

By the Committees on Health and Human Services Appropriations;  
and 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.; revising the definition of the term  
4       "approved program" and defining terms for purposes of  
5       the Nurse Practice Act; amending s. 464.019, F.S.;  
6       revising provisions for the approval of nursing  
7       programs by the Board of Nursing; requiring  
8       institutions wishing to conduct certain nursing  
9       programs to submit a program application and pay a  
10      program review fee to the Department of Health;  
11      specifying that a program application is deemed  
12      approved if the board does not act within specified  
13      timeframes; providing application requirements and  
14      procedures; providing standards for the approval of  
15      nursing programs; specifying that, upon the board's  
16      approval of a program application, the program becomes  
17      an approved program; providing that programs  
18      provisionally approved by the board, and certain  
19      programs on probationary status, as of a specified  
20      date are approved programs under the act; providing  
21      that certain programs on probationary status as of a  
22      specified date remain on probationary status;  
23      requiring such programs on probationary status to  
24      comply within a specified period with a requirement  
25      related to program graduate passage rates; requiring  
26      the board to terminate programs that do not comply;  
27      requiring approved programs to annually submit a  
28      report; specifying contents of annual reports;  
29      providing for denial of program applications;

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30 providing procedures for processing incomplete program  
31 applications; requiring the board to provide a notice  
32 of intent to deny a program application that does not  
33 document compliance with certain standards;  
34 authorizing an administrative hearing for review of a  
35 notice of intent to deny an application; requiring the  
36 board to publish on its Internet website certain data  
37 about nursing programs; requiring that a nursing  
38 program be placed on probation under certain  
39 circumstances; requiring programs placed on probation  
40 to disclose certain information to students and  
41 applicants; requiring the board to terminate a nursing  
42 program under certain circumstances; requiring a  
43 nursing program that closes to notify the board of  
44 certain information; specifying that the board, with  
45 certain exceptions, does not have rulemaking authority  
46 to administer the act; specifying that the board may  
47 not impose any condition or requirement on program  
48 approval or retention except as expressly provided in  
49 the act; requiring the board to repeal certain rules  
50 in existence as of a specified date; requiring the  
51 Florida Center for Nursing and the Office of Program  
52 Policy Analysis and Government Accountability to  
53 conduct studies and submit reports to the Governor and  
54 Legislature; providing an effective date.

55  
56 Be It Enacted by the Legislature of the State of Florida:

57  
58 Section 1. Subsection (8) of section 464.003, Florida

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59 Statutes, is amended, and subsections (9) through (14) are added  
60 to that section, to read:

61 464.003 Definitions.—As used in this part, the term:

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

65 (9) "Clinical training" means direct nursing care  
66 experiences with patients or clients which offer the student the  
67 opportunity to integrate, apply, and refine specific skills and  
68 abilities based on theoretical concepts and scientific  
69 principles.

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

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

77 (12) "Community-based clinical experience" means activities  
78 consistent with the curriculum and involving individuals,  
79 families, and groups with the intent of promoting wellness,  
80 maintaining health, and preventing illness.

81 (13) "Curriculum" means a planned sequence of course  
82 offerings and learning experiences that comprise a nursing  
83 education program.

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

87 Section 2. Section 464.019, Florida Statutes, is amended to

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88 read:

89 (Substantial rewording of section. See  
90 s. 464.019, F.S., for present text.)

91 464.019 Approval of nursing programs.

92 (1) An institution that wishes to conduct a program for the  
93 prelicensure education of professional or practical nurses shall  
94 submit a program application and a program review fee of \$1,000  
95 to the department. Within 90 days after receipt of a program  
96 application and program review fee, the board shall approve the  
97 program application if it documents compliance with the  
98 standards in paragraphs (a)-(h). If the program application is  
99 incomplete or does not document compliance, the board shall  
100 follow the procedures in subsection (3). A program application  
101 is deemed approved by the board if the board does not act on the  
102 application within the timeframes specified in subsection (3) or  
103 this subsection. Each program application must document that:

104 (a) For a professional nursing program, the program  
105 director and at least 50 percent of the program's faculty  
106 members are registered nurses who have, at a minimum, a  
107 bachelor's degree in nursing and a master's degree in nursing or  
108 a related field.

109 (b) For a practical nursing program, the program director  
110 and at least 50 percent of the program's faculty members are  
111 registered nurses who have, at a minimum, a bachelor's degree in  
112 nursing.

113 (c) The program's nursing major curriculum consists of at  
114 least:

115 1. Fifty percent clinical training for a practical nursing  
116 program, an associate degree professional nursing program, or a

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117 professional diploma nursing program.

118 2. Forty percent clinical training for a bachelor's degree  
119 professional nursing program.

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

122 (e) The program has signed agreements with each agency,  
123 facility, and organization included in the curriculum plan as  
124 clinical training sites and community-based clinical experience  
125 sites.

126 (f) The program has written policies for faculty which  
127 include provisions for direct or indirect supervision by program  
128 faculty or clinical preceptors for students in clinical training  
129 consistent with the following standards:

130 1. The number of program faculty members equals at least  
131 one faculty member directly supervising every 12 students unless  
132 the written agreement between the program and the agency,  
133 facility, or organization providing clinical training sites  
134 allows more students, not to exceed 18 students, to be directly  
135 supervised by one program faculty member.

136 2. For a hospital setting, indirect supervision may occur  
137 only if there is direct supervision by an assigned clinical  
138 preceptor, a supervising program faculty member is available by  
139 telephone, and such arrangement is approved by the clinical  
140 facility.

141 3. For community-based clinical experiences that involve  
142 student participation in invasive or complex nursing activities,  
143 students must be directly supervised by a program faculty member  
144 or clinical preceptor and such arrangement must be approved by  
145 the community-based clinical facility.

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146 4. For community-based clinical experiences not subject to  
147 subparagraph 3., indirect supervision may occur only when a  
148 supervising program faculty member is available to the student  
149 by telephone.

150 (g) The professional or practical nursing curriculum plan  
151 documents clinical experience and theoretical instruction in  
152 medical, surgical, obstetric, pediatric, and geriatric nursing.  
153 A professional nursing curriculum plan shall also document  
154 clinical experience and theoretical instruction in psychiatric  
155 nursing. Each curriculum plan must document clinical training  
156 experience in appropriate settings that include, but are not  
157 limited to, acute care, long-term care, and community settings.

158 (h) The professional or practical nursing program provides  
159 theoretical instruction and clinical application in personal,  
160 family, and community health concepts; nutrition; human growth  
161 and development throughout the life span; body structure and  
162 function; interpersonal relationship skills; mental health  
163 concepts; pharmacology and administration of medications; and  
164 legal aspects of practice. A professional nursing program shall  
165 also provide theoretical instruction and clinical application in  
166 interpersonal relationships and leadership skills; professional  
167 role and function; and health teaching and counseling skills.

168  
169 Upon the board's approval of a program application, the program  
170 becomes an approved program under this section.

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

173 1. Has full or provisional approval from the board or is on  
174 probationary status, except as provided in subparagraph 2.,

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175 becomes an approved program under this section. In order to  
176 retain approved program status, such program shall submit the  
177 report required under paragraph (c) to the board by November 1,  
178 2009, and annually thereafter.

179 2. Is on probationary status because the program did not  
180 meet the board's requirement for program graduate passage rates  
181 on the National Council of State Boards of Nursing Licensing  
182 Examination, shall remain on probationary status until the  
183 program achieves compliance with the program graduate passage  
184 rate requirement in paragraph (5) (a). A program that is subject  
185 to this subparagraph must submit the report required under  
186 paragraph (c) to the board by November 1, 2009, and annually  
187 thereafter and must comply with paragraph (5) (c). If the program  
188 does not achieve compliance by July 1, 2011, the board shall  
189 terminate the program as provided in paragraph (5) (d).

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

195 (c) The annual report required by this subsection must  
196 include an affidavit certifying continued compliance with  
197 subsection (1), must provide a summary description of the  
198 program's compliance with subsection (1), and must document for  
199 the previous academic year for each professional and practical  
200 nursing program:

201 1. The number of student applications received, the number  
202 of qualified applicants, and the number of students accepted.

203 2. The number of program graduates.

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

206       4. The program's retention rates for students tracked from  
207 program entry to graduation.

208       5. The program's accreditation status, including  
209 identification of the accrediting body.

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

214       (b) If an institution's program application does not  
215 document compliance with the standards in subsection (1), within  
216 90 days after the board's receipt of the program application,  
217 the board shall provide the institution with a notice of intent  
218 to deny the program application that sets forth written reasons  
219 for the denial. The institution may request a hearing on the  
220 notice of intent to deny the program application pursuant to  
221 chapter 120.

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

224       (a) All documentation provided by the applicant for each  
225 approved nursing program application submitted on or after July  
226 1, 2009.

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

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

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



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

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

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

238 (h) Each program's retention rates for students tracked  
239 from program entry to graduation.

240  
241 The data required to be published under this subsection shall be  
242 made available in a manner that allows interactive searches and  
243 comparisons of specific nursing education programs. The board  
244 shall publish the data by December 31, 2009, and update the  
245 Internet website at least quarterly with the available data.

246 (5) (a) If a professional or practical nursing program's  
247 average graduate passage rate for first-time test takers on the  
248 National Council of State Boards of Nursing Licensing  
249 Examination falls 10 percent or more below the national average  
250 passage rate for first-time test takers educated in the United  
251 States, as annually published by the contract testing service of  
252 the National Council of State Boards of Nursing, for 2  
253 consecutive calendar years, the board shall place the program on  
254 probation and the program director shall be required to appear  
255 before the board to present a plan for remediation. The program  
256 shall remain on probationary status until it achieves compliance  
257 with the graduate passage rate requirement and shall be  
258 terminated by the board under paragraph (d) if the program does  
259 not achieve compliance within 2 calendar years.

260 (b) If a program fails to submit the annual report required  
261 in subsection (2), the board shall place the program on

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262 probation. The program shall remain on probationary status until  
263 it submits the annual report and shall be terminated by the  
264 board under paragraph (d) if it does not submit the annual  
265 report within 6 months after the report's due date.

266 (c) A program placed on probationary status shall disclose  
267 its probationary status in writing to the program's students and  
268 applicants.

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

272 (6) A nursing program that closes shall notify the board in  
273 writing and advise the board of the arrangements for storage of  
274 permanent records.

275 (7) The board does not have any rulemaking authority to  
276 administer this section, except that the board shall adopt a  
277 rule that prescribes the format for submitting program  
278 applications under subsection (1) and submitting summary  
279 descriptions of program compliance under paragraph (2)(c). The  
280 board may not impose any condition or requirement on an  
281 institution submitting a program application, an approved  
282 program, or a program on probationary status except as expressly  
283 provided in this section. The board shall repeal all rules, or  
284 portions thereof, in existence on July 1, 2009, that are  
285 inconsistent with this subsection.

286 (8) The Florida Center for Nursing and the Office of  
287 Program Policy Analysis and Government Accountability shall  
288 each:

289 (a) Monitor the administration of this section and evaluate  
290 the effectiveness of this section in achieving quality nursing

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291 programs with a higher production of quality nursing graduates.

292 (b) Report its findings and make recommendations, if  
293 warranted, to improve the effectiveness of this section to the  
294 Governor, the President of the Senate, and the Speaker of the  
295 House of Representatives by February 1, 2010.

296 (9) The Florida Center for Nursing and the education policy  
297 area of the Office of Program Policy Analysis and Government  
298 Accountability shall study the 5-year administration of this  
299 section and submit reports to the Governor, the President of the  
300 Senate, and the Speaker of the House of Representatives by  
301 January 30, 2011, and annually thereafter through January 30,  
302 2015. The annual reports shall address the previous academic  
303 year; set forth data on the measures specified in paragraphs (a)  
304 and (b) for each prelicensure practical and professional nursing  
305 program in the state, as such data becomes available; and  
306 include an evaluation of such data for purposes of determining  
307 whether this section is increasing the availability of nursing  
308 programs and the production of quality nurses.

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

312 1. The number of nursing education programs and student  
313 slots available.

314 2. The number of student applications submitted, the number  
315 of qualified applicants, and the number of students accepted.

316 3. The number of program graduates.

317 4. Program retention rates of students tracked from program  
318 entry to graduation.

319 5. Graduate passage rates on the National Council of State

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320 Boards of Nursing Licensing Examination.

321 6. The number of graduates who become employed as practical  
322 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 not  
326 limited to, the number of program applications submitted under  
327 subsection (1); the number of program applications approved and  
328 denied by the board under subsections (1) and (3); the number of  
329 denials of program applications reviewed under chapter 120; and  
330 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.