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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2010	.	
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The Committee on Health and Human Services Appropriations
(Haridopolos) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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



121726

13 answers, papers, grades, and grading keys, which are
14 confidential and exempt from s. 119.07(1) and shall not be
15 discussed with or made accessible to anyone except the program
16 director of an approved program or accredited program as
17 provided in s. 464.019(7), members of the board, the department,
18 and staff thereof, who have a bona fide need to know such
19 information. Any information supplied to the department by any
20 other agency which is exempt from the provisions of chapter 119
21 or is confidential shall remain exempt or confidential pursuant
22 to applicable law while in the custody of the department or the
23 agency.

24 Section 2. Section 464.003, Florida Statutes, is reordered
25 and amended to read:

26 464.003 Definitions.—As used in this part, the term:

27 (1) "Accredited program" means a program for the
28 prelicensure education of professional or practical nurses which
29 is conducted in the United States at an educational institution,
30 whether in this state, another state, or the District of
31 Columbia, and is accredited by a specialized nursing accrediting
32 agency that is nationally recognized by the United States
33 Secretary of Education to accredit nursing education programs.

34 (13) ~~(1)~~ "Department" means the Department of Health.

35 (5) ~~(2)~~ "Board" means the Board of Nursing.

36 (20) ~~(3)~~ ~~(a)~~ "Practice of professional nursing" means the
37 performance of those acts requiring substantial specialized
38 knowledge, judgment, and nursing skill based upon applied
39 principles of psychological, biological, physical, and social
40 sciences which shall include, but not be limited to:

41 (a) ~~1~~. The observation, assessment, nursing diagnosis,



121726

42 planning, intervention, and evaluation of care; health teaching
43 and counseling of the ill, injured, or infirm; and the promotion
44 of wellness, maintenance of health, and prevention of illness of
45 others.

46 (b)2- The administration of medications and treatments as
47 prescribed or authorized by a duly licensed practitioner
48 authorized by the laws of this state to prescribe such
49 medications and treatments.

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

53
54 A professional nurse is responsible and accountable for making
55 decisions that are based upon the individual's educational
56 preparation and experience in nursing.

57 (19)(b) "Practice of practical nursing" means the
58 performance of selected acts, including the administration of
59 treatments and medications, in the care of the ill, injured, or
60 infirm and the promotion of wellness, maintenance of health, and
61 prevention of illness of others under the direction of a
62 registered nurse, a licensed physician, a licensed osteopathic
63 physician, a licensed podiatric physician, or a licensed
64 dentist. A ~~The professional nurse and the practical nurse~~ is
65 ~~shall be~~ responsible and accountable for making decisions that
66 are based upon the individual's educational preparation and
67 experience in nursing.

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



121726

71 (a)1. Assess the health status of individuals and families
72 using methods appropriate to the population and area of
73 practice.

74 (b)2. Diagnose human responses to actual or potential
75 health problems.

76 (c)3. Plan for health promotion, disease prevention, and
77 therapeutic intervention in collaboration with the patient or
78 client.

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

84 (e)5. Coordinate health care as necessary and appropriate
85 and evaluate with the patient or client the effectiveness of
86 care.

87 (2)(d) "Advanced or specialized nursing practice" means, in
88 addition to the practice of professional nursing, the
89 performance of advanced-level nursing acts approved by the board
90 which, by virtue of postbasic specialized education, training,
91 and experience, are appropriately performed by an advanced
92 registered nurse practitioner. Within the context of advanced or
93 specialized nursing practice, the advanced registered nurse
94 practitioner may perform acts of nursing diagnosis and nursing
95 treatment of alterations of the health status. The advanced
96 registered nurse practitioner may also perform acts of medical
97 diagnosis and treatment, prescription, and operation which are
98 identified and approved by a joint committee composed of three
99 members appointed by the Board of Nursing, two of whom must be



121726

100 advanced registered nurse practitioners; three members appointed
101 by the Board of Medicine, two of whom must have had work
102 experience with advanced registered nurse practitioners; and the
103 State Surgeon General or the State Surgeon General's designee.
104 Each committee member appointed by a board shall be appointed to
105 a term of 4 years unless a shorter term is required to establish
106 or maintain staggered terms. The Board of Nursing shall adopt
107 rules authorizing the performance of any such acts approved by
108 the joint committee. Unless otherwise specified by the joint
109 committee, such acts must be performed under the general
110 supervision of a practitioner licensed under chapter 458,
111 chapter 459, or chapter 466 within the framework of standing
112 protocols which identify the medical acts to be performed and
113 the conditions for their performance. The department may, by
114 rule, require that a copy of the protocol be filed with the
115 department along with the notice required by s. 458.348.

116 (17)~~(e)~~ "Nursing diagnosis" means the observation and
117 evaluation of physical or mental conditions, behaviors, signs
118 and symptoms of illness, and reactions to treatment and the
119 determination as to whether such conditions, signs, symptoms,
120 and reactions represent a deviation from normal.

121 (18)~~(f)~~ "Nursing treatment" means the establishment and
122 implementation of a nursing regimen for the care and comfort of
123 individuals, the prevention of illness, and the education,
124 restoration, and maintenance of health.

125 (22)~~(4)~~ "Registered nurse" means any person licensed in
126 this state to practice professional nursing.

127 (16)~~(5)~~ "Licensed practical nurse" means any person
128 licensed in this state to practice practical nursing.



121726

129 (6) "Clinical nurse specialist" means any person licensed
130 in this state to practice professional nursing and certified in
131 clinical nurse specialist practice.

132 ~~(3)~~~~(7)~~ "Advanced registered nurse practitioner" means any
133 person licensed in this state to practice professional nursing
134 and certified in advanced or specialized nursing practice,
135 including certified registered nurse anesthetists, certified
136 nurse midwives, and nurse practitioners.

137 ~~(4)~~~~(8)~~ "Approved program" means a ~~nursing~~ program for the
138 prelicensure education of professional or practical nurses which
139 is conducted in the state at an educational institution and is
140 in a school, college, or university which is approved under s.
141 464.019 for the education of nurses. The term includes such a
142 program placed on probationary status.

143 ~~(10)~~~~(9)~~ "Clinical training" means direct nursing care
144 experiences with patients or clients which offer the student the
145 opportunity to integrate, apply, and refine specific skills and
146 abilities based on theoretical concepts and scientific
147 principles.

148 ~~(8)~~~~(10)~~ "Clinical preceptor" means a registered nurse or
149 licensed practical nurse who is employed by a clinical training
150 facility to serve ~~who serves~~ as a role model and clinical
151 resource person for a specified period to students ~~an individual~~
152 enrolled in an approved program.

153 ~~(9)~~~~(11)~~ "Clinical simulation" means a strategy used to
154 replicate clinical practice as closely as possible to teach
155 theory, assessment, technology, pharmacology, and skills.

156 ~~(11)~~~~(12)~~ "Community-based clinical experience" means
157 activities consistent with the curriculum and involving



121726

158 individuals, families, and groups with the intent of promoting
159 wellness, maintaining health, and preventing illness.

160 (12)~~(13)~~ "Curriculum" means a planned sequence of course
161 offerings and learning experiences that comprise a nursing
162 education program.

163 (21)~~(14)~~ "Probationary status" means the status of an
164 approved a nursing education program that is placed on such
165 status pursuant ~~subject~~ to s. 464.019~~(2)(a)2. or (5)(a) or (b).~~

166 (14) "Educational institution" means a school, college, or
167 university.

168 (15) "Graduate passage rate" means the percentage of a
169 program's graduates who, as first-time test takers, pass the
170 National Council of State Boards of Nursing Licensing
171 Examination during a calendar year, as calculated by the
172 contract testing service of the National Council of State Boards
173 of Nursing.

174 (23) "Required passage rate" means the graduate passage
175 rate required for an approved program pursuant to s.
176 464.019(6)(a)1.

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

179 464.008 Licensure by examination.—

180 (1) Any person desiring to be licensed as a registered
181 nurse or licensed practical nurse shall apply to the department
182 to take the licensure examination. The department shall examine
183 each applicant who:

184 (a) Has completed the application form and remitted a fee
185 set by the board not to exceed \$150 and has remitted an
186 examination fee set by the board not to exceed \$75 plus the



121726

187 actual per applicant cost to the department for purchase of the
188 examination from the National Council of State Boards of Nursing
189 or a similar national organization.

190 (b) Has provided sufficient information on or after October
191 1, 1989, which must be submitted by the department for a
192 statewide criminal records correspondence check through the
193 Department of Law Enforcement.

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

197 1. Graduation from an approved program;

198 2. Graduation from a prelicensure nursing education program
199 that the board determines is, ~~or its~~ equivalent to an approved
200 program;

201 3. Graduation on or after July 1, 2009, from an accredited
202 program; or

203 4. Graduation before July 1, 2009, from a prelicensure
204 nursing education program whose graduates at that time were
205 eligible for examination as determined by the board, for the
206 preparation of registered nurses or licensed practical nurses,
207 whichever is applicable.

208
209 Courses successfully completed in a professional nursing
210 education program that ~~which~~ are at least equivalent to a
211 practical nursing education program may be used to satisfy the
212 education requirements for licensure as a licensed practical
213 nurse.

214 (d) Has the ability to communicate in the English language,
215 which may be determined by an examination given by the



121726

216 department.

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

219 464.015 Titles and abbreviations; restrictions; penalty.—

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

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

230 Section 5. Section 464.019, Florida Statutes, is reordered
231 and amended to read:

232 464.019 Approval of nursing education programs.—

233 (1) PROGRAM APPLICATIONS.—An educational institution that
234 wishes to conduct a program in this state for the prelicensure
235 education of professional or practical nurses must ~~shall~~ submit
236 to the department a program application and a ~~program~~ review fee
237 of \$1,000 for each prelicensure nursing education program to be
238 offered at the institution's main campus, branch campus, or
239 other instructional site ~~the department. Within 90 days after~~
240 ~~receipt of a program application and program review fee, the~~
241 ~~board shall approve the program application if it documents~~
242 ~~compliance with the standards in paragraphs (a)-(h). If the~~
243 ~~program application is incomplete or does not document~~
244 ~~compliance, the board shall follow the procedures in subsection~~



121726

245 ~~(3). a program application is deemed approved by the board if~~
246 ~~the board does not act on the application within the timeframes~~
247 ~~specified in subsection (3) or this subsection. Each program~~
248 application must include the legal name of the educational
249 institution, the legal name of the nursing education program,
250 and, if such program is accredited by an accrediting agency
251 other than an accrediting agency described in s. 464.003(1), the
252 name of the accrediting agency. The application must also
253 document that:

254 (a) 1. For a professional nursing education program, the
255 program director and at least 50 percent of the program's
256 faculty members are registered nurses who have, ~~at a minimum,~~ a
257 master's or higher ~~bachelor's~~ degree in nursing or a bachelor's
258 and a master's degree in nursing and a master's or higher degree
259 in a field ~~or a related to nursing~~ field.

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

264
265 The educational degree requirements of this paragraph may be
266 documented by an official transcript or by a written statement
267 from the educational institution verifying that the institution
268 conferred the degree.

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

271 1. Fifty percent clinical training for a practical nursing
272 education program, an associate degree professional nursing
273 education program, or a professional diploma nursing education



121726

274 program.

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

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

279 (d)~~(e)~~ The program has signed agreements with each agency,
280 facility, and organization included in the curriculum plan as
281 clinical training sites and community-based clinical experience
282 sites.

283 (e)~~(f)~~ The program has written policies for faculty which
284 include provisions for direct or indirect supervision by program
285 faculty or clinical preceptors for students in clinical training
286 consistent with the following standards:

287 1. The number of program faculty members equals at least
288 one faculty member directly supervising every 12 students unless
289 the written agreement between the program and the agency,
290 facility, or organization providing clinical training sites
291 allows more students, not to exceed 18 students, to be directly
292 supervised by one program faculty member.

293 2. For a hospital setting, indirect supervision may occur
294 only if there is direct supervision by an assigned clinical
295 preceptor, a supervising program faculty member is available by
296 telephone, and such arrangement is approved by the clinical
297 facility.

298 3. For community-based clinical experiences that involve
299 student participation in invasive or complex nursing activities,
300 students must be directly supervised by a program faculty member
301 or clinical preceptor and such arrangement must be approved by
302 the community-based clinical facility.



121726

303 4. For community-based clinical experiences not subject to
304 subparagraph 3., indirect supervision may occur only when a
305 supervising program faculty member is available to the student
306 by telephone.

307
308 A program's policies established under this paragraph must
309 require a clinical preceptor, if supervising students in a
310 professional nursing education program, to be a registered nurse
311 or, if supervising students in a practical nursing education
312 program, to be a registered nurse or licensed practical nurse.

313 ~~(f)(g)~~ The professional or practical nursing curriculum
314 plan documents clinical experience and theoretical instruction
315 in medical, surgical, obstetric, pediatric, and geriatric
316 nursing. A professional nursing curriculum plan shall also
317 document clinical experience and theoretical instruction in
318 psychiatric nursing. Each curriculum plan must document clinical
319 training experience in appropriate settings that include, but
320 are not limited to, acute care, long-term care, and community
321 settings.

322 ~~(g)(h)~~ The professional or practical nursing education
323 program provides theoretical instruction and clinical
324 application in personal, family, and community health concepts;
325 nutrition; human growth and development throughout the life
326 span; body structure and function; interpersonal relationship
327 skills; mental health concepts; pharmacology and administration
328 of medications; and legal aspects of practice. A professional
329 nursing education program shall also provide theoretical
330 instruction and clinical application in interpersonal
331 relationships and leadership skills; professional role and



121726

332 function; and health teaching and counseling skills.

333

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

336 (3) ~~(2)~~ STATUS OF CERTAIN PROGRAMS. -

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

340 (a) ~~1.~~ Has full or provisional approval from the board or,
341 except as provided in paragraph (b), is on probationary status,
342 ~~except as provided in subparagraph 2., becomes an approved~~
343 ~~program under this section. In order to retain approved program~~
344 ~~status, such program shall submit the report required under~~
345 ~~paragraph (c) to the board by November 1, 2009, and annually~~
346 ~~thereafter.~~

347 (b) ~~2.~~ Is on probationary status because the program did not
348 meet the board's requirement for ~~program~~ graduate passage rates.
349 Such program on the National Council of State Boards of Nursing
350 Licensing Examination, shall remain on probationary status until
351 it the program achieves a graduate passage rate for calendar
352 year 2009 or 2010 which equals or exceeds the required passage
353 rate for the respective calendar year and compliance with the
354 ~~program graduate passage rate requirement in paragraph (5) (a). A~~
355 ~~program that is subject to this subparagraph must disclose its~~
356 probationary status in writing to the program's students and
357 applicants submit the report required under paragraph (c) to the
358 ~~board by November 1, 2009, and annually thereafter and must~~
359 ~~comply with paragraph (5) (c). If the program does not achieve~~
360 the required passage rate compliance by July 1, 2011, the board



121726

361 shall terminate the program pursuant to chapter 120 as provided
362 in paragraph (5)(d).

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

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

370 ~~(c) The annual report comprised of required by this~~
371 ~~subsection must include an affidavit certifying continued~~
372 ~~compliance with paragraphs (1)(a)-(g) subsection (1), must~~
373 ~~provide a summary description of the program's compliance with~~
374 ~~paragraphs (1)(a)-(g) with subsection (1), and documentation~~
375 ~~must document for the previous academic year which, to the~~
376 ~~extent applicable, sets forth for each professional and~~
377 ~~practical nursing program:~~

378 ~~(a)1. The number of student applications received, the~~
379 ~~number of qualified applicants, applicants and the number of~~
380 ~~students accepted, accepted applicants who enroll in the~~
381 ~~program, students enrolled in the program, and-~~

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

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

385 ~~(b)4. The program's retention rates for students tracked~~
386 ~~from program entry to graduation.~~

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



121726

390 (2)-(3) PROGRAM APPROVAL.-

391 (a) Upon receipt of a ~~If an institution's~~ program
392 application and review fee, the department shall examine the
393 application to determine whether it is complete. If a program
394 application is not complete ~~incomplete~~, the department board
395 shall notify the educational institution in writing of any
396 apparent errors or omissions within 30 days after the
397 department's receipt of the application and follow the
398 procedures in s. 120.60. A program application is deemed
399 complete upon the department's receipt of:

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

403 2. A revised application that corrects each error and
404 omission of which the department notifies the educational
405 institution within the 30-day period.

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

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

413 2. Provide the educational institution with a notice of
414 intent to deny the program application if it does not document
415 compliance with paragraphs (1)(a)-(g) that sets forth written
416 reasons for the denial. The notice must set forth written
417 reasons for the board's denial of the application. The board may
418 not deny a program application because of an educational



121726

419 institution's failure to correct any error or omission of which
420 the department does not notify the institution within the 30-day
421 notice period under paragraph (a). The educational institution
422 may request a hearing on the notice of intent to deny the
423 program application pursuant to chapter 120.

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

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

429 (5)-(4) INTERNET WEBSITE.-By October 1, 2010, the board
430 shall publish the following information on its Internet website:

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

435 1. For a program's accreditation status, the specialized
436 accrediting agencies that are nationally recognized by the
437 United States Secretary of Education to accredit nursing
438 education programs.

439 2. For a program's graduate passage rates, the contract
440 testing service of the National Council of State Boards of
441 Nursing.

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

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



121726

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

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

452 ~~3.(d)~~ The program's accreditation status ~~for each program~~,
453 including identification of the accrediting agency if such
454 agency is not an accrediting agency described in s. 464.003(1)
455 body.

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

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

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

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

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

471
472 The information ~~data~~ required to be published under this
473 subsection shall be made available in a manner that allows
474 interactive searches and comparisons of individual ~~specific~~
475 ~~nursing education~~ programs selected by the website user. The
476 board shall ~~publish the data by December 31, 2009, and update~~



121726

477 the Internet website at least quarterly with the available
478 information ~~data~~.

479 (6) ~~(5)~~ ACCOUNTABILITY.—

480 (a) 1. An approved program must achieve a graduate passage
481 rate that is not lower than 10 percentage points less than the
482 average passage rate for graduates of comparable degree programs
483 who are United States educated first-time test takers on the
484 National Council of State Boards of Nursing Licensing
485 Examination during a calendar year, as calculated by the
486 contract testing service of the National Council of State Boards
487 of Nursing. For purposes of this subparagraph, an approved
488 program is comparable to all degree programs of the same program
489 type from among the following program types:

490 a. Professional nursing education programs that terminate
491 in a bachelor's degree.

492 b. Professional nursing education programs that terminate
493 in an associate degree.

494 c. Professional nursing education programs that terminate
495 in a diploma.

496 d. Practical nursing education programs.

497 2. Beginning with graduate passage rates for calendar year
498 2010, if an approved a professional or practical nursing
499 program's average graduate passage rates do not equal or exceed
500 the required passage rates rate for first-time test takers on
501 the National Council of State Boards of Nursing Licensing
502 Examination falls 10 percent or more below the national average
503 passage rate for first-time test takers educated in the United
504 States, as annually published by the contract testing service of
505 the National Council of State Boards of Nursing, for 2



121726

506 consecutive calendar years, the board shall place the program on
507 probationary status pursuant to chapter 120 ~~probation~~ and the
508 program director must ~~shall be required to~~ appear before the
509 board to present a plan for remediation. The program shall
510 remain on probationary status until it achieves a ~~compliance~~
511 ~~with the~~ graduate passage rate that equals or exceeds the
512 required passage rate for any one calendar year.

513 3. Upon the program's achievement of a graduate passage
514 rate that equals or exceeds the required passage rate,
515 requirement and shall be terminated by the board, at its next
516 regularly scheduled meeting following release of the program's
517 graduate passage rate by the National Council of State Boards of
518 Nursing, shall remove the program's probationary status.
519 However, under paragraph (d) if the program, during the 2
520 calendar years following its placement on probationary status,
521 does not achieve the required passage rate for any one
522 compliance within 2 calendar year, the board shall terminate the
523 program pursuant to chapter 120 ~~years.~~

524 (b) If an approved ~~a~~ program fails to submit the annual
525 report required in subsection (4) ~~(2)~~, the board shall notify
526 the program director and president or chief executive officer of
527 the educational institution in writing within 15 days after the
528 due date of the annual report. The program director must appear
529 before the board at the board's next regularly scheduled meeting
530 to explain the reason for the delay ~~place the program on~~
531 ~~probation.~~ The board ~~program~~ shall terminate the program
532 pursuant to chapter 120 ~~remain on probationary status until it~~
533 ~~submits the annual report and shall be terminated by the board~~
534 ~~under paragraph (d) if it does not submit the annual report~~



121726

535 within 6 months after the ~~report's~~ due date.

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

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

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

543 (a) For each of an approved program's or accredited
544 program's graduates included in the calculation of the program's
545 graduate passage rate, the department shall disclose to the
546 program director, upon his or her written request, the name,
547 examination date, and determination of whether each graduate
548 passed or failed the National Council for State Boards of
549 Nursing Licensing Examination, to the extent that such
550 information is provided to the department by the contract
551 testing service of the National Council for State Boards of
552 Nursing. The written request must specify the calendar years for
553 which the information is requested.

554 (b) A program director to whom confidential information
555 exempt from public disclosure pursuant to s. 456.014 is
556 disclosed under this subsection must maintain the
557 confidentiality of the information and is subject to the same
558 penalties provided in s. 456.082 for department employees who
559 unlawfully disclose confidential information.

560 (8) ~~(6)~~ PROGRAM CLOSURE.—

561 (a) An educational institution conducting an approved
562 program or accredited a nursing program in this state, at least
563 30 days before voluntarily closing the program, that closes



121726

564 shall notify the board in writing of the institution's reason
565 for closing the program, the intended closure date, the
566 institution's plan to provide for or assist in the completion of
567 training by the program's students, and advise the board of the
568 arrangements for storage of the program's permanent records.

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

572 1. May not accept or enroll new students.

573 2. Must submit to the board within 30 days after the
574 program is terminated or closed a written description of how the
575 institution will assist in the completion of training by the
576 program's students and the institution's arrangements for
577 storage of the program's permanent records.

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

582 1. The president or chief executive officer of the
583 educational institution.

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

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

588 4. The Commission for Independent Education, if the program
589 is conducted by an educational institution licensed under
590 chapter 1005.

591 5. The State Board of Education, if the program is
592 conducted by an educational institution in the Florida College



121726

593 System or by an educational institution that is not subject to
594 subparagraphs 2.-4.

595 (9)-(7) RULEMAKING.—The board does not have any rulemaking
596 authority to administer this section, except that the board
597 shall adopt a rule that prescribes the format for submitting
598 program applications under subsection (1) and annual reports
599 submitting summary descriptions of program compliance under
600 subsection (4) paragraph (2) (c). The board may not impose any
601 condition or requirement on an educational institution
602 submitting a program application, an approved program, or an
603 accredited program, ~~a program on probationary status~~ except as
604 expressly provided in this section. The board shall repeal all
605 rules, or portions thereof, in existence on July 1, 2009, that
606 are inconsistent with this subsection.

607 (10) APPLICABILITY TO ACCREDITED PROGRAMS.—

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

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

614 1. Within 10 business days after the program ceases to be
615 accredited, must provide written notice of the date that the
616 program ceased to be accredited to the board, the program's
617 students and applicants, and each entity providing clinical
618 training sites or community-based clinical experience sites for
619 the program. The educational institution must continue to
620 provide the written notice to new students, applicants, and
621 entities providing clinical training sites or community-based



121726

622 clinical experience sites for the program until the program
623 becomes an approved program or is closed under subparagraph 3.

624 2. Within 30 days after the program ceases to be
625 accredited, must submit an affidavit to the board, signed by the
626 educational institution's president or chief executive officer,
627 that certifies the institution's compliance with subparagraph 1.
628 The board shall notify the persons listed in subparagraph
629 (8)(c)1. and the applicable entities listed in subparagraphs
630 (8)(c)2.-5. if an educational institution does not submit the
631 affidavit required by this subparagraph.

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

634 a. Within 30 days after the program ceases to be
635 accredited, submits a program application and review fee to the
636 department under subsection (1) and the affidavit required under
637 subparagraph 2., the program shall be deemed an approved program
638 from the date that the program ceased to be accredited until the
639 date that the board approves or denies the program application.
640 The program application must be denied by the board pursuant to
641 chapter 120 if it does not contain the affidavit. If the board
642 denies the program application under subsection (2) or because
643 the program application does not contain the affidavit, the
644 program shall be closed and the educational institution
645 conducting the program must comply with paragraph (8)(b).

646 b. Does not apply to become an approved program pursuant to
647 sub-subparagraph a., the program shall be deemed an approved
648 program from the date that the program ceased to be accredited
649 until the 31st day after that date. On the 31st day after the
650 program ceased to be accredited, the program shall be closed and



121726

651 the educational institution conducting the program must comply
652 with paragraph (8) (b).

653 ~~(8) The Florida Center for Nursing and the Office of~~
654 ~~Program Policy Analysis and Government Accountability shall~~
655 ~~each:~~

656 ~~(a) Monitor the administration of this section and evaluate~~
657 ~~the effectiveness of this section in achieving quality nursing~~
658 ~~programs with a higher production of quality nursing graduates.~~

659 ~~(b) Report its findings and make recommendations, if~~
660 ~~warranted, to improve the effectiveness of this section to the~~
661 ~~Governor, the President of the Senate, and the Speaker of the~~
662 ~~House of Representatives by February 1, 2010.~~

663 (11) ~~(9)~~ IMPLEMENTATION STUDY.—The Florida Center for
664 Nursing and the education policy area of the Office of Program
665 Policy Analysis and Government Accountability shall study the 5-
666 year administration of this section and submit reports to the
667 Governor, the President of the Senate, and the Speaker of the
668 House of Representatives by January 30, 2011, and annually
669 thereafter through January 30, 2015. The annual reports shall
670 address the previous academic year; set forth data on the
671 measures specified in paragraphs (a) and (b) ~~for each~~
672 ~~prelicensure practical and professional nursing program in the~~
673 ~~state~~, as such data becomes available; and include an evaluation
674 of such data for purposes of determining whether this section is
675 increasing the availability of nursing education programs and
676 the production of quality nurses. The department and each
677 approved program or accredited program shall comply with
678 requests for data from the Florida Center for Nursing and the
679 education policy area of the Office of Program Policy Analysis



121726

680 and Government Accountability.

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

685 1. The number of ~~nursing education~~ programs and student
686 slots available.

687 2. The number of student applications submitted, the number
688 of qualified applicants, and the number of students accepted.

689 3. The number of program graduates.

690 4. Program retention rates of students tracked from program
691 entry to graduation.

692 5. Graduate passage rates on the National Council of State
693 Boards of Nursing Licensing Examination.

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

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

698 1. Program application approval process, including, but not
699 limited to, the number of program applications submitted under
700 subsection (1); the number of program applications approved and
701 denied by the board under subsection (2) ~~subsections (1) and~~
702 ~~(3)~~; the number of denials of program applications reviewed
703 under chapter 120; and a description of the outcomes of those
704 reviews.

705 2. Accountability ~~Probation and termination~~ processes,
706 including, but not limited to, the number of programs ~~placed~~ on
707 probationary status, the number of approved programs for which
708 the program director is required to appear before the board



121726

709 under subsection (6), the number of approved programs terminated
710 by the board ~~under paragraph (5)(d),~~ the number of terminations
711 reviewed under chapter 120, and a description of the outcomes of
712 those reviews.

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

715 464.022 Exceptions.—No provision of this part shall be
716 construed to prohibit:

717 (4) The practice of nursing by graduates of prelicensure
718 nursing education approved programs listed in s. 464.008(1)(c)
719 ~~or the equivalent,~~ pending the result of the first licensing
720 examination for which they are eligible following graduation,
721 provided they practice under direct supervision of a registered
722 professional nurse. The board shall by rule define what
723 constitutes direct supervision.

724 Section 7. Paragraph (a) of subsection (1) and subsection
725 (2) of section 458.348, Florida Statutes, is amended to read:

726 458.348 Formal supervisory relationships, standing orders,
727 and established protocols; notice; standards.—

728 (1) NOTICE.—

729 (a) When a physician enters into a formal supervisory
730 relationship or standing orders with an emergency medical
731 technician or paramedic licensed pursuant to s. 401.27, which
732 relationship or orders contemplate the performance of medical
733 acts, or when a physician enters into an established protocol
734 with an advanced registered nurse practitioner, which protocol
735 contemplates the performance of medical acts identified and
736 approved by the joint committee pursuant to s. 464.003(2) ~~s.~~
737 ~~464.003(3)(d)~~ or acts set forth in s. 464.012(3) and (4), the



121726

738 physician shall submit notice to the board. The notice shall
739 contain a statement in substantially the following form:

740
741 I, ...(name and professional license number of
742 physician)..., of ...(address of physician)... have hereby
743 entered into a formal supervisory relationship, standing orders,
744 or an established protocol with ...(number of persons)...
745 emergency medical technician(s), ...(number of persons)...
746 paramedic(s), or ...(number of persons)... advanced registered
747 nurse practitioner(s).

748 (2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.—The
749 joint committee created under s. 464.003(2) ~~s. 464.003(3)(d)~~
750 shall determine minimum standards for the content of established
751 protocols pursuant to which an advanced registered nurse
752 practitioner may perform medical acts identified and approved by
753 the joint committee pursuant to s. 464.003(2) ~~s. 464.003(3)(d)~~
754 or acts set forth in s. 464.012(3) and (4) and shall determine
755 minimum standards for supervision of such acts by the physician,
756 unless the joint committee determines that any act set forth in
757 s. 464.012(3) or (4) is not a medical act. Such standards shall
758 be based on risk to the patient and acceptable standards of
759 medical care and shall take into account the special problems of
760 medically underserved areas. The standards developed by the
761 joint committee shall be adopted as rules by the Board of
762 Nursing and the Board of Medicine for purposes of carrying out
763 their responsibilities pursuant to part I of chapter 464 and
764 this chapter, respectively, but neither board shall have
765 disciplinary powers over the licensees of the other board.

766 Section 8. Paragraph (a) of subsection (1) of section



121726

767 459.025, Florida Statutes, is amended to read:

768 459.025 Formal supervisory relationships, standing orders,
769 and established protocols; notice; standards.—

770 (1) NOTICE.—

771 (a) When an osteopathic physician enters into a formal
772 supervisory relationship or standing orders with an emergency
773 medical technician or paramedic licensed pursuant to s. 401.27,
774 which relationship or orders contemplate the performance of
775 medical acts, or when an osteopathic physician enters into an
776 established protocol with an advanced registered nurse
777 practitioner, which protocol contemplates the performance of
778 medical acts identified and approved by the joint committee
779 pursuant to s. 464.003(2) ~~s. 464.003(3)(d)~~ or acts set forth in
780 s. 464.012(3) and (4), the osteopathic physician shall submit
781 notice to the board. The notice must contain a statement in
782 substantially the following form:

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

790 Section 9. Paragraph (c) of subsection (3) of section
791 464.012, Florida Statutes, is amended to read:

792 464.012 Certification of advanced registered nurse
793 practitioners; fees.—

794 (3) An advanced registered nurse practitioner shall perform
795 those functions authorized in this section within the framework



121726

796 of an established protocol that is filed with the board upon
797 biennial license renewal and within 30 days after entering into
798 a supervisory relationship with a physician or changes to the
799 protocol. The board shall review the protocol to ensure
800 compliance with applicable regulatory standards for protocols.
801 The board shall refer to the department licensees submitting
802 protocols that are not compliant with the regulatory standards
803 for protocols. A practitioner currently licensed under chapter
804 458, chapter 459, or chapter 466 shall maintain supervision for
805 directing the specific course of medical treatment. Within the
806 established framework, an advanced registered nurse practitioner
807 may:

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

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

812 960.28 Payment for victims' initial forensic physical
813 examinations.—

814 (2) The Crime Victims' Services Office of the department
815 shall pay for medical expenses connected with an initial
816 forensic physical examination of a victim of sexual battery as
817 defined in chapter 794 or a lewd or lascivious offense as
818 defined in chapter 800. Such payment shall be made regardless of
819 whether the victim is covered by health or disability insurance
820 and whether the victim participates in the criminal justice
821 system or cooperates with law enforcement. The payment shall be
822 made only out of moneys allocated to the Crime Victims' Services
823 Office for the purposes of this section, and the payment may not
824 exceed \$500 with respect to any violation. The department shall



121726

825 develop and maintain separate protocols for the initial forensic
826 physical examination of adults and children. Payment under this
827 section is limited to medical expenses connected with the
828 initial forensic physical examination, and payment may be made
829 to a medical provider using an examiner qualified under part I
830 of chapter 464, excluding s. 464.003(16) ~~(5)~~; chapter 458; or
831 chapter 459. Payment made to the medical provider by the
832 department shall be considered by the provider as payment in
833 full for the initial forensic physical examination associated
834 with the collection of evidence. The victim may not be required
835 to pay, directly or indirectly, the cost of an initial forensic
836 physical examination performed in accordance with this section.

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

838
839 ===== T I T L E A M E N D M E N T =====

840 And the title is amended as follows:

841 Delete everything before the enacting clause
842 and insert:

843 A bill to be entitled

844 An act relating to nursing; amending s. 456.014, F.S.;
845 authorizing the disclosure of certain confidential
846 information required of nursing license applicants to
847 certain persons; amending s. 464.003, F.S.; providing
848 and revising definitions; amending s. 464.008, F.S.;
849 revising requirements for graduation from certain
850 nursing education programs for nursing license
851 applicants seeking to take the licensing examination;
852 amending s. 464.015, F.S.; revising restrictions on
853 nursing graduates who may use certain titles and



854 abbreviations; amending s. 464.019, F.S.; revising
855 requirements for the approval of nursing education
856 programs by the Board of Nursing, including
857 application requirements and procedures for the review
858 and approval or denial of applications; revising
859 requirements for the approval of nursing education
860 programs meeting certain requirements before a
861 specified date; providing for retroactive application;
862 revising requirements for the submission of annual
863 reports by approved programs; revising requirements
864 for the information published on the board's Internet
865 website; revising accountability requirements for an
866 approved program's graduate passage rates on a certain
867 licensing examination; revising procedures for placing
868 programs on, and removing such programs from,
869 probationary status; requiring termination of programs
870 under certain circumstances; requiring certain
871 representatives of programs that fail to submit annual
872 reports to appear before the board; requiring the
873 Department of Health to disclose certain confidential
874 information about a program's graduates to the program
875 director under certain circumstances; requiring
876 program directors to maintain the confidentiality of
877 such information; providing penalties for unlawful
878 disclosure of confidential information; revising
879 requirements for the closure of programs; revising the
880 board's authority to adopt rules; exempting accredited
881 programs from specified requirements; providing
882 requirements for an accredited program that ceases to



121726

883 be accredited; conforming provisions; deleting
884 obsolete provisions; revising requirements for the
885 Florida Center for Nursing's evaluation of the board's
886 implementation of certain accountability provisions;
887 conforming cross-references; amending s. 464.022,
888 F.S.; conforming provisions; amending ss. 458.348,
889 459.025, 464.012, and 960.28, F.S.; conforming cross-
890 references; providing an effective date.