

By Senator Alexander

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

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

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

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

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

54 (1) All information required by the department of any  
55 applicant shall be a public record and shall be open to public  
56 inspection pursuant to s. 119.07, except financial information,  
57 medical information, school transcripts, examination questions,  
58 answers, papers, grades, and grading keys, which are

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

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

71 464.003 Definitions.—As used in this part, the term:

72 (1) "Accredited program" means a program for the  
73 prelicensure education of professional or practical nurses that  
74 is conducted in the United States at an educational institution,  
75 whether in this state, another state, or the District of  
76 Columbia, and that is accredited by a national accrediting  
77 agency recognized by the United States Department of Education  
78 for the agency's specialization in nursing education.

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

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

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

86 (a)~~1.~~ The observation, assessment, nursing diagnosis,  
87 planning, intervention, and evaluation of care; health teaching

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88 and counseling of the ill, injured, or infirm; and the promotion  
89 of wellness, maintenance of health, and prevention of illness of  
90 others.

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

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

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

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

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

116 (a)1. Assess the health status of individuals and families

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117 using methods appropriate to the population and area of  
118 practice.

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

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

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

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

132 (2) ~~(d)~~ "Advanced or specialized nursing practice" means, in  
133 addition to the practice of professional nursing, the  
134 performance of advanced-level nursing acts approved by the board  
135 which, by virtue of postbasic specialized education, training,  
136 and experience, are appropriately performed by an advanced  
137 registered nurse practitioner. Within the context of advanced or  
138 specialized nursing practice, the advanced registered nurse  
139 practitioner may perform acts of nursing diagnosis and nursing  
140 treatment of alterations of the health status. The advanced  
141 registered nurse practitioner may also perform acts of medical  
142 diagnosis and treatment, prescription, and operation which are  
143 identified and approved by a joint committee composed of three  
144 members appointed by the Board of Nursing, two of whom must be  
145 advanced registered nurse practitioners; three members appointed

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

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

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

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

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

174 (6) "Clinical nurse specialist" means any person licensed

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175 in this state to practice professional nursing and certified in  
176 clinical nurse specialist practice.

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

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

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

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

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

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

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204 wellness, maintaining health, and preventing illness.

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

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

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

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

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

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

224 464.008 Licensure by examination.—

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

229 (a) Has completed the application form and remitted a fee  
230 set by the board not to exceed \$150 and has remitted an  
231 examination fee set by the board not to exceed \$75 plus the  
232 actual per applicant cost to the department for purchase of the



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233 examination from the National Council of State Boards of Nursing  
234 or a similar national organization.

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

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

242 1. Graduation from an approved program;

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

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

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

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

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

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

264 464.015 Titles and abbreviations; restrictions; penalty.—

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

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

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

277 464.019 Approval of nursing education programs.—

278 (1) PROGRAM APPLICATIONS.—An educational institution that  
279 wishes to conduct a program in this state for the prelicensure  
280 education of professional or practical nurses must ~~shall~~ submit  
281 to the department a program application and a ~~program~~ review fee  
282 of \$1,000 for each certificate, associate degree, or bachelor's  
283 degree prelicensure nursing education program to be offered at  
284 the institution's main campus, branch campus, or other  
285 instructional site ~~the department. Within 90 days after receipt~~  
286 ~~of a program application and program review fee, the board shall~~  
287 ~~approve the program application if it documents compliance with~~  
288 ~~the standards in paragraphs (a)–(h). If the program application~~  
289 ~~is incomplete or does not document compliance, the board shall~~  
290 ~~follow the procedures in subsection (3). a program application~~

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291 ~~is deemed approved by the board if the board does not act on the~~  
292 ~~application within the timeframes specified in subsection (3) or~~  
293 ~~this subsection.~~ Each program application must document that:

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

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

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

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

311 1. Fifty percent clinical training for a practical nursing  
312 education program, an associate degree professional nursing  
313 education program, or a professional diploma nursing education  
314 program.

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

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

319 (d) ~~(e)~~ The program has signed agreements with each agency,

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320 facility, and organization included in the curriculum plan as  
321 clinical training sites and community-based clinical experience  
322 sites.

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

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

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

338 3. For community-based clinical experiences that involve  
339 student participation in invasive or complex nursing activities,  
340 students must be directly supervised by a program faculty member  
341 or clinical preceptor and such arrangement must be approved by  
342 the community-based clinical facility.

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

347  
348 A program's policies established under this paragraph must

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349 require a clinical preceptor, if supervising students in a  
350 professional nursing education program, to be a registered nurse  
351 or, if supervising students in a practical nursing education  
352 program, to be a registered nurse or licensed practical nurse.

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

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

373

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

376 (3)~~(2)~~ STATUS OF CERTAIN PROGRAMS.—

377 ~~(a)~~ A professional or practical nursing education program

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378 becomes an approved program if that, as of June 30, 2009, the  
379 program:

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

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

403 (b) Each professional or practical nursing program that has  
404 its application approved by the board under subsection (1) on or  
405 after July 1, 2009, shall annually submit the report required  
406 under paragraph (c) to the board by November 1 of each year

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407 following initial approval of its application.

408 (4) ANNUAL REPORT.-By November 1 of each year, each  
 409 approved program shall submit to the board an

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

418 (a)1. The number of student applications received, ~~the~~  
 419 ~~number of~~ qualified applicants, applicants and the number of  
 420 ~~students~~ accepted, accepted applicants who enroll in the  
 421 program, students enrolled in the program, and-

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

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

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

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

430 (2)(3) PROGRAM APPROVAL.-

431 (a) Upon receipt of a ~~If an institution's~~ program  
 432 application and review fee, the department shall examine the  
 433 application to determine whether it is complete. If a program  
 434 application is not complete ~~incomplete~~, the department ~~board~~  
 435 shall notify the educational institution in writing of any

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436 ~~apparent~~ errors or omissions within 30 days after the  
437 department's receipt of the application ~~and follow the~~  
438 ~~procedures in s. 120.60.~~ A program application is deemed  
439 complete upon the department's receipt of:

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

443 2. A revised application that corrects each error and  
444 omission of which the department notifies the educational  
445 institution within the 30-day period.

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

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

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

464 (c) A program application is deemed approved if the board



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465 does not act within the 90-day review period provided under  
466 paragraph (b).

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

469 (5)-(4) INTERNET WEBSITE.-The board shall publish the  
470 following information on its Internet website:

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

475 1. For a program's accreditation status, the national  
476 accrediting agencies recognized by the United States Department  
477 of Education for their specialization in nursing education.

478 2. For a program's graduate passage rates, the contract  
479 testing service of the National Council of State Boards of  
480 Nursing.

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

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

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

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

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

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494 body.

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

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

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

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

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

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

518 ~~(6)(5)~~ ACCOUNTABILITY.-

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

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523 National Council of State Boards of Nursing Licensing  
524 Examination during a calendar year, as calculated by the  
525 contract testing service of the National Council of State Boards  
526 of Nursing. For purposes of this subparagraph, an approved  
527 program is comparable to all degree programs of the same program  
528 type from among the following program types:

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

531 b. Professional nursing education programs that terminate  
532 in a bachelor's degree.

533 c. Practical nursing education programs that terminate in a  
534 certificate.

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

551 3. Upon the program's achievement of a graduate passage

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

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

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

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

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

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

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

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

602        (9) ~~(7)~~ RULEMAKING.—The board does not have any rulemaking  
603 authority to administer this section, except that the board  
604 shall adopt a rule that prescribes the format for submitting  
605 program applications under subsection (1) and annual reports  
606 ~~submitting summary descriptions of program compliance~~ under  
607 subsection (4) ~~paragraph (2) (c)~~. The board may not impose any  
608 condition or requirement on an educational institution  
609 submitting a program application, an approved program, or an

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610 accredited program, ~~a program on probationary status~~ except as  
611 expressly provided in this section. The board shall repeal all  
612 rules, or portions thereof, in existence on July 1, 2009, that  
613 are inconsistent with this subsection.

614 (10) APPLICABILITY.—Subsections (1)-(4), paragraph (5)(b),  
615 and subsection (6) do not apply to an accredited program. An  
616 accredited program on probationary status before July 1, 2010,  
617 ceases to be subject to the probationary status. If an  
618 accredited program ceases to be accredited, the program may  
619 apply under this section to become an approved program.

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

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

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

630 (11) ~~(9)~~ IMPLEMENTATION STUDY.—The Florida Center for  
631 Nursing and the education policy area of the Office of Program  
632 Policy Analysis and Government Accountability shall study the 5-  
633 year administration of this section and submit reports to the  
634 Governor, the President of the Senate, and the Speaker of the  
635 House of Representatives by January 30, 2011, and annually  
636 thereafter through January 30, 2015. The annual reports shall  
637 address the previous academic year; set forth data on the  
638 measures specified in paragraphs (a) and (b) ~~for each~~

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639 ~~prelicensure practical and professional nursing program in the~~  
640 ~~state~~, as such data becomes available; and include an evaluation  
641 of such data for purposes of determining whether this section is  
642 increasing the availability of nursing education programs and  
643 the production of quality nurses. The department and each  
644 approved program or accredited program shall comply with  
645 requests for data from the Florida Center for Nursing and the  
646 education policy area of the Office of Program Policy Analysis  
647 and Government Accountability.

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

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

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

656 3. The number of program graduates.

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

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

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

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

665 1. Program application approval process, including, but not  
666 limited to, the number of program applications submitted under  
667 subsection (1); the number of program applications approved and

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668 denied by the board under subsection (2) ~~subsections (1) and~~  
669 ~~(3)~~; the number of denials of program applications reviewed  
670 under chapter 120; and a description of the outcomes of those  
671 reviews.

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

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

682 464.022 Exceptions.—No provision of this part shall be  
683 construed to prohibit:

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

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

693 458.348 Formal supervisory relationships, standing orders,  
694 and established protocols; notice; standards.—

695 (1) NOTICE.—

696 (a) When a physician enters into a formal supervisory



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697 relationship or standing orders with an emergency medical  
698 technician or paramedic licensed pursuant to s. 401.27, which  
699 relationship or orders contemplate the performance of medical  
700 acts, or when a physician enters into an established protocol  
701 with an advanced registered nurse practitioner, which protocol  
702 contemplates the performance of medical acts identified and  
703 approved by the joint committee pursuant to s. 464.003(2)~~(3)~~~~(d)~~  
704 or acts set forth in s. 464.012(3) and (4), the physician shall  
705 submit notice to the board. The notice shall contain a statement  
706 in substantially the following form:

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

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

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726 medically underserved areas. The standards developed by the  
727 joint committee shall be adopted as rules by the Board of  
728 Nursing and the Board of Medicine for purposes of carrying out  
729 their responsibilities pursuant to part I of chapter 464 and  
730 this chapter, respectively, but neither board shall have  
731 disciplinary powers over the licensees of the other board.

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

734 459.025 Formal supervisory relationships, standing orders,  
735 and established protocols; notice; standards.—

736 (1) NOTICE.—

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

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

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755 registered nurse practitioner(s).

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

758 464.012 Certification of advanced registered nurse  
759 practitioners; fees.—

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

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

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

778 960.28 Payment for victims' initial forensic physical  
779 examinations.—

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

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

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