

1 A bill to be entitled
2 An act relating to nursing; amending s. 456.014, F.S.;
3 authorizing the disclosure of certain confidential
4 information required of nursing license applicants to
5 certain persons; amending s. 464.003, F.S.; providing and
6 revising definitions; amending s. 464.008, F.S.; revising
7 requirements for graduation from certain nursing education
8 programs for nursing license applicants seeking to take
9 the licensing examination; amending s. 464.015, F.S.;
10 revising restrictions on nursing graduates who may use
11 certain titles and abbreviations; amending s. 464.019,
12 F.S.; revising requirements for the approval of nursing
13 education programs by the Board of Nursing, including
14 application requirements and procedures for the review and
15 approval or denial of applications; revising requirements
16 for the approval of nursing education programs meeting
17 certain requirements before a specified date; providing
18 for retroactive application; revising requirements for the
19 submission of annual reports by approved programs;
20 revising requirements for the information published on the
21 board's Internet website; revising accountability
22 requirements for an approved program's graduate passage
23 rates on a certain licensing examination; revising
24 procedures for placing programs on, and removing such
25 programs, from probationary status; requiring termination
26 of programs under certain circumstances; requiring certain
27 representatives of programs that fail to submit annual
28 reports to appear before the board; requiring the

29 Department of Health to disclose certain confidential
30 information about a program's graduates to the program
31 director under certain circumstances; requiring program
32 directors to maintain the confidentiality of such
33 information; providing penalties for unlawful disclosure
34 of confidential information; revising the board's
35 authority to adopt rules; exempting accredited programs
36 from specified requirements; conforming provisions;
37 deleting obsolete provisions; revising requirements for
38 the Florida Center for Nursing's evaluation of the board's
39 implementation of certain accountability provisions;
40 conforming cross-references; amending s. 464.022, F.S.;
41 conforming provisions; amending ss. 458.348, 459.025,
42 464.012, and 960.28, F.S.; conforming cross-references;
43 providing an effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Subsection (1) of section 456.014, Florida
48 Statutes, is amended to read:

49 456.014 Public inspection of information required from
50 applicants; exceptions; examination hearing.—

51 (1) All information required by the department of any
52 applicant shall be a public record and shall be open to public
53 inspection pursuant to s. 119.07, except financial information,
54 medical information, school transcripts, examination questions,
55 answers, papers, grades, and grading keys, which are
56 confidential and exempt from s. 119.07(1) and shall not be

57 | discussed with or made accessible to anyone except the program
 58 | director of an approved program or accredited program as
 59 | provided in s. 464.019(7), members of the board, the department,
 60 | and staff thereof, who have a bona fide need to know such
 61 | information. Any information supplied to the department by any
 62 | other agency which is exempt from the provisions of chapter 119
 63 | or is confidential shall remain exempt or confidential pursuant
 64 | to applicable law while in the custody of the department or the
 65 | agency.

66 | Section 2. Section 464.003, Florida Statutes, is reordered
 67 | and amended to read:

68 | 464.003 Definitions.—As used in this part, the term:

69 | (1) "Accredited program" means a program for the
 70 | prelicensure education of professional or practical nurses that
 71 | is conducted in the United States at an educational institution,
 72 | whether in this state, another state, or the District of
 73 | Columbia, and that is accredited by a specialized accrediting
 74 | agency that is nationally recognized by the United States
 75 | Secretary of Education to accredit nursing education programs.

76 | ~~(13)(1)~~ "Department" means the Department of Health.

77 | ~~(5)(2)~~ "Board" means the Board of Nursing.

78 | ~~(20)(3)(a)~~ "Practice of professional nursing" means the
 79 | performance of those acts requiring substantial specialized
 80 | knowledge, judgment, and nursing skill based upon applied
 81 | principles of psychological, biological, physical, and social
 82 | sciences which shall include, but not be limited to:

83 | ~~(a)1-~~ The observation, assessment, nursing diagnosis,
 84 | planning, intervention, and evaluation of care; health teaching

85 and counseling of the ill, injured, or infirm; and the promotion
 86 of wellness, maintenance of health, and prevention of illness of
 87 others.

88 (b)2- The administration of medications and treatments as
 89 prescribed or authorized by a duly licensed practitioner
 90 authorized by the laws of this state to prescribe such
 91 medications and treatments.

92 (c)3- The supervision and teaching of other personnel in
 93 the theory and performance of any of the ~~above~~ acts described in
 94 this subsection.

95
 96 A professional nurse is responsible and accountable for making
 97 decisions that are based upon the individual's educational
 98 preparation and experience in nursing.

99 (19)(b)- "Practice of practical nursing" means the
 100 performance of selected acts, including the administration of
 101 treatments and medications, in the care of the ill, injured, or
 102 infirm and the promotion of wellness, maintenance of health, and
 103 prevention of illness of others under the direction of a
 104 registered nurse, a licensed physician, a licensed osteopathic
 105 physician, a licensed podiatric physician, or a licensed
 106 dentist. A ~~The professional nurse and the practical nurse~~ is
 107 ~~shall be~~ responsible and accountable for making decisions that
 108 are based upon the individual's educational preparation and
 109 experience in nursing.

110 (7)(e)- "Clinical nurse specialist practice" means the
 111 delivery and management of advanced practice nursing care to
 112 individuals or groups, including the ability to:

113 (a)~~1.~~ Assess the health status of individuals and families
 114 using methods appropriate to the population and area of
 115 practice.

116 (b)~~2.~~ Diagnose human responses to actual or potential
 117 health problems.

118 (c)~~3.~~ Plan for health promotion, disease prevention, and
 119 therapeutic intervention in collaboration with the patient or
 120 client.

121 (d)~~4.~~ Implement therapeutic interventions based on the
 122 nurse specialist's area of expertise and within the scope of
 123 advanced nursing practice, including, but not limited to, direct
 124 nursing care, counseling, teaching, and collaboration with other
 125 licensed health care providers.

126 (e)~~5.~~ Coordinate health care as necessary and appropriate
 127 and evaluate with the patient or client the effectiveness of
 128 care.

129 (2)~~(d)~~ "Advanced or specialized nursing practice" means,
 130 in addition to the practice of professional nursing, the
 131 performance of advanced-level nursing acts approved by the board
 132 which, by virtue of postbasic specialized education, training,
 133 and experience, are appropriately performed by an advanced
 134 registered nurse practitioner. Within the context of advanced or
 135 specialized nursing practice, the advanced registered nurse
 136 practitioner may perform acts of nursing diagnosis and nursing
 137 treatment of alterations of the health status. The advanced
 138 registered nurse practitioner may also perform acts of medical
 139 diagnosis and treatment, prescription, and operation which are
 140 identified and approved by a joint committee composed of three

141 members appointed by the Board of Nursing, two of whom must be
142 advanced registered nurse practitioners; three members appointed
143 by the Board of Medicine, two of whom must have had work
144 experience with advanced registered nurse practitioners; and the
145 State Surgeon General or the State Surgeon General's designee.
146 Each committee member appointed by a board shall be appointed to
147 a term of 4 years unless a shorter term is required to establish
148 or maintain staggered terms. The Board of Nursing shall adopt
149 rules authorizing the performance of any such acts approved by
150 the joint committee. Unless otherwise specified by the joint
151 committee, such acts must be performed under the general
152 supervision of a practitioner licensed under chapter 458,
153 chapter 459, or chapter 466 within the framework of standing
154 protocols which identify the medical acts to be performed and
155 the conditions for their performance. The department may, by
156 rule, require that a copy of the protocol be filed with the
157 department along with the notice required by s. 458.348.

158 (17)~~(e)~~ "Nursing diagnosis" means the observation and
159 evaluation of physical or mental conditions, behaviors, signs
160 and symptoms of illness, and reactions to treatment and the
161 determination as to whether such conditions, signs, symptoms,
162 and reactions represent a deviation from normal.

163 (18)~~(f)~~ "Nursing treatment" means the establishment and
164 implementation of a nursing regimen for the care and comfort of
165 individuals, the prevention of illness, and the education,
166 restoration, and maintenance of health.

167 (22)~~(4)~~ "Registered nurse" means any person licensed in
168 this state to practice professional nursing.

169 ~~(16)-(5)~~ "Licensed practical nurse" means any person
 170 licensed in this state to practice practical nursing.

171 (6) "Clinical nurse specialist" means any person licensed
 172 in this state to practice professional nursing and certified in
 173 clinical nurse specialist practice.

174 ~~(3)-(7)~~ "Advanced registered nurse practitioner" means any
 175 person licensed in this state to practice professional nursing
 176 and certified in advanced or specialized nursing practice,
 177 including certified registered nurse anesthetists, certified
 178 nurse midwives, and nurse practitioners.

179 ~~(4)-(8)~~ "Approved program" means a ~~nursing~~ program for the
 180 prelicensure education of professional or practical nurses that
 181 is conducted in the state at an educational institution and that
 182 is in a school, college, or university which is approved under
 183 s. 464.019 for the education of nurses. The term includes such a
 184 program placed on probationary status.

185 ~~(10)-(9)~~ "Clinical training" means direct nursing care
 186 experiences with patients or clients which offer the student the
 187 opportunity to integrate, apply, and refine specific skills and
 188 abilities based on theoretical concepts and scientific
 189 principles.

190 ~~(8)-(10)~~ "Clinical preceptor" means a registered nurse or
 191 licensed practical nurse who is employed by a clinical training
 192 facility to serve ~~who serves~~ as a role model and clinical
 193 resource person for a specified period to students ~~an individual~~
 194 enrolled in an approved program.

195 ~~(9)-(11)~~ "Clinical simulation" means a strategy used to
 196 replicate clinical practice as closely as possible to teach

197 theory, assessment, technology, pharmacology, and skills.

198 (11)~~(12)~~ "Community-based clinical experience" means
 199 activities consistent with the curriculum and involving
 200 individuals, families, and groups with the intent of promoting
 201 wellness, maintaining health, and preventing illness.

202 (12)~~(13)~~ "Curriculum" means a planned sequence of course
 203 offerings and learning experiences that comprise a nursing
 204 education program.

205 (21)~~(14)~~ "Probationary status" means the status of an
 206 approved a nursing education program that is placed on such
 207 status pursuant ~~subject to s. 464.019(2)(a)2. or (5)(a) or (b).~~

208 (14) "Educational institution" means a school, college, or
 209 university.

210 (15) "Graduate passage rate" means the percentage of a
 211 program's graduates who, as first-time test takers, pass the
 212 National Council of State Boards of Nursing Licensing
 213 Examination during a calendar year, as calculated by the
 214 contract testing service of the National Council of State Boards
 215 of Nursing.

216 (23) "Required passage rate" means the graduate passage
 217 rate required for an approved program pursuant to s.
 218 464.019(6)(a)1.

219 Section 3. Subsection (1) of section 464.008, Florida
 220 Statutes, is amended to read:

221 464.008 Licensure by examination.—

222 (1) Any person desiring to be licensed as a registered
 223 nurse or licensed practical nurse shall apply to the department
 224 to take the licensure examination. The department shall examine

225 each applicant who:

226 (a) Has completed the application form and remitted a fee
 227 set by the board not to exceed \$150 and has remitted an
 228 examination fee set by the board not to exceed \$75 plus the
 229 actual per applicant cost to the department for purchase of the
 230 examination from the National Council of State Boards of Nursing
 231 or a similar national organization.

232 (b) Has provided sufficient information on or after
 233 October 1, 1989, which must be submitted by the department for a
 234 statewide criminal records correspondence check through the
 235 Department of Law Enforcement.

236 (c) Is in good mental and physical health, is a recipient
 237 of a high school diploma or the equivalent, and has completed
 238 the requirements for:

- 239 1. Graduation from an approved program;
- 240 2. Graduation from a prelicensure nursing education
 241 program that the board determines is, ~~or its~~ equivalent to an
 242 approved program;
- 243 3. Graduation on or after July 1, 2009, from an accredited
 244 program; or
- 245 4. Graduation before July 1, 2009, from a prelicensure
 246 nursing education program whose graduates at that time were
 247 eligible for examination as determined by the board, for the
 248 preparation of registered nurses or licensed practical nurses,
 249 whichever is applicable.

250
 251 Courses successfully completed in a professional nursing
 252 education program that ~~which~~ are at least equivalent to a

253 practical nursing education program may be used to satisfy the
 254 education requirements for licensure as a licensed practical
 255 nurse.

256 (d) Has the ability to communicate in the English
 257 language, which may be determined by an examination given by the
 258 department.

259 Section 4. Subsections (3) and (4) of section 464.015,
 260 Florida Statutes, are amended to read:

261 464.015 Titles and abbreviations; restrictions; penalty.—

262 (3) Only persons who are graduates of prelicensure nursing
 263 education approved programs listed in s. 464.008(1)(c) or the
 264 equivalent may use the term "Graduate Nurse" and the
 265 abbreviation "G.N.," pending the results of the first licensure
 266 examination for which they are eligible.

267 (4) Only persons who are graduates of prelicensure nursing
 268 education approved programs listed in s. 464.008(1)(c) or the
 269 equivalent may use the term "Graduate Practical Nurse" and the
 270 abbreviation "G.P.N.," pending the results of the first
 271 licensure examination for which they are eligible.

272 Section 5. Section 464.019, Florida Statutes, is reordered
 273 and amended to read:

274 464.019 Approval of nursing education programs.—

275 (1) PROGRAM APPLICATIONS.—An educational institution that
 276 wishes to conduct a program in this state for the prelicensure
 277 education of professional or practical nurses must shall submit
 278 to the department a program application and a program review fee
 279 of \$1,000 for each prelicensure nursing education program to be
 280 offered at the institution's main campus, branch campus, or

281 ~~other instructional site the department. Within 90 days after~~
 282 ~~receipt of a program application and program review fee, the~~
 283 ~~board shall approve the program application if it documents~~
 284 ~~compliance with the standards in paragraphs (a) (h). If the~~
 285 ~~program application is incomplete or does not document~~
 286 ~~compliance, the board shall follow the procedures in subsection~~
 287 ~~(3). a program application is deemed approved by the board if~~
 288 ~~the board does not act on the application within the timeframes~~
 289 ~~specified in subsection (3) or this subsection. Each program~~
 290 application must document that:

291 (a) 1. For a professional nursing education program, the
 292 program director and at least 50 percent of the program's
 293 faculty members are registered nurses who have, ~~at a minimum,~~ a
 294 master's or higher bachelor's degree in nursing or a bachelor's
 295 and a master's degree in nursing and a master's or higher degree
 296 in a field or a related to nursing field.

297 ~~2.(b)~~ For a practical nursing education program, the
 298 program director and at least 50 percent of the program's
 299 faculty members are registered nurses who have, ~~at a minimum,~~ a
 300 bachelor's or higher degree in nursing.

301
 302 The educational degree requirements of this paragraph may be
 303 documented by an official transcript or by a written statement
 304 from the educational institution verifying that the institution
 305 conferred the degree.

306 (b) ~~(e)~~ The program's nursing major curriculum consists of
 307 at least:

308 1. Fifty percent clinical training for a practical nursing

309 education program, an associate degree professional nursing
310 education program, or a professional diploma nursing education
311 program.

312 2. Forty percent clinical training for a bachelor's degree
313 professional nursing education program.

314 (c)~~(d)~~ No more than 25 percent of the program's clinical
315 training consists of clinical simulation.

316 (d)~~(e)~~ The program has signed agreements with each agency,
317 facility, and organization included in the curriculum plan as
318 clinical training sites and community-based clinical experience
319 sites.

320 (e)~~(f)~~ The program has written policies for faculty which
321 include provisions for direct or indirect supervision by program
322 faculty or clinical preceptors for students in clinical training
323 consistent with the following standards:

324 1. The number of program faculty members equals at least
325 one faculty member directly supervising every 12 students unless
326 the written agreement between the program and the agency,
327 facility, or organization providing clinical training sites
328 allows more students, not to exceed 18 students, to be directly
329 supervised by one program faculty member.

330 2. For a hospital setting, indirect supervision may occur
331 only if there is direct supervision by an assigned clinical
332 preceptor, a supervising program faculty member is available by
333 telephone, and such arrangement is approved by the clinical
334 facility.

335 3. For community-based clinical experiences that involve
336 student participation in invasive or complex nursing activities,

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337 students must be directly supervised by a program faculty member
338 or clinical preceptor and such arrangement must be approved by
339 the community-based clinical facility.

340 4. For community-based clinical experiences not subject to
341 subparagraph 3., indirect supervision may occur only when a
342 supervising program faculty member is available to the student
343 by telephone.

344
345 A program's policies established under this paragraph must
346 require a clinical preceptor, if supervising students in a
347 professional nursing education program, to be a registered nurse
348 or, if supervising students in a practical nursing education
349 program, to be a registered nurse or licensed practical nurse.

350 (f)~~(g)~~ The professional or practical nursing curriculum
351 plan documents clinical experience and theoretical instruction
352 in medical, surgical, obstetric, pediatric, and geriatric
353 nursing. A professional nursing curriculum plan shall also
354 document clinical experience and theoretical instruction in
355 psychiatric nursing. Each curriculum plan must document clinical
356 training experience in appropriate settings that include, but
357 are not limited to, acute care, long-term care, and community
358 settings.

359 (g)~~(h)~~ The professional or practical nursing education
360 program provides theoretical instruction and clinical
361 application in personal, family, and community health concepts;
362 nutrition; human growth and development throughout the life
363 span; body structure and function; interpersonal relationship
364 skills; mental health concepts; pharmacology and administration

365 of medications; and legal aspects of practice. A professional
366 nursing education program shall also provide theoretical
367 instruction and clinical application in interpersonal
368 relationships and leadership skills; professional role and
369 function; and health teaching and counseling skills.

370

371 ~~Upon the board's approval of a program application, the program~~
372 ~~becomes an approved program under this section.~~

373 (3)(2) STATUS OF CERTAIN PROGRAMS.-

374 (a) A professional or practical nursing education program
375 becomes an approved program if that, as of June 30, 2009, the
376 program:

377 (a)1. Has full or provisional approval from the board or,
378 except as provided in paragraph (b), is on probationary status,
379 ~~except as provided in subparagraph 2., becomes an approved~~
380 ~~program under this section. In order to retain approved program~~
381 ~~status, such program shall submit the report required under~~
382 ~~paragraph (c) to the board by November 1, 2009, and annually~~
383 ~~thereafter.~~

384 (b)2. Is on probationary status because the program did
385 not meet the board's requirement for program graduate passage
386 rates. Such program on the National Council of State Boards of
387 Nursing Licensing Examination, shall remain on probationary
388 status until it the program achieves a graduate passage rate for
389 calendar year 2009 or 2010 that equals or exceeds the required
390 passage rate for the respective calendar year and compliance
391 ~~with the program graduate passage rate requirement in paragraph~~
392 ~~(5)(a). A program that is subject to this subparagraph must~~

393 disclose its probationary status in writing to the program's
 394 students and applicants ~~submit the report required under~~
 395 ~~paragraph (c) to the board by November 1, 2009, and annually~~
 396 ~~thereafter and must comply with paragraph (5)(e).~~ If the program
 397 does not achieve the required passage rate ~~compliance by July 1,~~
 398 ~~2011,~~ the board shall terminate the program pursuant to chapter
 399 120 ~~as provided in paragraph (5)(d).~~

400 ~~(b) Each professional or practical nursing program that~~
 401 ~~has its application approved by the board under subsection (1)~~
 402 ~~on or after July 1, 2009, shall annually submit the report~~
 403 ~~required under paragraph (c) to the board by November 1 of each~~
 404 ~~year following initial approval of its application.~~

405 (4) ANNUAL REPORT.—By November 1 of each year, each
 406 approved program shall submit to the board an

407 ~~(c) The annual report~~ comprised of ~~required by this~~
 408 ~~subsection must include~~ an affidavit certifying continued
 409 compliance with paragraphs (1)(a)-(g) ~~subsection (1), must~~
 410 ~~provide~~ a summary description of the program's compliance with
 411 paragraphs (1)(a)-(g) ~~with subsection (1), and~~ documentation
 412 ~~must document~~ for the previous academic year that, to the extent
 413 applicable, sets forth ~~for each professional and practical~~
 414 ~~nursing program:~~

415 (a)1. The number of student applications received, ~~the~~
 416 ~~number of~~ qualified applicants, applicants ~~and the number of~~
 417 ~~students~~ accepted, accepted applicants who enroll in the
 418 program, students enrolled in the program, and

419 ~~2. the number of~~ program graduates.

420 ~~3. The program's graduate passage rate on the National~~

421 ~~Council of State Boards of Nursing Licensing Examination.~~

422 (b) 4. The program's retention rates for students tracked
423 from program entry to graduation.

424 (c) 5. The program's accreditation status, including
425 identification of the accrediting agency if such agency is not
426 an accrediting agency described in s. 464.003(1) body.

427 (2) (3) PROGRAM APPROVAL.—

428 (a) Upon receipt of a ~~If an institution's~~ program
429 application and review fee, the department shall examine the
430 application to determine whether it is complete. If a program
431 application is not complete ~~incomplete~~, the department board
432 shall notify the educational institution in writing of any
433 ~~apparent~~ errors or omissions within 30 days after the
434 department's receipt of the application ~~and follow the~~
435 ~~procedures in s. 120.60.~~ A program application is deemed
436 complete upon the department's receipt of:

437 1. The initial application, if the department does not
438 notify the educational institution of any errors or omissions
439 within the 30-day period; or

440 2. A revised application that corrects each error and
441 omission of which the department notifies the educational
442 institution within the 30-day period.

443 (b) Within 90 days after the department's receipt of a
444 complete program application, the board shall:

445 1. Approve the ~~If an institution's~~ program application if
446 it documents ~~does not document~~ compliance with paragraphs
447 (1) (a) - (g); or the standards in subsection (1), within 90 days
448 ~~after the board's receipt of the program application, the board~~

449 ~~shall~~

450 2. Provide the educational institution with a notice of
451 intent to deny the program application if it does not document
452 compliance with paragraphs (1) (a)-(g) that sets forth written
453 reasons for the denial. The notice must set forth written
454 reasons for the board's denial of the application. The board may
455 not deny a program application because of an educational
456 institution's failure to correct any error or omission of which
457 the department does not notify the institution within the 30-day
458 notice period under paragraph (a). The educational institution
459 may request a hearing on the notice of intent to deny the
460 program application pursuant to chapter 120.

461 (c) A program application is deemed approved if the board
462 does not act within the 90-day review period provided under
463 paragraph (b).

464 (d) Upon the board's approval of a program application,
465 the program becomes an approved program.

466 (5)-(4) INTERNET WEBSITE.—The board shall publish the
467 following information on its Internet website:

468 (a) A list of each accredited program conducted in the
469 state and the program's graduate passage rates for the most
470 recent 2 calendar years, which the department shall determine
471 through the following sources:

472 1. For a program's accreditation status, the specialized
473 accrediting agencies that are nationally recognized by the
474 United States Secretary of Education to accredit nursing
475 education programs.

476 2. For a program's graduate passage rates, the contract

477 testing service of the National Council of State Boards of
 478 Nursing.

479 (b) The following data for each approved program, which en
 480 nursing programs located in the state. The data shall include,
 481 to the extent applicable:

482 1.(a) All documentation provided by the program in its
 483 applicant for each approved nursing program application if
 484 submitted on or after July 1, 2009.

485 2.(b) The summary description of the each program's
 486 compliance as submitted under subsection (4) paragraph (2)(c).

487 ~~(c) A comprehensive list of each practical and~~
 488 ~~professional nursing program in the state.~~

489 3.(d) The program's accreditation status for each program,
 490 including identification of the accrediting agency if such
 491 agency is not an accrediting agency described in s. 464.003(1)
 492 body.

493 ~~4.(e) The Each program's approval or probationary status.~~

494 5.(f) The Each program's graduate passage rates for the
 495 most recent 2 calendar years rate on the National Council of
 496 State Boards of Nursing Licensing Examination.

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

499 6.(h) Each program's retention rates for students tracked
 500 from program entry to graduation.

501 (c) The average passage rates for United States educated
 502 first-time test takers on the National Council of State Boards
 503 of Nursing Licensing Examination for the most recent 2 calendar
 504 years, as calculated by the contract testing service of the

505 National Council of State Boards of Nursing. The average passage
 506 rates shall be published separately for each type of comparable
 507 degree program listed in sub-subparagraphs (6)(a)1.a.-d.

508
 509 The information ~~data~~ required to be published under this
 510 subsection shall be made available in a manner that allows
 511 interactive searches and comparisons of individual ~~specific~~
 512 ~~nursing education~~ programs selected by the website user. The
 513 board shall ~~publish the data by December 31, 2009, and~~ update
 514 the Internet website at least quarterly with the available
 515 information ~~data~~.

516 ~~(6)(5)~~ ACCOUNTABILITY.-

517 (a)1. An approved program must achieve a graduate passage
 518 rate that is not lower than 10 percentage points less than the
 519 average passage rate for graduates of comparable degree programs
 520 who are United States educated first-time test takers on the
 521 National Council of State Boards of Nursing Licensing
 522 Examination during a calendar year, as calculated by the
 523 contract testing service of the National Council of State Boards
 524 of Nursing. For purposes of this subparagraph, an approved
 525 program is comparable to all degree programs of the same program
 526 type from among the following program types:

527 a. Professional nursing education programs that terminate
 528 in a bachelor's degree.

529 b. Professional nursing education programs that terminate
 530 in an associate degree.

531 c. Professional nursing education programs that terminate
 532 in a diploma.

533 d. Practical nursing education programs.

534 2. Beginning with graduate passage rates for calendar year
535 2010, if an approved a professional or practical nursing
536 program's average graduate passage rates do not equal or exceed
537 the required passage rates rate for first-time test takers on
538 the National Council of State Boards of Nursing Licensing
539 Examination falls 10 percent or more below the national average
540 passage rate for first-time test takers educated in the United
541 States, as annually published by the contract testing service of
542 the National Council of State Boards of Nursing, for 2
543 consecutive calendar years, the board shall place the program on
544 probationary status pursuant to chapter 120 probation and the
545 program director must shall be required to appear before the
546 board to present a plan for remediation. The program shall
547 remain on probationary status until it achieves a compliance
548 with the graduate passage rate that equals or exceeds the
549 required passage rate for any one calendar year.

550 3. Upon the program's achievement of a graduate passage
551 rate that equals or exceeds the required passage rate,
552 requirement and shall be terminated by the board, at its next
553 regularly scheduled meeting following release of the program's
554 graduate passage rate by the National Council of State Boards of
555 Nursing, shall remove the program's probationary status.
556 However, under paragraph (d) if the program, during the 2
557 calendar years following its placement on probationary status,
558 does not achieve the required passage rate for any one
559 compliance within 2 calendar year, the board shall terminate the
560 program pursuant to chapter 120 years.

561 (b) If an approved ~~a~~ program fails to submit the annual
 562 report required in subsection (4) ~~(2)~~, the board shall notify
 563 the program director and president or chief executive officer of
 564 the educational institution in writing within 15 days after the
 565 due date of the annual report. The program director must appear
 566 before the board at the board's next regularly scheduled meeting
 567 to explain the reason for the delay ~~place the program on~~
 568 ~~probation~~. The board ~~program~~ shall terminate the program
 569 pursuant to chapter 120 ~~remain on probationary status until it~~
 570 ~~submits the annual report and shall be terminated by the board~~
 571 ~~under paragraph (d)~~ if it does not submit the annual report
 572 within 6 months after the ~~report's~~ due date.

573 (c) An approved ~~A~~ program ~~placed~~ on probationary status
 574 shall disclose its probationary status in writing to the
 575 program's students and applicants.

576 ~~(d) The board shall terminate a program that fails to~~
 577 ~~comply with subparagraph (2)(a)2., paragraph (a), or paragraph~~
 578 ~~(b) pursuant to chapter 120.~~

579 (7) DISCLOSURE OF GRADUATE PASSAGE RATE DATA.-

580 (a) For each of an approved program's or accredited
 581 program's graduates included in the calculation of the program's
 582 graduate passage rate, the department shall disclose to the
 583 program director, upon his or her written request, the name,
 584 examination date, and determination of whether each graduate
 585 passed or failed the National Council for State Boards of
 586 Nursing Licensing Examination, to the extent that such
 587 information is provided to the department by the contract
 588 testing service of the National Council for State Boards of

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589 Nursing. The written request must specify the calendar years for
590 which the information is requested.

591 (b) A program director to whom confidential information
592 exempt from public disclosure pursuant to s. 456.014 is
593 disclosed under this subsection must maintain the
594 confidentiality of the information and is subject to the same
595 penalties provided in s. 456.082 for department employees who
596 unlawfully disclose confidential information.

597 (8) ~~(6)~~ PROGRAM CLOSURE.—Each approved program and
598 accredited ~~a nursing~~ program conducted in the state that closes
599 shall notify the board in writing and advise the board of the
600 arrangements for storage of permanent records.

601 (9) ~~(7)~~ RULEMAKING.—The board does not have any rulemaking
602 authority to administer this section, except that the board
603 shall adopt a rule that prescribes the format for submitting
604 program applications under subsection (1) and annual reports
605 ~~submitting summary descriptions of program compliance~~ under
606 subsection (4) ~~paragraph (2) (c)~~. The board may not impose any
607 condition or requirement on an educational institution
608 submitting a program application, an approved program, or an
609 accredited program, ~~a program on probationary status~~ except as
610 expressly provided in this section. The board shall repeal all
611 rules, or portions thereof, in existence on July 1, 2009, that
612 are inconsistent with this subsection.

613 (10) APPLICABILITY.—Subsections (1)-(4), paragraph (5) (b),
614 and subsection (6) do not apply to an accredited program. An
615 accredited program on probationary status before July 1, 2010,
616 ceases to be subject to the probationary status. If an

617 accredited program ceases to be accredited, the program may
 618 apply under this section to become an approved program.

619 ~~(8) The Florida Center for Nursing and the Office of~~
 620 ~~Program Policy Analysis and Government Accountability shall~~
 621 ~~each:~~

622 ~~(a) Monitor the administration of this section and~~
 623 ~~evaluate the effectiveness of this section in achieving quality~~
 624 ~~nursing programs with a higher production of quality nursing~~
 625 ~~graduates.~~

626 ~~(b) Report its findings and make recommendations, if~~
 627 ~~warranted, to improve the effectiveness of this section to the~~
 628 ~~Governor, the President of the Senate, and the Speaker of the~~
 629 ~~House of Representatives by February 1, 2010.~~

630 ~~(11)(9)~~ IMPLEMENTATION STUDY.—The Florida Center for
 631 Nursing and the education policy area of the Office of Program
 632 Policy Analysis and Government Accountability shall study the 5-
 633 year administration of this section and submit reports to the
 634 Governor, the President of the Senate, and the Speaker of the
 635 House of Representatives by January 30, 2011, and annually
 636 thereafter through January 30, 2015. The annual reports shall
 637 address the previous academic year; set forth data on the
 638 measures specified in paragraphs (a) and (b) ~~for each~~
 639 ~~prelicensure practical and professional nursing program in the~~
 640 ~~state~~, as such data becomes available; and include an evaluation
 641 of such data for purposes of determining whether this section is
 642 increasing the availability of nursing education programs and
 643 the production of quality nurses. The department and each
 644 approved program or accredited program shall comply with

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645 requests for data from the Florida Center for Nursing and the
646 education policy area of the Office of Program Policy Analysis
647 and Government Accountability.

648 (a) The education policy area of the Office of Program
649 Policy Analysis and Government Accountability shall evaluate
650 program-specific data for each approved program and accredited
651 program conducted in the state, including, but not limited to:

652 1. The number of ~~nursing education~~ programs and student
653 slots available.

654 2. The number of student applications submitted, the
655 number of qualified applicants, and the number of students
656 accepted.

657 3. The number of program graduates.

658 4. Program retention rates of students tracked from
659 program entry to graduation.

660 5. Graduate passage rates on the National Council of State
661 Boards of Nursing Licensing Examination.

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

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

666 1. Program application approval process, including, but
667 not limited to, the number of program applications submitted
668 under subsection (1); the number of program applications
669 approved and denied by the board under subsection (2)
670 ~~subsections (1) and (3)~~; the number of denials of program
671 applications reviewed under chapter 120; and a description of
672 the outcomes of those reviews.

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673 2. Accountability ~~Probation and termination~~ processes,
674 including, but not limited to, the number of programs ~~placed~~ on
675 probationary status, the number of approved programs for which
676 the program director is required to appear before the board
677 under subsection (6), the number of approved programs terminated
678 by the board ~~under paragraph (5)(d)~~, the number of terminations
679 reviewed under chapter 120, and a description of the outcomes of
680 those reviews.

681 Section 6. Subsection (4) of section 464.022, Florida
682 Statutes, is amended to read:

683 464.022 Exceptions.—No provision of this part shall be
684 construed to prohibit:

685 (4) The practice of nursing by graduates of prelicensure
686 nursing education ~~approved~~ programs listed in s. 464.008(1)(c)
687 ~~or the equivalent~~, pending the result of the first licensing
688 examination for which they are eligible following graduation,
689 provided they practice under direct supervision of a registered
690 professional nurse. The board shall by rule define what
691 constitutes direct supervision.

692 Section 7. Paragraph (a) of subsection (1) and subsection
693 (2) of section 458.348, Florida Statutes, are amended to read:

694 458.348 Formal supervisory relationships, standing orders,
695 and established protocols; notice; standards.—

696 (1) NOTICE.—

697 (a) When a physician enters into a formal supervisory
698 relationship or standing orders with an emergency medical
699 technician or paramedic licensed pursuant to s. 401.27, which
700 relationship or orders contemplate the performance of medical

701 acts, or when a physician enters into an established protocol
 702 with an advanced registered nurse practitioner, which protocol
 703 contemplates the performance of medical acts identified and
 704 approved by the joint committee pursuant to s. 464.003(2)~~(3)~~~~(d)~~
 705 or acts set forth in s. 464.012(3) and (4), the physician shall
 706 submit notice to the board. The notice shall contain a statement
 707 in substantially the following form:

708 I, ...(name and professional license number of
 709 physician)..., of ...(address of physician)... have hereby
 710 entered into a formal supervisory relationship, standing orders,
 711 or an established protocol with ...(number of persons)...
 712 emergency medical technician(s), ...(number of persons)...
 713 paramedic(s), or ...(number of persons)... advanced registered
 714 nurse practitioner(s).

715 (2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.—The
 716 joint committee created under s. 464.003(2)~~(3)~~~~(d)~~ shall
 717 determine minimum standards for the content of established
 718 protocols pursuant to which an advanced registered nurse
 719 practitioner may perform medical acts identified and approved by
 720 the joint committee pursuant to s. 464.003(2)~~(3)~~~~(d)~~ or acts set
 721 forth in s. 464.012(3) and (4) and shall determine minimum
 722 standards for supervision of such acts by the physician, unless
 723 the joint committee determines that any act set forth in s.
 724 464.012(3) or (4) is not a medical act. Such standards shall be
 725 based on risk to the patient and acceptable standards of medical
 726 care and shall take into account the special problems of
 727 medically underserved areas. The standards developed by the
 728 joint committee shall be adopted as rules by the Board of

729 Nursing and the Board of Medicine for purposes of carrying out
 730 their responsibilities pursuant to part I of chapter 464 and
 731 this chapter, respectively, but neither board shall have
 732 disciplinary powers over the licensees of the other board.

733 Section 8. Paragraph (a) of subsection (1) of section
 734 459.025, Florida Statutes, is amended to read:

735 459.025 Formal supervisory relationships, standing orders,
 736 and established protocols; notice; standards.—

737 (1) NOTICE.—

738 (a) When an osteopathic physician enters into a formal
 739 supervisory relationship or standing orders with an emergency
 740 medical technician or paramedic licensed pursuant to s. 401.27,
 741 which relationship or orders contemplate the performance of
 742 medical acts, or when an osteopathic physician enters into an
 743 established protocol with an advanced registered nurse
 744 practitioner, which protocol contemplates the performance of
 745 medical acts identified and approved by the joint committee
 746 pursuant to s. 464.003 (2) ~~(3)~~ ~~(d)~~ or acts set forth in s.
 747 464.012(3) and (4), the osteopathic physician shall submit
 748 notice to the board. The notice must contain a statement in
 749 substantially the following form:

750 I, ...(name and professional license number of osteopathic
 751 physician)..., of ...(address of osteopathic physician)... have
 752 hereby entered into a formal supervisory relationship, standing
 753 orders, or an established protocol with ...(number of
 754 persons)... emergency medical technician(s), ...(number of
 755 persons)... paramedic(s), or ...(number of persons)... advanced
 756 registered nurse practitioner(s).

757 Section 9. Paragraph (c) of subsection (3) of section
 758 464.012, Florida Statutes, is amended to read:

759 464.012 Certification of advanced registered nurse
 760 practitioners; fees.—

761 (3) An advanced registered nurse practitioner shall
 762 perform those functions authorized in this section within the
 763 framework of an established protocol that is filed with the
 764 board upon biennial license renewal and within 30 days after
 765 entering into a supervisory relationship with a physician or
 766 changes to the protocol. The board shall review the protocol to
 767 ensure compliance with applicable regulatory standards for
 768 protocols. The board shall refer to the department licensees
 769 submitting protocols that are not compliant with the regulatory
 770 standards for protocols. A practitioner currently licensed under
 771 chapter 458, chapter 459, or chapter 466 shall maintain
 772 supervision for directing the specific course of medical
 773 treatment. Within the established framework, an advanced
 774 registered nurse practitioner may:

775 (c) Perform additional functions as may be determined by
 776 rule in accordance with s. 464.003(2)~~(3)~~~~(d)~~.

777 Section 10. Subsection (2) of section 960.28, Florida
 778 Statutes, is amended to read:

779 960.28 Payment for victims' initial forensic physical
 780 examinations.—

781 (2) The Crime Victims' Services Office of the department
 782 shall pay for medical expenses connected with an initial
 783 forensic physical examination of a victim of sexual battery as
 784 defined in chapter 794 or a lewd or lascivious offense as

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785 defined in chapter 800. Such payment shall be made regardless of
786 whether the victim is covered by health or disability insurance
787 and whether the victim participates in the criminal justice
788 system or cooperates with law enforcement. The payment shall be
789 made only out of moneys allocated to the Crime Victims' Services
790 Office for the purposes of this section, and the payment may not
791 exceed \$500 with respect to any violation. The department shall
792 develop and maintain separate protocols for the initial forensic
793 physical examination of adults and children. Payment under this
794 section is limited to medical expenses connected with the
795 initial forensic physical examination, and payment may be made
796 to a medical provider using an examiner qualified under part I
797 of chapter 464, excluding s. 464.003 (16) ~~(5)~~; chapter 458; or
798 chapter 459. Payment made to the medical provider by the
799 department shall be considered by the provider as payment in
800 full for the initial forensic physical examination associated
801 with the collection of evidence. The victim may not be required
802 to pay, directly or indirectly, the cost of an initial forensic
803 physical examination performed in accordance with this section.

804 Section 11. This act shall take effect July 1, 2010.