

By the Committee on Higher Education; and Senator Haridopolos

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1                                   A bill to be entitled  
2           An act relating to nursing programs; amending s.  
3           464.003, F.S.; providing definitions; amending s.  
4           464.019, F.S.; providing an approval process for  
5           practical and professional nursing programs; requiring  
6           a program application and fee; specifying a timeframe  
7           within which the Board of Nursing must approve the  
8           application or issue a notice of intent to deny;  
9           specifying the standards each program application must  
10          document; providing that an approved program  
11          application constitutes an approved nursing program;  
12          providing that programs approved by the board or on  
13          specified probationary status on a specified date  
14          retain approval status; providing conditions in which  
15          a nursing program may remain on probationary status;  
16          requiring programs to annually submit an affidavit  
17          certifying specified compliance and a report to the  
18          board; authorizing an applicant to respond to a notice  
19          of intent to deny an application; requiring the board  
20          to issue a notice indicating its approval or  
21          disapproval of the program application; providing  
22          administrative review for applications that are  
23          denied; requiring the board to publish specified  
24          information about nursing programs on its website;  
25          providing criteria for a program's placement on  
26          probation; requiring programs placed on probation to  
27          disclose this status to students and applicants;  
28          authorizing the board to terminate a program under  
29          specified circumstances; requiring a nursing program

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30 that closes to notify the board of specified record  
31 storage; providing that the board does not have any  
32 rulemaking authority; requiring the Florida Center for  
33 Nursing and Office of Program Policy Analysis and  
34 Government Accountability to evaluate and report on  
35 the administration of the act; specifying required  
36 report contents; providing an effective date.  
37

38 Be It Enacted by the Legislature of the State of Florida:  
39

40 Section 1. Subsection (8) of section 464.003, Florida  
41 Statutes, is amended, and subsections (9) through (15) are added  
42 to that section, to read:

43 464.003 Definitions.—As used in this part, the term:

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

47 (9) "Clinical training" means direct nursing care  
48 experiences with patients or clients which offer the student the  
49 opportunity to integrate, apply, and refine specific skills and  
50 abilities that are based on theoretical concepts and scientific  
51 principles.

52 (10) "Clinical preceptor" means a registered nurse employed  
53 by the clinical training facility who serves as a role model and  
54 clinical resource person for a specified period of time to an  
55 individual enrolled in an approved nursing education program.

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

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59       (12) "Community-based clinical experience" means activities  
60 consistent with the curriculum and involving individuals,  
61 families, and groups with the intent to promote wellness,  
62 maintain health and prevent illness. Structured nursing services  
63 are not available, and invasive procedures may not be performed  
64 at sites used for community-based clinical experiences.

65       (13) "Curriculum" means the planned sequence of course  
66 offerings and learning experiences that comprise the nursing  
67 education program.

68       (14) "Probationary status" means a nursing education  
69 program subject to s. 464.019(2)(a)2., s. 464.019 (5)(a), or s.  
70 464.019 (5)(b).

71       Section 2. Section 464.019, Florida Statutes, is amended to  
72 read:

73       (Substantial rewording of section. See  
74 s. 464.019, F.S., for present text.)  
75 464.019 Approval of nursing programs.-

76       (1) An institution that wishes to conduct a program for the  
77 education of professional or practical nurses shall submit a  
78 program application and a program review fee of \$1,000 to the  
79 department. Within 90 days after receipt of a program  
80 application and fee, the board shall approve a program  
81 application that documents compliance with the standards in  
82 paragraphs (a)-(h) or shall issue a notice of intent to deny  
83 under subsection (3). Each program application must document  
84 that:

85       (a) The program director and at least 50 percent of the  
86 faculty members for a professional nursing program are  
87 registered nurses who have, at a minimum, a bachelor's degree in

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88 nursing and a master's degree in nursing or a related field.

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

92 (c) At least 50 percent of the program's professional or  
93 practical nursing major curriculum consists of clinical  
94 training.

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

97 (e) The program has signed agreements with each agency,  
98 facility, and organization included in the curriculum plan as  
99 clinical training sites and community-based clinical experience  
100 sites.

101 (f) The program has written policies for faculty which  
102 include provisions for direct or indirect supervision by program  
103 faculty or clinical preceptors for students in clinical training  
104 consistent with the following standards:

105 1. The number of program faculty members equals at least  
106 one faculty member directly supervising every 12 students unless  
107 the written agreement between the program and the agency,  
108 facility, or organization providing clinical training sites  
109 allow more students, up to 18, to be directly supervised by one  
110 program faculty member.

111 2. For a hospital setting, indirect supervision may occur  
112 only if there is direct supervision by an assigned clinical  
113 preceptor; a supervising program faculty member is available by  
114 telephone; and such arrangement is approved by the clinical  
115 facility.

116 3. For community-based clinical experiences that involve

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117 student participation in invasive or complex nursing activities,  
118 students must be directly supervised by a program faculty member  
119 or clinical preceptor, and such arrangement must be approved by  
120 the community-based clinical facility.

121 4. For community-based clinical experiences not subject to  
122 subparagraph 3., indirect supervision may occur only when a  
123 supervising program faculty member is available to the student  
124 by telephone.

125 (g) The professional or practical nursing curriculum plan  
126 documents clinical experience and theoretical instruction in  
127 medical, surgical, obstetric, pediatric, and geriatric nursing.  
128 A professional nursing curriculum plan shall also document  
129 clinical experience and theoretical instruction in psychiatric  
130 nursing. Each curriculum plan must document clinical training  
131 experience in appropriate settings that include, but are not  
132 limited to, acute care, long-term care, and community settings.

133 (h) The professional or practical nursing program provides  
134 theoretical instruction and clinical application in personal,  
135 family, and community health concepts; nutrition; human growth  
136 and development throughout the life span; body structure and  
137 function; interpersonal relationship skills; mental health  
138 concepts; pharmacology and administration of medications; and  
139 legal aspects of practice. A professional nursing program shall  
140 also provide theoretical instruction and clinical application in  
141 interpersonal relationships and leadership skills; professional  
142 role and function; and health teaching and counseling skills.

143  
144 An approved program application shall constitute an approved  
145 nursing program.

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

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

153 2. Is on probationary status as of June 30, 2009, because  
154 it did not meet the board's requirement for program graduate  
155 pass rates on the National Council of State Boards of Nursing  
156 Licensing Examination, shall remain on probationary status until  
157 it achieves compliance with the program graduate pass rate  
158 requirement in paragraph (5) (a). Such program must achieve  
159 compliance within 2 consecutive years after the date it was  
160 placed on probation by the board. A program that is subject to  
161 this subparagraph must submit the report required under  
162 paragraph (c) to the board by November 1, 2009, and annually  
163 thereafter; and comply with paragraph (5) (c). If the program  
164 does not achieve compliance within the timeframe specified by  
165 this subparagraph, it shall be terminated by the board as  
166 provided in paragraph (5) (d).

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

172 (c) The annual report required by this subsection must  
173 include an affidavit certifying continued compliance with  
174 paragraphs (1) (a)-(h) and must document for the prior academic

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175 year for each professional and practical nursing program:

176 1. The number of student applications received, the number  
177 of qualified applicants, and the number of students accepted.

178 2. The number of program graduates.

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

181 4. The program's retention rates for students followed from  
182 program entry to graduation.

183 5. The program's accreditation status, including  
184 identification of the accrediting body.

185 (3) If the board determines that the program application  
186 does not document compliance with the standards in paragraphs  
187 (1) (a)-(h), the board shall provide the applicant with a notice  
188 of intent to deny which shall set forth written reasons for the  
189 denial. Within 30 days after receipt of the notice of intent to  
190 deny, the applicant may submit to the board documentation  
191 rebutting the board's reasons for denial. Within 30 days after  
192 receipt of such documentation from an applicant, the board shall  
193 issue a notice indicating its approval or denial of the program  
194 application. An applicant may request a hearing on the denial of  
195 its program application pursuant to chapter 120.

196 (4) The board shall publish data on nursing programs  
197 located in this state on its Internet website. The data shall  
198 include all documentation provided by the applicant for each  
199 approved nursing program application; a comprehensive list of  
200 each practical and professional nursing program in the state;  
201 the accreditation status for each program, including  
202 identification of the accrediting body; each program's approval  
203 or probationary status; each program's graduate pass rate for

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204 the National Council of State Boards of Nursing Licensing  
205 Examination; the national average pass rate for the National  
206 Council of State Boards of Nursing Licensing Examination; and  
207 each program's student retention rates, from program entry to  
208 graduation. This information shall be made available in a manner  
209 that allows interactive searches and comparisons of specific  
210 programs. This information shall be published by December 31,  
211 2009, and updated at least quarterly.

212 (5) (a) If the program's graduate pass rate on the National  
213 Council of State Boards of Nursing Licensing Examination falls  
214 10 percent or more below the national average, as published by  
215 the contract testing service of the National Council of State  
216 Boards of Nursing, for 2 consecutive years, the program shall be  
217 placed on probation, and the program director shall be required  
218 to appear before the board to present a plan for remediation.  
219 The program must achieve compliance with the graduate pass rate  
220 in this paragraph within the next 2 consecutive years.

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

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

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

230 (6) A nursing program that closes shall notify the board in  
231 writing and advise the board of the arrangements for storage of  
232 permanent records.



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

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

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

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

245 (9) The Florida Center for Nursing and the Education Policy  
246 Area of the Office of Program Policy Analysis and Government  
247 Accountability shall jointly study the 5-year administration of  
248 this section and submit a report to the Governor, the President  
249 of the Senate, and the Speaker of the House of Representatives  
250 on January 30, 2011, and annually thereafter through January 30,  
251 2015. Each annual report shall address the previous academic  
252 year and shall include data and analysis on the measures  
253 specified in paragraphs (a)-(c) for each practical and  
254 professional nursing program in this state, as such data becomes  
255 available.

256 (a) To evaluate the program application approval process,  
257 the report shall address the number of program applications  
258 submitted under subsection (1); the number of program  
259 applications approved and denied by the board under subsections  
260 (1) and (3), respectively; the number of denials of program  
261 application reviewed under chapter 120; and a description of the

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262 outcomes of those reviews.

263 (b) To evaluate whether nursing program availability has  
264 increased in this state and the quality of nurses produced by  
265 these programs, the report shall address the number of programs  
266 and student slots available; the number of student applications  
267 submitted, the number of qualified applicants, and the number of  
268 students accepted; the number of program graduates; program  
269 student retention rates, from program entry to graduation;  
270 graduate pass rates on the National Council of State Boards of  
271 Nursing Licensing Examination; and the number of graduates who  
272 become employed as practical or professional nurses in this  
273 state.

274 (c) To evaluate compliance with this section, the report  
275 shall address the number of programs placed on probationary  
276 status, the number of programs terminated by the board under  
277 paragraph (5) (d), the number of terminations reviewed under  
278 chapter 120, and a description of the outcomes of those reviews.

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