

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 requirements for the  
 35 closure of programs; revising the board's authority to  
 36 adopt rules; exempting accredited programs from specified  
 37 requirements; providing requirements for an accredited  
 38 program that ceases to be accredited; conforming  
 39 provisions; deleting obsolete provisions; revising  
 40 requirements for the Florida Center for Nursing's  
 41 evaluation of the board's implementation of certain  
 42 accountability provisions; conforming cross-references;  
 43 amending s. 464.022, F.S.; conforming provisions; amending  
 44 ss. 458.348, 459.025, 464.012, and 960.28, F.S.;

45 conforming cross-references; providing an effective date.

46  
 47 Be It Enacted by the Legislature of the State of Florida:

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

51 456.014 Public inspection of information required from  
 52 applicants; exceptions; examination hearing.—

53 (1) All information required by the department of any  
 54 applicant shall be a public record and shall be open to public  
 55 inspection pursuant to s. 119.07, except financial information,  
 56 medical information, school transcripts, examination questions,

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57 | answers, papers, grades, and grading keys, which are  
58 | confidential and exempt from s. 119.07(1) and shall not be  
59 | discussed with or made accessible to anyone except the program  
60 | director of an approved program or accredited program as  
61 | provided in s. 464.019(7), members of the board, the department,  
62 | and staff thereof, who have a bona fide need to know such  
63 | information. Any information supplied to the department by any  
64 | other agency which is exempt from the provisions of chapter 119  
65 | or is confidential shall remain exempt or confidential pursuant  
66 | to applicable law while in the custody of the department or the  
67 | agency.

68 | Section 2. Section 464.003, Florida Statutes, is reordered  
69 | and amended to read:

70 | 464.003 Definitions.—As used in this part, the term:

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

79 | (13)-(1) "Department" means the Department of Health.

80 | (5)-(2) "Board" means the Board of Nursing.

81 | (20)-(3)-(a) "Practice of professional nursing" means the  
82 | performance of those acts requiring substantial specialized  
83 | knowledge, judgment, and nursing skill based upon applied  
84 | principles of psychological, biological, physical, and social

85 sciences which shall include, but not be limited to:

86 (a)1- The observation, assessment, nursing diagnosis,  
 87 planning, intervention, and evaluation of care; health teaching  
 88 and counseling of the ill, injured, or infirm; and the promotion  
 89 of wellness, maintenance of health, and prevention of illness of  
 90 others.

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

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

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

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

113        (7)~~(e)~~ "Clinical nurse specialist practice" means the  
114 delivery and management of advanced practice nursing care to  
115 individuals or groups, including the ability to:

116        (a)~~1.~~ Assess the health status of individuals and families  
117 using methods appropriate to the population and area of  
118 practice.

119        (b)~~2.~~ Diagnose human responses to actual or potential  
120 health problems.

121        (c)~~3.~~ Plan for health promotion, disease prevention, and  
122 therapeutic intervention in collaboration with the patient or  
123 client.

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

129        (e)~~5.~~ Coordinate health care as necessary and appropriate  
130 and evaluate with the patient or client the effectiveness of  
131 care.

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

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

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

166 (18) ~~(f)~~ "Nursing treatment" means the establishment and  
167 implementation of a nursing regimen for the care and comfort of  
168 individuals, the prevention of illness, and the education,

169 restoration, and maintenance of health.

170 ~~(22)-(4)~~ "Registered nurse" means any person licensed in  
171 this state to practice professional nursing.

172 ~~(16)-(5)~~ "Licensed practical nurse" means any person  
173 licensed in this state to practice practical nursing.

174 (6) "Clinical nurse specialist" means any person licensed  
175 in this state to practice professional nursing and certified in  
176 clinical nurse specialist practice.

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

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

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

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

197 enrolled in an approved program.

198 (9)~~(11)~~ "Clinical simulation" means a strategy used to  
 199 replicate clinical practice as closely as possible to teach  
 200 theory, assessment, technology, pharmacology, and skills.

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

205 (12)~~(13)~~ "Curriculum" means a planned sequence of course  
 206 offerings and learning experiences that comprise a nursing  
 207 education program.

208 (21)~~(14)~~ "Probationary status" means the status of an  
 209 approved a nursing education program that is placed on such  
 210 status pursuant ~~subject~~ to s. 464.019~~(2)(a)2. or (5)(a) or (b).~~

211 (14) "Educational institution" means a school, college, or  
 212 university.

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

219 (23) "Required passage rate" means the graduate passage  
 220 rate required for an approved program pursuant to s.  
 221 464.019(6)(a)1.

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

224 464.008 Licensure by examination.—



225 (1) Any person desiring to be licensed as a registered  
 226 nurse or licensed practical nurse shall apply to the department  
 227 to take the licensure examination. The department shall examine  
 228 each applicant who:

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

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

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

242 1. Graduation from an approved program;

243 2. Graduation from a prelicensure nursing education  
 244 program that the board determines is, ~~or its~~ equivalent to an  
 245 approved program;

246 3. Graduation on or after July 1, 2009, from an accredited  
 247 program; or

248 4. Graduation before July 1, 2009, from a prelicensure  
 249 nursing education program whose graduates at that time were  
 250 eligible for examination as determined by the board, for the  
 251 preparation of registered nurses or licensed practical nurses,  
 252 whichever is applicable.

253  
 254 Courses successfully completed in a professional nursing  
 255 education program ~~that which~~ are at least equivalent to a  
 256 practical nursing education program may be used to satisfy the  
 257 education requirements for licensure as a licensed practical  
 258 nurse.

259 (d) Has the ability to communicate in the English  
 260 language, which may be determined by an examination given by the  
 261 department.

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

264 464.015 Titles and abbreviations; restrictions; penalty.—

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

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

275 Section 5. Section 464.019, Florida Statutes, is reordered  
 276 and amended to read:

277 464.019 Approval of nursing education programs.—

278 (1) PROGRAM APPLICATIONS.—An educational institution that  
 279 wishes to conduct a program in this state for the prelicensure  
 280 education of professional or practical nurses must ~~shall~~ submit

281 to the department a program application and a ~~program~~ review fee  
 282 of \$1,000 for each prelicensure nursing education program to be  
 283 offered at the institution's main campus, branch campus, or  
 284 other instructional site ~~the department. Within 90 days after~~  
 285 ~~receipt of a program application and program review fee, the~~  
 286 ~~board shall approve the program application if it documents~~  
 287 ~~compliance with the standards in paragraphs (a)-(h). If the~~  
 288 ~~program application is incomplete or does not document~~  
 289 ~~compliance, the board shall follow the procedures in subsection~~  
 290 ~~(3). a program application is deemed approved by the board if~~  
 291 ~~the board does not act on the application within the timeframes~~  
 292 ~~specified in subsection (3) or this subsection. Each program~~  
 293 application must include the legal name of the educational  
 294 institution, the legal name of the nursing education program,  
 295 and, if such program is accredited by an accrediting agency  
 296 other than an accrediting agency described in s. 464.003(1), the  
 297 name of the accrediting agency. The application must also  
 298 document that:

299 (a)1. For a professional nursing education program, the  
 300 program director and at least 50 percent of the program's  
 301 faculty members are registered nurses who have, ~~at a minimum,~~ a  
 302 master's or higher bachelor's degree in nursing or a bachelor's  
 303 and a master's degree in nursing and a master's or higher degree  
 304 in a field or a related to nursing field.

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

309  
310 The educational degree requirements of this paragraph may be  
311 documented by an official transcript or by a written statement  
312 from the educational institution verifying that the institution  
313 conferred the degree.

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

316 1. Fifty percent clinical training for a practical nursing  
317 education program, an associate degree professional nursing  
318 education program, or a professional diploma nursing education  
319 program.

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

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

324 ~~(d)~~~~(e)~~ The program has signed agreements with each agency,  
325 facility, and organization included in the curriculum plan as  
326 clinical training sites and community-based clinical experience  
327 sites.

328 ~~(e)~~~~(f)~~ The program has written policies for faculty which  
329 include provisions for direct or indirect supervision by program  
330 faculty or clinical preceptors for students in clinical training  
331 consistent with the following standards:

332 1. The number of program faculty members equals at least  
333 one faculty member directly supervising every 12 students unless  
334 the written agreement between the program and the agency,  
335 facility, or organization providing clinical training sites  
336 allows more students, not to exceed 18 students, to be directly

337 supervised by one program faculty member.

338 2. For a hospital setting, indirect supervision may occur  
339 only if there is direct supervision by an assigned clinical  
340 preceptor, a supervising program faculty member is available by  
341 telephone, and such arrangement is approved by the clinical  
342 facility.

343 3. For community-based clinical experiences that involve  
344 student participation in invasive or complex nursing activities,  
345 students must be directly supervised by a program faculty member  
346 or clinical preceptor and such arrangement must be approved by  
347 the community-based clinical facility.

348 4. For community-based clinical experiences not subject to  
349 subparagraph 3., indirect supervision may occur only when a  
350 supervising program faculty member is available to the student  
351 by telephone.

352  
353 A program's policies established under this paragraph must  
354 require a clinical preceptor, if supervising students in a  
355 professional nursing education program, to be a registered nurse  
356 or, if supervising students in a practical nursing education  
357 program, to be a registered nurse or licensed practical nurse.

358 ~~(f)(g)~~ The professional or practical nursing curriculum  
359 plan documents clinical experience and theoretical instruction  
360 in medical, surgical, obstetric, pediatric, and geriatric  
361 nursing. A professional nursing curriculum plan shall also  
362 document clinical experience and theoretical instruction in  
363 psychiatric nursing. Each curriculum plan must document clinical  
364 training experience in appropriate settings that include, but

365 are not limited to, acute care, long-term care, and community  
 366 settings.

367 ~~(g)(h)~~ The professional or practical nursing education  
 368 program provides theoretical instruction and clinical  
 369 application in personal, family, and community health concepts;  
 370 nutrition; human growth and development throughout the life  
 371 span; body structure and function; interpersonal relationship  
 372 skills; mental health concepts; pharmacology and administration  
 373 of medications; and legal aspects of practice. A professional  
 374 nursing education program shall also provide theoretical  
 375 instruction and clinical application in interpersonal  
 376 relationships and leadership skills; professional role and  
 377 function; and health teaching and counseling skills.

378  
 379 ~~Upon the board's approval of a program application, the program~~  
 380 ~~becomes an approved program under this section.~~

381 (3)(2) STATUS OF CERTAIN PROGRAMS.—

382 ~~(a)~~ A professional or practical nursing education program  
 383 becomes an approved program if that, as of June 30, 2009, the  
 384 program:

385 (a)1. Has full or provisional approval from the board or,  
 386 except as provided in paragraph (b), is on probationary status,  
 387 ~~except as provided in subparagraph 2., becomes an approved~~  
 388 ~~program under this section. In order to retain approved program~~  
 389 ~~status, such program shall submit the report required under~~  
 390 ~~paragraph (c) to the board by November 1, 2009, and annually~~  
 391 ~~thereafter.~~

392 (b)2. Is on probationary status because the program did

393 not meet the board's requirement for ~~program~~ graduate passage  
394 rates. Such program on the National Council of State Boards of  
395 Nursing Licensing Examination, shall remain on probationary  
396 status until it the program achieves a graduate passage rate for  
397 calendar year 2009 or 2010 that equals or exceeds the required  
398 passage rate for the respective calendar year and compliance  
399 with the program graduate passage rate requirement in paragraph  
400 (5) (a). A ~~program that is subject to this subparagraph~~ must  
401 disclose its probationary status in writing to the program's  
402 students and applicants submit the report required under  
403 paragraph (c) to the board by November 1, 2009, and annually  
404 thereafter and must comply with paragraph (5) (e). If the program  
405 does not achieve the required passage rate compliance by July 1,  
406 2011, the board shall terminate the program pursuant to chapter  
407 120 as provided in paragraph (5) (d).

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

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

415 ~~(c) The annual report comprised of required by this~~  
416 ~~subsection must include an affidavit certifying continued~~  
417 ~~compliance with paragraphs (1) (a)-(g) subsection (1), must~~  
418 ~~provide a summary description of the program's compliance with~~  
419 ~~paragraphs (1) (a)-(g) with subsection (1), and documentation~~  
420 ~~must document for the previous academic year that, to the extent~~

421 applicable, sets forth for each professional and practical  
 422 nursing program:

423 (a)1. The number of student applications received, ~~the~~  
 424 ~~number of~~ qualified applicants, applicants and the number of  
 425 students accepted, accepted applicants who enroll in the  
 426 program, students enrolled in the program, and-

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

428 ~~3.~~ The program's graduate passage rate on the National  
 429 Council of State Boards of Nursing Licensing Examination.

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

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

435 ~~(2)(3)~~ PROGRAM APPROVAL.-

436 (a) Upon receipt of a ~~If an institution's~~ program  
 437 application and review fee, the department shall examine the  
 438 application to determine whether it is complete. If a program  
 439 application is not complete ~~incomplete,~~ the department board  
 440 shall notify the educational institution in writing of any  
 441 ~~apparent~~ errors or omissions within 30 days after the  
 442 department's receipt of the application and follow the  
 443 procedures in s. 120.60. A program application is deemed  
 444 complete upon the department's receipt of:

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

448 2. A revised application that corrects each error and



449 omission of which the department notifies the educational  
 450 institution within the 30-day period.

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

453 1. Approve the ~~If an institution's program application if~~  
 454 ~~it documents does not document~~ compliance with paragraphs  
 455 (1) (a)-(g); or the standards in subsection (1), within 90 days  
 456 ~~after the board's receipt of the program application, the board~~  
 457 ~~shall~~

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

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

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

474 (5)-(4) INTERNET WEBSITE.-By October 1, 2010, the board  
 475 shall publish the following information on its Internet website:

476 (a) A list of each accredited program conducted in the

477 state and the program's graduate passage rates for the most  
 478 recent 2 calendar years, which the department shall determine  
 479 through the following sources:

480 1. For a program's accreditation status, the specialized  
 481 accrediting agencies that are nationally recognized by the  
 482 United States Secretary of Education to accredit nursing  
 483 education programs.

484 2. For a program's graduate passage rates, the contract  
 485 testing service of the National Council of State Boards of  
 486 Nursing.

487 (b) The following data for each approved program, which ~~on~~  
 488 nursing programs located in the state. The data shall include,  
 489 to the extent applicable:

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

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

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

497 3.(d) The program's accreditation status for each program,  
 498 including identification of the accrediting agency if such  
 499 agency is not an accrediting agency described in s. 464.003(1)  
 500 body.

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

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

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

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

509 (c) The average passage rates for United States educated  
 510 first-time test takers on the National Council of State Boards  
 511 of Nursing Licensing Examination for the most recent 2 calendar  
 512 years, as calculated by the contract testing service of the  
 513 National Council of State Boards of Nursing. The average passage  
 514 rates shall be published separately for each type of comparable  
 515 degree program listed in sub-subparagraphs (6) (a)1.a.-d.

516  
 517 The information ~~data~~ required to be published under this  
 518 subsection shall be made available in a manner that allows  
 519 interactive searches and comparisons of individual ~~specific~~  
 520 ~~nursing education~~ programs selected by the website user. The  
 521 board shall ~~publish the data by December 31, 2009, and update~~  
 522 the Internet website at least quarterly with the available  
 523 information ~~data~~.

524 (6)(5) ACCOUNTABILITY.-

525 (a)1. An approved program must achieve a graduate passage  
 526 rate that is not lower than 10 percentage points less than the  
 527 average passage rate for graduates of comparable degree programs  
 528 who are United States educated first-time test takers on the  
 529 National Council of State Boards of Nursing Licensing  
 530 Examination during a calendar year, as calculated by the  
 531 contract testing service of the National Council of State Boards  
 532 of Nursing. For purposes of this subparagraph, an approved

533 program is comparable to all degree programs of the same program  
 534 type from among the following program types:

535 a. Professional nursing education programs that terminate  
 536 in a bachelor's degree.

537 b. Professional nursing education programs that terminate  
 538 in an associate degree.

539 c. Professional nursing education programs that terminate  
 540 in a diploma.

541 d. Practical nursing education programs.

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

558 3. Upon the program's achievement of a graduate passage  
 559 rate that equals or exceeds the required passage rate,  
 560 requirement and shall be terminated by the board, at its next

561 regularly scheduled meeting following release of the program's  
 562 graduate passage rate by the National Council of State Boards of  
 563 Nursing, shall remove the program's probationary status.

564 However, under paragraph (d) if the program, during the 2  
 565 calendar years following its placement on probationary status,  
 566 does not achieve the required passage rate for any one  
 567 compliance within 2 calendar year, the board shall terminate the  
 568 program pursuant to chapter 120 years.

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

581 (c) An approved A program placed on probationary status  
 582 shall disclose its probationary status in writing to the  
 583 program's students and applicants.

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

587 (7) DISCLOSURE OF GRADUATE PASSAGE RATE DATA.—

588 (a) For each of an approved program's or accredited

589 program's graduates included in the calculation of the program's  
590 graduate passage rate, the department shall disclose to the  
591 program director, upon his or her written request, the name,  
592 examination date, and determination of whether each graduate  
593 passed or failed the National Council for State Boards of  
594 Nursing Licensing Examination, to the extent that such  
595 information is provided to the department by the contract  
596 testing service of the National Council for State Boards of  
597 Nursing. The written request must specify the calendar years for  
598 which the information is requested.

599 (b) A program director to whom confidential information  
600 exempt from public disclosure pursuant to s. 456.014 is  
601 disclosed under this subsection must maintain the  
602 confidentiality of the information and is subject to the same  
603 penalties provided in s. 456.082 for department employees who  
604 unlawfully disclose confidential information.

605 (8) ~~(6)~~ PROGRAM CLOSURE.—

606 (a) An educational institution conducting an approved  
607 program or accredited ~~a nursing~~ program in this state, at least  
608 30 days before voluntarily closing the program, ~~that closes~~  
609 shall notify the board in writing of the institution's reason  
610 for closing the program, the intended closure date, the  
611 institution's plan to provide for or assist in the completion of  
612 training by the program's students, and ~~advise the board of the~~  
613 arrangements for storage of the program's permanent records.

614 (b) An educational institution conducting a nursing  
615 education program that is terminated under subsection (6) or  
616 closed under subparagraph (10) (b) 3.:

- 617        1. May not accept or enroll new students.
- 618        2. Must submit to the board within 30 days after the
- 619 program is terminated or closed a written description of how the
- 620 institution will assist in the completion of training by the
- 621 program's students and the institution's arrangements for
- 622 storage of the program's permanent records.

623        (c) If an educational institution does not comply with  
 624 paragraph (a) or paragraph (b), the board shall provide a  
 625 written notice explaining the institution's noncompliance to the  
 626 following persons and entities:

- 627        1. The president or chief executive officer of the
- 628 educational institution.
- 629        2. The Board of Governors, if the program is conducted by
- 630 a state university.
- 631        3. The district school board, if the program is conducted
- 632 by an educational institution operated by a school district.
- 633        4. The Commission for Independent Education, if the
- 634 program is conducted by an educational institution licensed
- 635 under chapter 1005.
- 636        5. The State Board of Education, if the program is
- 637 conducted by an educational institution in the Florida College
- 638 System or by an educational institution that is not subject to
- 639 subparagraphs 2.-4.

640        (9) (7) RULEMAKING.—The board does not have any rulemaking  
 641 authority to administer this section, except that the board  
 642 shall adopt a rule that prescribes the format for submitting  
 643 program applications under subsection (1) and annual reports  
 644 ~~submitting summary descriptions of program compliance under~~

645 subsection (4) ~~paragraph (2)(e)~~. The board may not impose any  
646 condition or requirement on an educational institution  
647 submitting a program application, an approved program, or an  
648 accredited program, ~~a program on probationary status~~ except as  
649 expressly provided in this section. The board shall repeal all  
650 rules, or portions thereof, in existence on July 1, 2009, that  
651 are inconsistent with this subsection.

652 (10) APPLICABILITY TO ACCREDITED PROGRAMS.—

653 (a) Subsections (1)-(4), paragraph (5)(b), and subsection  
654 (6) do not apply to an accredited program. An accredited program  
655 on probationary status before July 1, 2010, ceases to be subject  
656 to the probationary status.

657 (b) If an accredited program ceases to be accredited, the  
658 educational institution conducting the program:

659 1. Within 10 business days after the program ceases to be  
660 accredited, must provide written notice of the date that the  
661 program ceased to be accredited to the board, the program's  
662 students and applicants, and each entity providing clinical  
663 training sites or community-based clinical experience sites for  
664 the program. The educational institution must continue to  
665 provide the written notice to new students, applicants, and  
666 entities providing clinical training sites or community-based  
667 clinical experience sites for the program until the program  
668 becomes an approved program or is closed under subparagraph 3.

669 2. Within 30 days after the program ceases to be  
670 accredited, must submit an affidavit to the board, signed by the  
671 educational institution's president or chief executive officer,  
672 that certifies the institution's compliance with subparagraph 1.



673 The board shall notify the persons listed in subparagraph  
674 (8)(c)1. and the applicable entities listed in subparagraphs  
675 (8)(c)2.-5. if an educational institution does not submit the  
676 affidavit required by this subparagraph.

677 3. May apply to become an approved program under this  
678 section. If the educational institution:

679 a. Within 30 days after the program ceases to be  
680 accredited, submits a program application and review fee to the  
681 department under subsection (1) and the affidavit required under  
682 subparagraph 2., the program shall be deemed an approved program  
683 from the date that the program ceased to be accredited until the  
684 date that the board approves or denies the program application.  
685 The program application must be denied by the board pursuant to  
686 chapter 120 if it does not contain the affidavit. If the board  
687 denies the program application under subsection (2) or because  
688 the program application does not contain the affidavit, the  
689 program shall be closed and the educational institution  
690 conducting the program must comply with paragraph (8)(b).

691 b. Does not apply to become an approved program pursuant  
692 to sub-subparagraph a., the program shall be deemed an approved  
693 program from the date that the program ceased to be accredited  
694 until the 31st day after that date. On the 31st day after the  
695 program ceased to be accredited, the program shall be closed and  
696 the educational institution conducting the program must comply  
697 with paragraph (8)(b).

698 ~~(8) The Florida Center for Nursing and the Office of~~  
699 ~~Program Policy Analysis and Government Accountability shall~~  
700 ~~each:~~

701 ~~(a) Monitor the administration of this section and~~  
 702 ~~evaluate the effectiveness of this section in achieving quality~~  
 703 ~~nursing programs with a higher production of quality nursing~~  
 704 ~~graduates.~~

705 ~~(b) Report its findings and make recommendations, if~~  
 706 ~~warranted, to improve the effectiveness of this section to the~~  
 707 ~~Governor, the President of the Senate, and the Speaker of the~~  
 708 ~~House of Representatives by February 1, 2010.~~

709 ~~(11)(9)~~ IMPLEMENTATION STUDY.—The Florida Center for  
 710 Nursing and the education policy area of the Office of Program  
 711 Policy Analysis and Government Accountability shall study the 5-  
 712 year administration of this section and submit reports to the  
 713 Governor, the President of the Senate, and the Speaker of the  
 714 House of Representatives by January 30, 2011, and annually  
 715 thereafter through January 30, 2015. The annual reports shall  
 716 address the previous academic year; set forth data on the  
 717 measures specified in paragraphs (a) and (b) ~~for each~~  
 718 ~~prelicensure practical and professional nursing program in the~~  
 719 ~~state~~, as such data becomes available; and include an evaluation  
 720 of such data for purposes of determining whether this section is  
 721 increasing the availability of nursing education programs and  
 722 the production of quality nurses. The department and each  
 723 approved program or accredited program shall comply with  
 724 requests for data from the Florida Center for Nursing and the  
 725 education policy area of the Office of Program Policy Analysis  
 726 and Government Accountability.

727 (a) The education policy area of the Office of Program  
 728 Policy Analysis and Government Accountability shall evaluate

729 program-specific data for each approved program and accredited  
 730 program conducted in the state, including, but not limited to:

731 1. The number of ~~nursing education~~ programs and student  
 732 slots available.

733 2. The number of student applications submitted, the  
 734 number of qualified applicants, and the number of students  
 735 accepted.

736 3. The number of program graduates.

737 4. Program retention rates of students tracked from  
 738 program entry to graduation.

739 5. Graduate passage rates on the National Council of State  
 740 Boards of Nursing Licensing Examination.

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

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

745 1. Program application approval process, including, but  
 746 not limited to, the number of program applications submitted  
 747 under subsection (1); the number of program applications  
 748 approved and denied by the board under subsection (2)  
 749 ~~subsections (1) and (3)~~; the number of denials of program  
 750 applications reviewed under chapter 120; and a description of  
 751 the outcomes of those reviews.

752 2. Accountability ~~Probation and termination~~ processes,  
 753 including, but not limited to, the number of programs ~~placed~~ on  
 754 probationary status, the number of approved programs for which  
 755 the program director is required to appear before the board  
 756 under subsection (6), the number of approved programs terminated

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757 by the board ~~under paragraph (5)(d)~~, the number of terminations  
758 reviewed under chapter 120, and a description of the outcomes of  
759 those reviews.

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

762 464.022 Exceptions.—No provision of this part shall be  
763 construed to prohibit:

764 (4) The practice of nursing by graduates of prelicensure  
765 nursing education approved programs listed in s. 464.008(1)(c)  
766 ~~or the equivalent~~, pending the result of the first licensing  
767 examination for which they are eligible following graduation,  
768 provided they practice under direct supervision of a registered  
769 professional nurse. The board shall by rule define what  
770 constitutes direct supervision.

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

773 458.348 Formal supervisory relationships, standing orders,  
774 and established protocols; notice; standards.—

775 (1) NOTICE.—

776 (a) When a physician enters into a formal supervisory  
777 relationship or standing orders with an emergency medical  
778 technician or paramedic licensed pursuant to s. 401.27, which  
779 relationship or orders contemplate the performance of medical  
780 acts, or when a physician enters into an established protocol  
781 with an advanced registered nurse practitioner, which protocol  
782 contemplates the performance of medical acts identified and  
783 approved by the joint committee pursuant to s. 464.003(2) ~~(3)(d)~~  
784 or acts set forth in s. 464.012(3) and (4), the physician shall

785 submit notice to the board. The notice shall contain a statement  
 786 in substantially the following form:

787 I, ...(name and professional license number of  
 788 physician)..., of ...(address of physician)... have hereby  
 789 entered into a formal supervisory relationship, standing orders,  
 790 or an established protocol with ...(number of persons)...  
 791 emergency medical technician(s), ...(number of persons)...  
 792 paramedic(s), or ...(number of persons)... advanced registered  
 793 nurse practitioner(s).

794 (2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.—The  
 795 joint committee created under s. 464.003(2)~~(3)(d)~~ shall  
 796 determine minimum standards for the content of established  
 797 protocols pursuant to which an advanced registered nurse  
 798 practitioner may perform medical acts identified and approved by  
 799 the joint committee pursuant to s. 464.003(2)~~(3)(d)~~ or acts set  
 800 forth in s. 464.012(3) and (4) and shall determine minimum  
 801 standards for supervision of such acts by the physician, unless  
 802 the joint committee determines that any act set forth in s.  
 803 464.012(3) or (4) is not a medical act. Such standards shall be  
 804 based on risk to the patient and acceptable standards of medical  
 805 care and shall take into account the special problems of  
 806 medically underserved areas. The standards developed by the  
 807 joint committee shall be adopted as rules by the Board of  
 808 Nursing and the Board of Medicine for purposes of carrying out  
 809 their responsibilities pursuant to part I of chapter 464 and  
 810 this chapter, respectively, but neither board shall have  
 811 disciplinary powers over the licensees of the other board.

812 Section 8. Paragraph (a) of subsection (1) of section  
 813 459.025, Florida Statutes, is amended to read:

814 459.025 Formal supervisory relationships, standing orders,  
 815 and established protocols; notice; standards.—

816 (1) NOTICE.—

817 (a) When an osteopathic physician enters into a formal  
 818 supervisory relationship or standing orders with an emergency  
 819 medical technician or paramedic licensed pursuant to s. 401.27,  
 820 which relationship or orders contemplate the performance of  
 821 medical acts, or when an osteopathic physician enters into an  
 822 established protocol with an advanced registered nurse  
 823 practitioner, which protocol contemplates the performance of  
 824 medical acts identified and approved by the joint committee  
 825 pursuant to s. 464.003 (2) ~~(3)~~ ~~(4)~~ or acts set forth in s.  
 826 464.012(3) and (4), the osteopathic physician shall submit  
 827 notice to the board. The notice must contain a statement in  
 828 substantially the following form:

829 I, ...(name and professional license number of osteopathic  
 830 physician)..., of ...(address of osteopathic physician)... have  
 831 hereby entered into a formal supervisory relationship, standing  
 832 orders, or an established protocol with ...(number of  
 833 persons)... emergency medical technician(s), ...(number of  
 834 persons)... paramedic(s), or ...(number of persons)... advanced  
 835 registered nurse practitioner(s).

836 Section 9. Paragraph (c) of subsection (3) of section  
 837 464.012, Florida Statutes, is amended to read:

838 464.012 Certification of advanced registered nurse  
 839 practitioners; fees.—

840 (3) An advanced registered nurse practitioner shall  
 841 perform those functions authorized in this section within the  
 842 framework of an established protocol that is filed with the  
 843 board upon biennial license renewal and within 30 days after  
 844 entering into a supervisory relationship with a physician or  
 845 changes to the protocol. The board shall review the protocol to  
 846 ensure compliance with applicable regulatory standards for  
 847 protocols. The board shall refer to the department licensees  
 848 submitting protocols that are not compliant with the regulatory  
 849 standards for protocols. A practitioner currently licensed under  
 850 chapter 458, chapter 459, or chapter 466 shall maintain  
 851 supervision for directing the specific course of medical  
 852 treatment. Within the established framework, an advanced  
 853 registered nurse practitioner may:

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

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

858 960.28 Payment for victims' initial forensic physical  
 859 examinations.—

860 (2) The Crime Victims' Services Office of the department  
 861 shall pay for medical expenses connected with an initial  
 862 forensic physical examination of a victim of sexual battery as  
 863 defined in chapter 794 or a lewd or lascivious offense as  
 864 defined in chapter 800. Such payment shall be made regardless of  
 865 whether the victim is covered by health or disability insurance  
 866 and whether the victim participates in the criminal justice  
 867 system or cooperates with law enforcement. The payment shall be

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868 made only out of moneys allocated to the Crime Victims' Services  
869 Office for the purposes of this section, and the payment may not  
870 exceed \$500 with respect to any violation. The department shall  
871 develop and maintain separate protocols for the initial forensic  
872 physical examination of adults and children. Payment under this  
873 section is limited to medical expenses connected with the  
874 initial forensic physical examination, and payment may be made  
875 to a medical provider using an examiner qualified under part I  
876 of chapter 464, excluding s. 464.003 (16) ~~(5)~~; chapter 458; or  
877 chapter 459. Payment made to the medical provider by the  
878 department shall be considered by the provider as payment in  
879 full for the initial forensic physical examination associated  
880 with the collection of evidence. The victim may not be required  
881 to pay, directly or indirectly, the cost of an initial forensic  
882 physical examination performed in accordance with this section.

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