring
314 the board to terminate programs that do not comply;
315 requiring approved programs to annually submit a
316 report; specifying contents of annual reports;
317 providing for denial of program applications;
318 providing procedures for processing incomplete program
319 applications; requiring the board to provide a notice
320 of intent to deny a program application that does not
321 document compliance with certain standards;
322 authorizing an administrative hearing for review of a
323 notice of intent to deny an application; requiring the
324 board to publish on its Internet website certain data
325 about nursing programs; requiring that a nursing
326 program be placed on probation under certain
327 circumstances; requiring programs placed on probation
328 to disclose certain information to students and
329 applicants; requiring the board to terminate a nursing
330 program under certain circumstances; requiring a



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331 nursing program that closes to notify the board of
332 certain information; specifying that the board, with
333 certain exceptions, does not have rulemaking authority
334 to administer the act; specifying that the board may
335 not impose any condition or requirement on program
336 approval or retention except as expressly provided in
337 the act; requiring the board to repeal certain rules
338 in existence as of a specified date; requiring the
339 Florida Center for Nursing and the Office of Program
340 Policy Analysis and Government Accountability to
341 conduct studies and submit reports to the Governor and
342 Legislature; providing an effective date.