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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2009	.	
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The Committee on Higher Education (Pruitt) 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 (15) 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 that are based on theoretical concepts and scientific
16 principles.

17 (10) "Clinical preceptor" means a registered nurse employed
18 by the clinical training facility who serves as a role model and
19 clinical resource person for a specified period of time to an
20 individual enrolled in an approved nursing education 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 to promote wellness,
27 maintain health and prevent illness. Structured nursing services
28 are not available, and invasive procedures may not be performed
29 at sites used for community-based clinical experiences.

30 (13) "Curriculum" means the planned sequence of course
31 offerings and learning experiences that comprise the nursing
32 education program.

33 (14) "Probationary status" means a nursing education
34 program subject to s. 464.019(2)(a)2., s. 464.019 (5)(a), or s.
35 464.019 (5)(b).

36 Section 2. Section 464.019, Florida Statutes, is amended to
37 read:

38 (Substantial rewording of section. See
39 s. 464.019, F.S., for present text.)
40 464.019 Approval of nursing programs.-



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41 (1) An institution that wishes to conduct a program for the
42 education of professional or practical nurses shall submit a
43 program application and a program review fee of \$1,000 to the
44 department. Within 90 days after receipt of a program
45 application and fee, the board shall approve a program
46 application that documents compliance with the standards in
47 paragraphs (a) through (h) or shall issue a notice of intent to
48 deny under subsection (3). Each program application must
49 document that:

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

54 (b) The program director and at least 50 percent of the
55 faculty members for a practical nursing program are registered
56 nurses who have, at a minimum, a bachelor's degree in nursing.

57 (c) At least 50 percent of the program's professional or
58 practical nursing major curriculum consists of clinical
59 training.

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

62 (e) The program has signed agreements with each agency,
63 facility, and organization included in the curriculum plan as
64 clinical training sites and community-based clinical experience
65 sites.

66 (f) The program has written policies for faculty which
67 include provisions for direct or indirect supervision by program
68 faculty or clinical preceptors for students in clinical training
69 consistent with the following standards:



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70 1. The number of program faculty members equals at least
71 one faculty member directly supervising every 12 students unless
72 the written agreement between the program and the agency,
73 facility, or organization providing clinical training sites
74 allow more students, up to 18, to be directly supervised by one
75 program faculty member.

76 2. For a hospital setting, indirect supervision may occur
77 only if there is direct supervision by an assigned clinical
78 preceptor; a supervising program faculty member is available by
79 telephone; and such arrangement is approved by the clinical
80 facility.

81 3. For community-based clinical experiences that involve
82 student participation in invasive or complex nursing activities,
83 students must be directly supervised by a program faculty member
84 or clinical preceptor, and such arrangement must be approved by
85 the community-based clinical facility.

86 4. For community-based clinical experiences not subject to
87 subparagraph 3., indirect supervision may occur only when a
88 supervising program faculty member is available to the student
89 by telephone.

90 (g) The professional or practical nursing curriculum plan
91 documents clinical experience and theoretical instruction in
92 medical, surgical, obstetric, pediatric, and geriatric nursing.
93 A professional nursing curriculum plan shall also document
94 clinical experience and theoretical instruction in psychiatric
95 nursing. Each curriculum plan must document clinical training
96 experience in appropriate settings that include, but are not
97 limited to, acute care, long-term care, and community settings.

98 (h) The professional or practical nursing program provides



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99 theoretical instruction and clinical application in personal,
100 family, and community health concepts; nutrition; human growth
101 and development throughout the life span; body structure and
102 function; interpersonal relationship skills; mental health
103 concepts; pharmacology and administration of medications; and
104 legal aspects of practice. A professional nursing program shall
105 also provide theoretical instruction and clinical application in
106 interpersonal relationships and leadership skills; professional
107 role and function; and health teaching and counseling skills.
108

109 An approved program application shall constitute an approved
110 nursing program.

111 (2) (a) A professional or practical nursing program that:

112 1. Has full or provisional approval from the board or that
113 is on probationary status, as of June 30, 2009, except as
114 provided in subparagraph 2., shall be considered approved under
115 this section. In order to retain approved status, such program
116 shall submit the report required under paragraph (c) to the
117 board by November 1, 2009, and annually thereafter.

118 2. Is on probationary status as of June 30, 2009, because
119 it did not meet the board's requirement for program graduate
120 pass rates on the National Council of State Boards of Nursing
121 Licensing Examination, shall remain on probationary status until
122 it achieves compliance with the program graduate pass rate
123 requirement in paragraph (5) (a). Such program must achieve
124 compliance within 2 consecutive years after the date it was
125 placed on probation by the board. A program that is subject to
126 this subparagraph must submit the report required under
127 paragraph (c) to the board by November 1, 2009, and annually



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128 thereafter; and comply with paragraph (5) (c). If the program
129 does not achieve compliance within the timeframe specified by
130 this subparagraph, it shall be terminated by the board as
131 provided in paragraph (5) (d).

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

137 (c) The annual report required by this subsection must
138 include an affidavit certifying continued compliance with
139 paragraphs (1) (a)-(h) and must document for the prior academic
140 year for each professional and practical nursing program:

141 1. The number of student applications received, the number
142 of qualified applicants, and the number of students accepted.

143 2. The number of program graduates.

144 3. The program's graduate pass rate for the National
145 Council of State Boards of Nursing Licensing Examination.

146 4. The program's retention rates for students followed from
147 program entry to graduation.

148 5. The program's accreditation status, including
149 identification of the accrediting body.

150 (3) If the board determines that the program application
151 does not document compliance with the standards in paragraphs
152 (1) (a)-(h), the board shall provide the applicant with a notice
153 of intent to deny which shall set forth written reasons for the
154 denial. Within 30 days after receipt of the notice of intent to
155 deny, the applicant may submit to the board documentation
156 rebutting the board's reasons for denial. Within 30 days after



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157 receipt of such documentation from an applicant, the board shall
158 issue a notice indicating its approval or denial of the program
159 application. An applicant may request a hearing on the denial of
160 its program application pursuant to chapter 120.

161 (4) The board shall publish data on nursing programs
162 located in this state on its Internet website. The data shall
163 include all documentation provided by the applicant for each
164 approved nursing program application; a comprehensive list of
165 each practical and professional nursing program in the state;
166 the accreditation status for each program, including
167 identification of the accrediting body; each program's approval
168 or probationary status; each program's graduate pass rate for
169 the National Council of State Boards of Nursing Licensing
170 Examination; the national average pass rate for the National
171 Council of State Boards of Nursing Licensing Examination; and
172 each program's student retention rates, from program entry to
173 graduation. This information shall be made available in a manner
174 that allows interactive searches and comparisons of specific
175 programs. This information shall be published by December 31,
176 2009, and updated at least quarterly.

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



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186 (b) If a program fails to submit the annual report required
187 in subsection (2), the program shall be placed on probation. The
188 program must submit the annual report or document compliance, as
189 appropriate, within 6 months after its is placed on probation.

190 (c) A program placed on probationary status shall disclose
191 this status in writing to its students and applicants.

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

195 (6) A nursing program that closes shall notify the board in
196 writing and advise the board of the arrangements for storage of
197 permanent records.

198 (7) The board does not have any rulemaking authority to
199 administer this section.

200 (8) Beginning July 1, 2009, the Florida Center for Nursing
201 and the Office of Program Policy Analysis and Government
202 Accountability shall each:

203 (a) Monitor the administration of this section and evaluate
204 its effectiveness in achieving quality nursing programs with a
205 higher production of quality nursing graduates.

206 (b) Report its findings and make recommendations, if
207 warranted, to improve the effectiveness of this section to the
208 Governor, the President of the Senate, and the Speaker of the
209 House of Representatives by February 1, 2010.

210 (9) The Florida Center for Nursing and the Education Policy
211 Area of the Office of Program Policy Analysis and Government
212 Accountability shall jointly study the 5-year administration of
213 this section and submit a report to the Governor, the President
214 of the Senate, and the Speaker of the House of Representatives



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215 on January 30, 2011, and annually thereafter through January 30,
216 2015. Each annual report shall address the previous academic
217 year and shall include data and analysis on the measures
218 specified in paragraphs (a)-(c) for each practical and
219 professional nursing program in this state, as such data becomes
220 available.

221 (a) To evaluate the program application approval process,
222 the report shall address the number of program applications
223 submitted under subsection (1); the number of program
224 applications approved and denied by the board under subsections
225 (1) and (3), respectively; the number of denials of program
226 application reviewed under chapter 120; and a description of the
227 outcomes of those reviews.

228 (b) To evaluate whether nursing program availability has
229 increased in this state and the quality of nurses produced by
230 these programs, the report shall address the number of programs
231 and student slots available; the number of student applications
232 submitted, the number of qualified applicants, and the number of
233 students accepted; the number of program graduates; program
234 student retention rates, from program entry to graduation;
235 graduate pass rates on the National Council of State Boards of
236 Nursing Licensing Examination; and the number of graduates who
237 become employed as practical or professional nurses in this
238 state.

239 (c) To evaluate compliance with this section, the report
240 shall address the number of programs placed on probationary
241 status, the number of programs terminated by the board under
242 paragraph (5)(d), the number of terminations reviewed under
243 chapter 120, and a description of the outcomes of those reviews.



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

245
246 ===== T I T L E A M E N D M E N T =====

247 And the title is amended as follows:

248 Delete everything before the enacting clause
249 and insert:

250 A bill to be entitled
251 An act relating to nursing programs; amending s.
252 464.003, F.S.; providing definitions; amending s.
253 464.019, F.S.; providing an approval process for
254 practical and professional nursing programs; requiring
255 a program application and fee; specifying a timeframe
256 within which the Board of Nursing must approve the
257 application or issue a notice of intent to deny;
258 specifying the standards each program application must
259 document; providing that an approved program
260 application constitutes an approved nursing program;
261 providing that programs approved by the board or on
262 specified probationary status on a specified date
263 retain approval status; providing conditions in which
264 a nursing program may remain on probationary status;
265 requiring programs to annually submit an affidavit
266 certifying specified compliance and a report to the
267 board; authorizing an applicant to respond to a notice
268 of intent to deny an application; requiring the board
269 to issue a notice indicating its approval or
270 disapproval of the program application; providing
271 administrative review for applications that are
272 denied; requiring the board to publish specified



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273 information about nursing programs on its website;
274 providing criteria for a program's placement on
275 probation; requiring programs placed on probation to
276 disclose this status to students and applicants;
277 authorizing the board to terminate a program under
278 specified circumstances; requiring a nursing program
279 that closes to notify the board of specified record
280 storage; providing that the board does not have any
281 rulemaking authority; requiring the Florida Center for
282 Nursing and Office of Program Policy Analysis and
283 Government Accountability to evaluate and report on
284 the administration of the act; specifying required
285 report contents; providing an effective date.