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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

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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; providing for the performance
43 of certain duties of the Florida Center for Nursing by the
44 Office of Program Policy Analysis and Government
45 Accountability under certain circumstances; conforming
46 cross-references; amending s. 464.022, F.S.; conforming
47 provisions; amending ss. 458.348, 459.025, 464.012, and
48 960.28, F.S.; conforming cross-references; providing an
49 effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Subsection (1) of section 456.014, Florida
54 Statutes, is amended to read:

55 456.014 Public inspection of information required from
56 applicants; exceptions; examination hearing.—

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

72 Section 2. Section 464.003, Florida Statutes, is reordered
 73 and amended to read:

74 464.003 Definitions.—As used in this part, the term:

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

83 ~~(13)-(1)~~ "Department" means the Department of Health.

84 ~~(5)-(2)~~ "Board" means the Board of Nursing.

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85 ~~(20)(3)(a)~~ "Practice of professional nursing" means the
 86 performance of those acts requiring substantial specialized
 87 knowledge, judgment, and nursing skill based upon applied
 88 principles of psychological, biological, physical, and social
 89 sciences which shall include, but not be limited to:

90 ~~(a)1.~~ The observation, assessment, nursing diagnosis,
 91 planning, intervention, and evaluation of care; health teaching
 92 and counseling of the ill, injured, or infirm; and the promotion
 93 of wellness, maintenance of health, and prevention of illness of
 94 others.

95 ~~(b)2.~~ The administration of medications and treatments as
 96 prescribed or authorized by a duly licensed practitioner
 97 authorized by the laws of this state to prescribe such
 98 medications and treatments.

99 ~~(c)3.~~ The supervision and teaching of other personnel in
 100 the theory and performance of any of the ~~above~~ acts described in
 101 this subsection.

102
 103 A professional nurse is responsible and accountable for making
 104 decisions that are based upon the individual's educational
 105 preparation and experience in nursing.

106 ~~(19)(b)~~ "Practice of practical nursing" means the
 107 performance of selected acts, including the administration of
 108 treatments and medications, in the care of the ill, injured, or
 109 infirm and the promotion of wellness, maintenance of health, and
 110 prevention of illness of others under the direction of a
 111 registered nurse, a licensed physician, a licensed osteopathic
 112 physician, a licensed podiatric physician, or a licensed

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113 dentist. ~~A The professional nurse and the~~ practical nurse is
 114 ~~shall be~~ responsible and accountable for making decisions that
 115 are based upon the individual's educational preparation and
 116 experience in nursing.

117 (7)(e) "Clinical nurse specialist practice" means the
 118 delivery and management of advanced practice nursing care to
 119 individuals or groups, including the ability to:

120 (a)1. Assess the health status of individuals and families
 121 using methods appropriate to the population and area of
 122 practice.

123 (b)2. Diagnose human responses to actual or potential
 124 health problems.

125 (c)3. Plan for health promotion, disease prevention, and
 126 therapeutic intervention in collaboration with the patient or
 127 client.

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

133 (e)5. Coordinate health care as necessary and appropriate
 134 and evaluate with the patient or client the effectiveness of
 135 care.

136 (2)(d) "Advanced or specialized nursing practice" means,
 137 in addition to the practice of professional nursing, the
 138 performance of advanced-level nursing acts approved by the board
 139 which, by virtue of postbasic specialized education, training,
 140 and experience, are appropriately performed by an advanced

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

165 (17)~~(e)~~ "Nursing diagnosis" means the observation and
166 evaluation of physical or mental conditions, behaviors, signs
167 and symptoms of illness, and reactions to treatment and the
168 determination as to whether such conditions, signs, symptoms,

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169 and reactions represent a deviation from normal.

170 ~~(18)(f)~~ "Nursing treatment" means the establishment and
 171 implementation of a nursing regimen for the care and comfort of
 172 individuals, the prevention of illness, and the education,
 173 restoration, and maintenance of health.

174 ~~(22)(4)~~ "Registered nurse" means any person licensed in
 175 this state to practice professional nursing.

176 ~~(16)(5)~~ "Licensed practical nurse" means any person
 177 licensed in this state to practice practical nursing.

178 (6) "Clinical nurse specialist" means any person licensed
 179 in this state to practice professional nursing and certified in
 180 clinical nurse specialist practice.

181 ~~(3)(7)~~ "Advanced registered nurse practitioner" means any
 182 person licensed in this state to practice professional nursing
 183 and certified in advanced or specialized nursing practice,
 184 including certified registered nurse anesthetists, certified
 185 nurse midwives, and nurse practitioners.

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

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

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197 ~~(8)-(10)~~ "Clinical preceptor" means a registered nurse or
 198 licensed practical nurse who is employed by a clinical training
 199 facility to serve ~~who serves~~ as a role model and clinical
 200 resource person for a specified period to students ~~an individual~~
 201 enrolled in an approved program.

202 ~~(9)-(11)~~ "Clinical simulation" means a strategy used to
 203 replicate clinical practice as closely as possible to teach
 204 theory, assessment, technology, pharmacology, and skills.

205 ~~(11)-(12)~~ "Community-based clinical experience" means
 206 activities consistent with the curriculum and involving
 207 individuals, families, and groups with the intent of promoting
 208 wellness, maintaining health, and preventing illness.

209 ~~(12)-(13)~~ "Curriculum" means a planned sequence of course
 210 offerings and learning experiences that comprise a nursing
 211 education program.

212 ~~(21)-(14)~~ "Probationary status" means the status of an
 213 approved ~~a nursing education~~ program that is placed on such
 214 status pursuant ~~subject~~ to s. 464.019 ~~(2) (a) 2. or (5) (a) or (b).~~

215 ~~(14)~~ "Educational institution" means a school, college, or
 216 university.

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

223 ~~(23)~~ "Required passage rate" means the graduate passage
 224 rate required for an approved program pursuant to s.

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225 464.019(6)(a)1.

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

228 464.008 Licensure by examination.—

229 (1) Any person desiring to be licensed as a registered
 230 nurse or licensed practical nurse shall apply to the department
 231 to take the licensure examination. The department shall examine
 232 each applicant who:

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

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

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

246 1. Graduation from an approved program;

247 2. Graduation from a prelicensure nursing education
 248 program that the board determines is, ~~or its~~ equivalent to an
 249 approved program;

250 3. Graduation on or after July 1, 2009, from an accredited
 251 program; or

252 4. Graduation before July 1, 2009, from a prelicensure

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253 nursing education program whose graduates at that time were
 254 eligible for examination ~~as determined by the board, for the~~
 255 ~~preparation of registered nurses or licensed practical nurses,~~
 256 ~~whichever is applicable.~~

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

263 (d) Has the ability to communicate in the English
 264 language, which may be determined by an examination given by the
 265 department.

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

268 464.015 Titles and abbreviations; restrictions; penalty.-

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

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

279 Section 5. Section 464.019, Florida Statutes, is reordered
 280 and amended to read:

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281 464.019 Approval of nursing education programs.—

282 (1) PROGRAM APPLICATIONS.—An educational institution that

283 wishes to conduct a program in this state for the prelicensure

284 education of professional or practical nurses must ~~shall~~ submit

285 to the department a program application and a ~~program~~ review fee

286 of \$1,000 for each prelicensure nursing education program to be

287 offered at the institution's main campus, branch campus, or

288 other instructional site ~~the department. Within 90 days after~~

289 ~~receipt of a program application and program review fee, the~~

290 ~~board shall approve the program application if it documents~~

291 ~~compliance with the standards in paragraphs (a)–(h). If the~~

292 ~~program application is incomplete or does not document~~

293 ~~compliance, the board shall follow the procedures in subsection~~

294 ~~(3). a program application is deemed approved by the board if~~

295 ~~the board does not act on the application within the timeframes~~

296 ~~specified in subsection (3) or this subsection. Each program~~

297 application must include the legal name of the educational

298 institution, the legal name of the nursing education program,

299 and, if such program is accredited by an accrediting agency

300 other than an accrediting agency described in s. 464.003(1), the

301 name of the accrediting agency. The application must also

302 document that:

303 (a)1. For a professional nursing education program, the

304 program director and at least 50 percent of the program's

305 faculty members are registered nurses who have, ~~at a minimum,~~ a

306 master's or higher ~~bachelor's~~ degree in nursing or a bachelor's

307 ~~and a master's~~ degree in nursing and a master's or higher degree

308 in a field ~~or a related~~ nursing field.

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

313
 314 The educational degree requirements of this paragraph may be
 315 documented by an official transcript or by a written statement
 316 from the educational institution verifying that the institution
 317 conferred the degree.

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

320 1. Fifty percent clinical training for a practical nursing
 321 education program, an associate degree professional nursing
 322 education program, or a professional diploma nursing education
 323 program.

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

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

328 ~~(d)(e)~~ The program has signed agreements with each agency,
 329 facility, and organization included in the curriculum plan as
 330 clinical training sites and community-based clinical experience
 331 sites.

332 ~~(e)(f)~~ The program has written policies for faculty which
 333 include provisions for direct or indirect supervision by program
 334 faculty or clinical preceptors for students in clinical training
 335 consistent with the following standards:

336 1. The number of program faculty members equals at least

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337 one faculty member directly supervising every 12 students unless
 338 the written agreement between the program and the agency,
 339 facility, or organization providing clinical training sites
 340 allows more students, not to exceed 18 students, to be directly
 341 supervised by one program faculty member.

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

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

352 4. For community-based clinical experiences not subject to
 353 subparagraph 3., indirect supervision may occur only when a
 354 supervising program faculty member is available to the student
 355 by telephone.

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

362 ~~(f)(g)~~ The professional or practical nursing curriculum
 363 plan documents clinical experience and theoretical instruction
 364 in medical, surgical, obstetric, pediatric, and geriatric

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365 nursing. A professional nursing curriculum plan shall also
 366 document clinical experience and theoretical instruction in
 367 psychiatric nursing. Each curriculum plan must document clinical
 368 training experience in appropriate settings that include, but
 369 are not limited to, acute care, long-term care, and community
 370 settings.

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

382
 383 ~~Upon the board's approval of a program application, the program~~
 384 ~~becomes an approved program under this section.~~

385 (3) ~~(2)~~ STATUS OF CERTAIN PROGRAMS.—

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

389 (a)1. Has full or provisional approval from the board or,
 390 except as provided in paragraph (b), is on probationary status,
 391 ~~except as provided in subparagraph 2., becomes an approved~~
 392 ~~program under this section. In order to retain approved program~~

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393 ~~status, such program shall submit the report required under~~
 394 ~~paragraph (c) to the board by November 1, 2009, and annually~~
 395 ~~thereafter.~~

396 (b)2. Is on probationary status because the program did
 397 not meet the board's requirement for ~~program~~ graduate passage
 398 rates. Such program on the National Council of State Boards of
 399 Nursing Licensing Examination, shall remain on probationary
 400 status until it the program achieves a graduate passage rate for
 401 calendar year 2009 or 2010 that equals or exceeds the required
 402 passage rate for the respective calendar year and compliance
 403 ~~with the program graduate passage rate requirement in paragraph~~
 404 ~~(5)(a).~~ A program that is subject to this subparagraph must
 405 disclose its probationary status in writing to the program's
 406 students and applicants ~~submit the report required under~~
 407 ~~paragraph (c) to the board by November 1, 2009, and annually~~
 408 ~~thereafter and must comply with paragraph (5)(e).~~ If the program
 409 does not achieve the required passage rate compliance by July 1,
 410 2011, the board shall terminate the program pursuant to chapter
 411 120 as provided in paragraph (5)(d).

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

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

419 ~~(c) The annual report~~ comprised of ~~required by this~~
 420 ~~subsection must include an affidavit certifying continued~~

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421 compliance with paragraphs (1) (a)-(g) ~~subsection (1)~~, must
 422 ~~provide~~ a summary description of the program's compliance with
 423 paragraphs (1) (a)-(g) ~~with subsection (1)~~, and documentation
 424 ~~must document~~ for the previous academic year that, to the extent
 425 applicable, sets forth ~~for each professional and practical~~
 426 ~~nursing program:~~

427 (a)1. The number of student applications received, ~~the~~
 428 ~~number of~~ qualified applicants, applicants ~~and the number of~~
 429 ~~students~~ accepted, accepted applicants who enroll in the
 430 program, students enrolled in the program, and-

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

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

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

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

439 (2)(3) PROGRAM APPROVAL.-

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

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

452 2. A revised application that corrects each error and
453 omission of which the department notifies the educational
454 institution within the 30-day period.

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

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

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

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

476 (d) Upon the board's approval of a program application,

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477 | the program becomes an approved program.

478 | ~~(5)(4)~~ INTERNET WEBSITE.—By October 1, 2010, the board
479 | shall publish the following information on its Internet website:

480 | (a) A list of each accredited program conducted in the
481 | state and the program's graduate passage rates for the most
482 | recent 2 calendar years, which the department shall determine
483 | through the following sources:

484 | 1. For a program's accreditation status, the specialized
485 | accrediting agencies that are nationally recognized by the
486 | United States Secretary of Education to accredit nursing
487 | education programs.

488 | 2. For a program's graduate passage rates, the contract
489 | testing service of the National Council of State Boards of
490 | Nursing.

491 | (b) The following data for each approved program, which on
492 | nursing programs located in the state. The data shall include,
493 | to the extent applicable:

494 | 1.(a) All documentation provided by the program in its
495 | applicant for each approved nursing program application if
496 | submitted on or after July 1, 2009.

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

499 | ~~(c) A comprehensive list of each practical and~~
500 | ~~professional nursing program in the state.~~

501 | 3.(d) The program's accreditation status for each program,
502 | including identification of the accrediting agency if such
503 | agency is not an accrediting agency described in s. 464.003(1)
504 | body.

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

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

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

511 ~~6.(h) Each program's retention rates for students tracked~~
 512 ~~from program entry to graduation.~~

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

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

528 ~~(6)(5) ACCOUNTABILITY.—~~

529 (a) 1. An approved program must achieve a graduate passage
 530 rate that is not lower than 10 percentage points less than the
 531 average passage rate for graduates of comparable degree programs
 532 who are United States educated first-time test takers on the

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533 National Council of State Boards of Nursing Licensing
 534 Examination during a calendar year, as calculated by the
 535 contract testing service of the National Council of State Boards
 536 of Nursing. For purposes of this subparagraph, an approved
 537 program is comparable to all degree programs of the same program
 538 type from among the following program types:

539 a. Professional nursing education programs that terminate
 540 in a bachelor's degree.

541 b. Professional nursing education programs that terminate
 542 in an associate degree.

543 c. Professional nursing education programs that terminate
 544 in a diploma.

545 d. Practical nursing education programs.

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

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561 required passage rate for any one calendar year.

562 3. Upon the program's achievement of a graduate passage
563 rate that equals or exceeds the required passage rate,
564 ~~requirement and shall be terminated by the board, at its next~~
565 regularly scheduled meeting following release of the program's
566 graduate passage rate by the National Council of State Boards of
567 Nursing, shall remove the program's probationary status.
568 ~~However, under paragraph (d) if the program, during the 2~~
569 calendar years following its placement on probationary status,
570 does not achieve the required passage rate for any one
571 compliance within 2 calendar year, the board shall terminate the
572 program pursuant to chapter 120 years.

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

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

588 ~~(d) The board shall terminate a program that fails to~~

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589 ~~comply with subparagraph (2)(a)2., paragraph (a), or paragraph~~
 590 ~~(b) pursuant to chapter 120.~~

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

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

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

609 ~~(8)(6)~~ PROGRAM CLOSURE.—

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

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617 arrangements for storage of the program's permanent records.

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

621 1. May not accept or enroll new students.

622 2. Must submit to the board within 30 days after the
623 program is terminated or closed a written description of how the
624 institution will assist in the completion of training by the
625 program's students and the institution's arrangements for
626 storage of the program's permanent records.

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

631 1. The president or chief executive officer of the
632 educational institution.

633 2. The Board of Governors, if the program is conducted by
634 a state university.

635 3. The district school board, if the program is conducted
636 by an educational institution operated by a school district.

637 4. The Commission for Independent Education, if the
638 program is conducted by an educational institution licensed
639 under chapter 1005.

640 5. The State Board of Education, if the program is
641 conducted by an educational institution in the Florida College
642 System or by an educational institution that is not subject to
643 subparagraphs 2.-4.

644 (9)-(7)- RULEMAKING.-The board does not have any rulemaking

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645 authority to administer this section, except that the board
646 shall adopt a rule that prescribes the format for submitting
647 program applications under subsection (1) and annual reports
648 ~~submitting summary descriptions of program compliance~~ under
649 subsection (4) paragraph (2)(c). The board may not impose any
650 condition or requirement on an educational institution
651 submitting a program application, an approved program, or an
652 accredited program, ~~a program on probationary status~~ except as
653 expressly provided in this section. The board shall repeal all
654 rules, or portions thereof, in existence on July 1, 2009, that
655 are inconsistent with this subsection.

656 (10) APPLICABILITY TO ACCREDITED PROGRAMS.—

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

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

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

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673 2. Within 30 days after the program ceases to be
674 accredited, must submit an affidavit to the board, signed by the
675 educational institution's president or chief executive officer,
676 that certifies the institution's compliance with subparagraph 1.
677 The board shall notify the persons listed in subparagraph
678 (8) (c)1. and the applicable entities listed in subparagraphs
679 (8) (c)2.-5. if an educational institution does not submit the
680 affidavit required by this subparagraph.

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

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

695 b. Does not apply to become an approved program pursuant
696 to sub-subparagraph a., the program shall be deemed an approved
697 program from the date that the program ceased to be accredited
698 until the 31st day after that date. On the 31st day after the
699 program ceased to be accredited, the program shall be closed and
700 the educational institution conducting the program must comply

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701 with paragraph (8) (b).

702 ~~(8) The Florida Center for Nursing and the Office of~~
 703 ~~Program Policy Analysis and Government Accountability shall~~
 704 ~~each:~~

705 ~~(a) Monitor the administration of this section and~~
 706 ~~evaluate the effectiveness of this section in achieving quality~~
 707 ~~nursing programs with a higher production of quality nursing~~
 708 ~~graduates.~~

709 ~~(b) Report its findings and make recommendations, if~~
 710 ~~warranted, to improve the effectiveness of this section to the~~
 711 ~~Governor, the President of the Senate, and the Speaker of the~~
 712 ~~House of Representatives by February 1, 2010.~~

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

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729 education policy area of the Office of Program Policy Analysis
 730 and Government Accountability.

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

735 1. The number of ~~nursing education~~ programs and student
 736 slots available.

737 2. The number of student applications submitted, the
 738 number of qualified applicants, and the number of students
 739 accepted.

740 3. The number of program graduates.

741 4. Program retention rates of students tracked from
 742 program entry to graduation.

743 5. Graduate passage rates on the National Council of State
 744 Boards of Nursing Licensing Examination.

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

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

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

756 2. Accountability ~~Probation and termination~~ processes,

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757 including, but not limited to, the number of programs ~~placed~~ on
 758 probationary status, the number of approved programs for which
 759 the program director is required to appear before the board
 760 under subsection (6), the number of approved programs terminated
 761 by the board ~~under paragraph (5)(d),~~ the number of terminations
 762 reviewed under chapter 120, and a description of the outcomes of
 763 those reviews.

764 (c) For any state fiscal year in which the Florida Center
 765 for Nursing does not receive legislative appropriations, the
 766 education policy area of the Office of Program Policy Analysis
 767 and Government Accountability shall perform the duties assigned
 768 by this subsection to the Florida Center for Nursing.

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

771 464.022 Exceptions.—No provision of this part shall be
 772 construed to prohibit:

773 (4) The practice of nursing by graduates of prelicensure
 774 nursing education ~~approved~~ programs listed in s. 464.008(1)(c)
 775 ~~or the equivalent,~~ pending the result of the first licensing
 776 examination for which they are eligible following graduation,
 777 provided they practice under direct supervision of a registered
 778 professional nurse. The board shall by rule define what
 779 constitutes direct supervision.

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

782 458.348 Formal supervisory relationships, standing orders,
 783 and established protocols; notice; standards.—

784 (1) NOTICE.—

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785 (a) When a physician enters into a formal supervisory
 786 relationship or standing orders with an emergency medical
 787 technician or paramedic licensed pursuant to s. 401.27, which
 788 relationship or orders contemplate the performance of medical
 789 acts, or when a physician enters into an established protocol
 790 with an advanced registered nurse practitioner, which protocol
 791 contemplates the performance of medical acts identified and
 792 approved by the joint committee pursuant to s. 464.003(2)~~(3)~~~~(d)~~
 793 or acts set forth in s. 464.012(3) and (4), the physician shall
 794 submit notice to the board. The notice shall contain a statement
 795 in substantially the following form:

796 I, ...(name and professional license number of
 797 physician)..., of ...(address of physician)... have hereby
 798 entered into a formal supervisory relationship, standing orders,
 799 or an established protocol with ...(number of persons)...
 800 emergency medical technician(s), ...(number of persons)...
 801 paramedic(s), or ...(number of persons)... advanced registered
 802 nurse practitioner(s).

803 (2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.—The
 804 joint committee created under s. 464.003(2)~~(3)~~~~(d)~~ shall
 805 determine minimum standards for the content of established
 806 protocols pursuant to which an advanced registered nurse
 807 practitioner may perform medical acts identified and approved by
 808 the joint committee pursuant to s. 464.003(2)~~(3)~~~~(d)~~ or acts set
 809 forth in s. 464.012(3) and (4) and shall determine minimum
 810 standards for supervision of such acts by the physician, unless
 811 the joint committee determines that any act set forth in s.
 812 464.012(3) or (4) is not a medical act. Such standards shall be

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813 based on risk to the patient and acceptable standards of medical
 814 care and shall take into account the special problems of
 815 medically underserved areas. The standards developed by the
 816 joint committee shall be adopted as rules by the Board of
 817 Nursing and the Board of Medicine for purposes of carrying out
 818 their responsibilities pursuant to part I of chapter 464 and
 819 this chapter, respectively, but neither board shall have
 820 disciplinary powers over the licensees of the other board.

821 Section 8. Paragraph (a) of subsection (1) of section
 822 459.025, Florida Statutes, is amended to read:

823 459.025 Formal supervisory relationships, standing orders,
 824 and established protocols; notice; standards.—

825 (1) NOTICE.—

826 (a) When an osteopathic physician enters into a formal
 827 supervisory relationship or standing orders with an emergency
 828 medical technician or paramedic licensed pursuant to s. 401.27,
 829 which relationship or orders contemplate the performance of
 830 medical acts, or when an osteopathic physician enters into an
 831 established protocol with an advanced registered nurse
 832 practitioner, which protocol contemplates the performance of
 833 medical acts identified and approved by the joint committee
 834 pursuant to s. 464.003 (2) ~~(3)~~ ~~(d)~~ or acts set forth in s.
 835 464.012 (3) and (4), the osteopathic physician shall submit
 836 notice to the board. The notice must contain a statement in
 837 substantially the following form:

838 I, ... (name and professional license number of osteopathic
 839 physician) ..., of ... (address of osteopathic physician) ... have
 840 hereby entered into a formal supervisory relationship, standing

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841 orders, or an established protocol with ...(number of
 842 persons)... emergency medical technician(s), ...(number of
 843 persons)... paramedic(s), or ...(number of persons)... advanced
 844 registered nurse practitioner(s).

845 Section 9. Paragraph (c) of subsection (3) of section
 846 464.012, Florida Statutes, is amended to read:

847 464.012 Certification of advanced registered nurse
 848 practitioners; fees.—

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

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

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

867 960.28 Payment for victims' initial forensic physical
 868 examinations.—

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869 (2) The Crime Victims' Services Office of the department
870 shall pay for medical expenses connected with an initial
871 forensic physical examination of a victim of sexual battery as
872 defined in chapter 794 or a lewd or lascivious offense as
873 defined in chapter 800. Such payment shall be made regardless of
874 whether the victim is covered by health or disability insurance
875 and whether the victim participates in the criminal justice
876 system or cooperates with law enforcement. The payment shall be
877 made only out of moneys allocated to the Crime Victims' Services
878 Office for the purposes of this section, and the payment may not
879 exceed \$500 with respect to any violation. The department shall
880 develop and maintain separate protocols for the initial forensic
881 physical examination of adults and children. Payment under this
882 section is limited to medical expenses connected with the
883 initial forensic physical examination, and payment may be made
884 to a medical provider using an examiner qualified under part I
885 of chapter 464, excluding s. 464.003 (16) ~~(5)~~; chapter 458; or
886 chapter 459. Payment made to the medical provider by the
887 department shall be considered by the provider as payment in
888 full for the initial forensic physical examination associated
889 with the collection of evidence. The victim may not be required
890 to pay, directly or indirectly, the cost of an initial forensic
891 physical examination performed in accordance with this section.

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