

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health Regulation Committee

BILL: SB 2284

INTRODUCER: Senator Haridopolos

SUBJECT: Nursing Programs

DATE: March 16, 2009

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HR	Favorable
2.			HE	
3.			HA	
4.				
5.				
6.				

I. Summary:

The bill repeals the authority of the Board of Nursing to approve programs for the education of nurses. To conform to this repeal, the bill defines “eligible program,” to mean a nursing program offered by a school district, public community college, or state university; an institution licensed by the Commission for Independent Education; or another educational institution in Florida, if the nursing program is accredited by a national accrediting agency recognized by the United States Department of Education.

The bill makes other conforming changes to:

- Revise the membership of the Board of Nursing to include a nurse educator who is a nurse educator of an *eligible* rather than *approved* program;
- Revise the licensure by examination requirements for licensure as a registered nurse or licensed practical nurse to require applicants to be graduates of an *eligible* rather than *approved* program or its equivalent as determined by the Board of Nursing;
- Revise protected titles for “graduate nurse” and “graduate practical nurse” to only be used by graduates of an *eligible* rather than *approved* program; and
- Authorize graduates of an *eligible* rather than *approved* program to practice nursing pending the results of their licensing examinations.

This bill amends sections 464.003, 464.004, 464.008, 464.015, and 464.022, Florida Statutes.

This bill repeals s. 464.019, F.S.

II. Present Situation:

Part I, chapter 464, F.S., provides for the regulation of the practice of nursing by the Board of Nursing in Florida. The part provides definitions for the "Nurse Practice Act." "Approved program" is defined to mean a nursing program conducted in a school, college, or university which is approved by the Board of Nursing pursuant to s. 464.019, F.S., for the education of nurses. Under s. 464.019, F.S., the Board of Nursing approves nursing programs for the education of professional and practical nurses. The Board of Nursing must adopt rules, applicable to the initial review and conditional approval of a program, regarding educational objectives, faculty qualifications, curriculum guidelines, administrative procedures, and clinical training.

The Board of Nursing must adopt rules regarding educational objectives and curriculum guidelines as are necessary to grant full approval to a program and to ensure that fully approved programs graduate nurses capable of competent practice under part I, ch. 464, F.S.¹ Rules regarding educational objectives must consider student attrition rate standards, availability of qualified faculty, and appropriate clinical training facilities. However, the board may not adopt a rule that prohibits a qualified institution from placing a student in a facility for clinical experience, regardless of whether more than one nursing program is using the same facility for clinical experience. The Board of Nursing must adopt rules governing probation, suspension, and termination status of programs that fail to comply with the standards of this part.

The Board of Nursing may not adopt any rule limiting the number of students admitted to a nursing program, provided appropriate faculty-to-student ratios are maintained, and provided the board does not enact any changes to faculty-to-student ratios prior to 2004. The Department of Health (DOH) must survey each institution applying for approval and submit its findings to the board. If the Board of Nursing is satisfied that the program meets the requirements of part I, ch. 464, F.S., and rules pursuant thereto, it must certify the program for approval and the department shall approve the program.

If the Board of Nursing, through an investigation by the DOH, finds that an approved program no longer meets the required standards, it may place the program on probationary status until such time as the standards are restored. If a program fails to correct these conditions within a specified period of time, the Board of Nursing may rescind the approval. Any program having its approval rescinded has the right to reapply. Provisional approval of new programs may be granted pending the licensure results of the first graduating class. Any nursing program that maintains accreditation through a nursing accrediting body recognized by the United States Department of Education is exempt from the rules of the Board of Nursing, except the exemption applies only to the extent the program maintains a student pass rate on the National Council Licensure Examination of not less than 10 percentage points below the national average pass rate as reported annually by the National Council of State Boards of Nursing.

If an institution's passing rate on the National Council Licensure Examination drops below the established standard for two consecutive years, the program must be reviewed by the Board of

¹ See generally, Board of Nursing Rules for nursing programs in chapter 64B9-2, Florida Administrative Code.

Nursing. The Board of Nursing may take action to assist the program to return to compliance. Any program having its approval rescinded has the right to reapply.

As of January 2009, the Board of Nursing granted provisional or full approval to 68 associate degree in nursing (ADN) programs, 25 bachelor of science programs, and 96 licensed practical nurse programs.² During 2008, the pass rate on the National Council Licensure Examination (NCLEX) for graduates of Florida Board of Nursing approved programs was 87.68 percent for registered nurses and 85.41 percent for licensed practical nurses.³

Accreditation is a private, nongovernmental review of the quality of educational programs. Nursing programs are accredited by the National League for Nursing Accrediting Commission (NLNAC) and the Commission on Collegiate Nursing Education (CCNE). Both accrediting entities are recognized by the United States Department of Education and are nationally-recognized accrediting organizations that accredit a broad array of nursing programs.⁴

Part I, ch. 464, F.S., specifies requirements for licensure by examination for applicants of professional and practical nursing, the use of protected titles, and exceptions to licensure for graduates of approved nursing programs pending the result of their licensure examination.

III. Effect of Proposed Changes:

The bill repeals s. 464.019, F.S., which provides the authority for the Board of Nursing to approve programs for the education of nurses.

The bill amends s. 464.003, F.S., to delete the definition of “approved program” to conform to the repeal of the authority for the Board of Nursing to approve nursing programs. In lieu of the definition of “approved program,” the bill defines “eligible program” to mean a nursing program offered by a school district, public community college, or state university; an institution licensed by the Commission for Independent Education; or another educational institution in Florida, if the nursing program is accredited by a national accrediting agency recognized by the United States Department of Education.

The bill amends s. 464.004, F.S., to revise the membership of the Board of Nursing to include a nurse educator who is a nurse educator of an *eligible* rather than *approved* program.

The bill amends s. 464.008, F.S., relating to the licensure by examination requirements for licensure as a registered nurse or licensed practical nurse, to require these applicants to be graduates of an *eligible* rather than *approved* program or its equivalent as determined by the Board of Nursing.

² Source: Florida Board of Nursing.

³ Source: Florida Board of Nursing.

⁴ See the website of the National League for Nursing Accrediting Commission at <<http://www.nlnac.org/home.htm>> (Last visited on March 13, 2009) and the website of the Commission on Collegiate Nursing Education at <<http://www.aacn.nche.edu/Accreditation/index.htm>> (Last visited on March 13, 2009).

The bill amends s. 464.015, F.S., relating to graduate nurses, to require the protected title of “graduate nurse” or “graduate practical nurse” to only be used by graduates of an *eligible* rather than *approved* program.

The bill amends s. 464.022, F.S., relating to exceptions to the Nurse Practice Act, part I, ch. 464, F.S., to authorize graduates of an *eligible* rather than *approved* program to practice nursing pending the results of their licensing examinations.

The bill provides an effective date of July 1, 2009.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Nursing programs will no longer be required to pay the DOH application fee of \$1,000 for review of their nursing programs.

C. Government Sector Impact:

The DOH will incur a loss of revenues related to the elimination of the nursing program application and approval process which equal \$15,000 (15 applications at \$1,000). Officials at the DOH report that the department will eliminate one nursing consultant position at \$67,581 to offset the loss of revenues generated from the nursing program application and approval process.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DOH reports that the lack of oversight over nursing programs could result in graduates of nursing programs being inadequately trained.

VIII. Additional Information:

A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
