

**By** the Committee on Health and Human Services Appropriations;  
and Senators Alexander and Crist

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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  
37 requirements for the closure of programs; revising the  
38 board's authority to adopt rules; exempting accredited  
39 programs from specified requirements; providing  
40 requirements for an accredited program that ceases to  
41 be accredited; conforming provisions; deleting  
42 obsolete provisions; revising requirements for the  
43 Florida Center for Nursing's evaluation of the board's  
44 implementation of certain accountability provisions;  
45 conforming cross-references; amending s. 464.022,  
46 F.S.; conforming provisions; amending ss. 458.348,  
47 459.025, 464.012, and 960.28, F.S.; conforming cross-  
48 references; providing an effective date.

49  
50 Be It Enacted by the Legislature of the State of Florida:

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

54 456.014 Public inspection of information required from  
55 applicants; exceptions; examination hearing.—

56 (1) All information required by the department of any  
57 applicant shall be a public record and shall be open to public  
58 inspection pursuant to s. 119.07, except financial information,

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

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

73 464.003 Definitions.—As used in this part, the term:

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

81 (13)~~(1)~~ "Department" means the Department of Health.

82 (5)~~(2)~~ "Board" means the Board of Nursing.

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

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

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

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

100

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

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

115        (7) ~~(e)~~ "Clinical nurse specialist practice" means the  
116 delivery and management of advanced practice nursing care to

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117 individuals or groups, including the ability to:

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

121       (b)~~2.~~ Diagnose human responses to actual or potential  
122 health problems.

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

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

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

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

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

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

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

172 (22)~~(4)~~ "Registered nurse" means any person licensed in  
173 this state to practice professional nursing.

174 (16)~~(5)~~ "Licensed practical nurse" means any person

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175 licensed in this state to practice practical nursing.

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

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

184 (4)~~(8)~~ "Approved program" means a ~~nursing~~ program for the  
185 prelicensure education of professional or practical nurses which  
186 is conducted in the state at an educational institution and is  
187 in a school, college, or university which is approved under s.  
188 464.019 for the education of nurses. The term includes such a  
189 program placed on probationary status.

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

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

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

203 (11)~~(12)~~ "Community-based clinical experience" means

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204 activities consistent with the curriculum and involving  
205 individuals, families, and groups with the intent of promoting  
206 wellness, maintaining health, and preventing illness.

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

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

213 (14) "Educational institution" means a school, college, or  
214 university.

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

221 (23) "Required passage rate" means the graduate passage  
222 rate required for an approved program pursuant to s.  
223 464.019(6)(a)1.

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

226 464.008 Licensure by examination.—

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

231 (a) Has completed the application form and remitted a fee  
232 set by the board not to exceed \$150 and has remitted an



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233 examination fee set by the board not to exceed \$75 plus the  
234 actual per applicant cost to the department for purchase of the  
235 examination from the National Council of State Boards of Nursing  
236 or a similar national organization.

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

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

244 1. Graduation from an approved program;

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

248 3. Graduation on or after July 1, 2009, from an accredited  
249 program; or

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

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

261 (d) Has the ability to communicate in the English language,

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262 which may be determined by an examination given by the  
263 department.

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

266 464.015 Titles and abbreviations; restrictions; penalty.—

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

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

277 Section 5. Section 464.019, Florida Statutes, is reordered  
278 and amended to read:

279 464.019 Approval of nursing education programs.—

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

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291 ~~compliance, the board shall follow the procedures in subsection~~  
292 ~~(3). a program application is deemed approved by the board if~~  
293 ~~the board does not act on the application within the timeframes~~  
294 ~~specified in subsection (3) or this subsection. Each program~~  
295 ~~application must include the legal name of the educational~~  
296 ~~institution, the legal name of the nursing education program,~~  
297 ~~and, if such program is accredited by an accrediting agency~~  
298 ~~other than an accrediting agency described in s. 464.003(1), the~~  
299 ~~name of the accrediting agency. The application must also~~  
300 document that:

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

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

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

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

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

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320 education program, or a professional diploma nursing education  
321 program.

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

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

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

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

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

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

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

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349 the community-based clinical facility.

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

354

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

360 (f)~~(g)~~ The professional or practical nursing curriculum  
361 plan documents clinical experience and theoretical instruction  
362 in medical, surgical, obstetric, pediatric, and geriatric  
363 nursing. A professional nursing curriculum plan shall also  
364 document clinical experience and theoretical instruction in  
365 psychiatric nursing. Each curriculum plan must document clinical  
366 training experience in appropriate settings that include, but  
367 are not limited to, acute care, long-term care, and community  
368 settings.

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

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378 relationships and leadership skills; professional role and  
379 function; and health teaching and counseling skills.

380

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

383 (3)(2) STATUS OF CERTAIN PROGRAMS.—

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

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

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

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407 ~~the required passage rate compliance by July 1, 2011, the board~~  
408 ~~shall terminate the program pursuant to chapter 120 as provided~~  
409 ~~in paragraph (5)(d).~~

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

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

417 ~~(c) The annual report comprised of required by this~~  
418 ~~subsection must include an affidavit certifying continued~~  
419 ~~compliance with paragraphs (1)(a)-(g) subsection (1), must~~  
420 ~~provide a summary description of the program's compliance with~~  
421 ~~paragraphs (1)(a)-(g) with subsection (1), and documentation~~  
422 ~~must document for the previous academic year which, to the~~  
423 ~~extent applicable, sets forth for each professional and~~  
424 ~~practical nursing program:~~

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

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

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

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

434 ~~(c)5. The program's accreditation status, including~~  
435 ~~identification of the accrediting agency if such agency is not~~

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436 an accrediting agency described in s. 464.003(1) ~~body~~.

437 ~~(2)-(3)~~ PROGRAM APPROVAL.

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

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

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

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

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

460 2. Provide the educational institution with a notice of  
461 intent to deny the ~~program~~ application if it does not document  
462 compliance with paragraphs (1) (a)-(g) that sets forth written  
463 ~~reasons for the denial. The notice must set forth written~~  
464 reasons for the board's denial of the application. The board may



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465 not deny a program application because of an educational  
466 institution's failure to correct any error or omission of which  
467 the department does not notify the institution within the 30-day  
468 notice period under paragraph (a). The educational institution  
469 may request a hearing on the notice of intent to deny the  
470 program application pursuant to chapter 120.

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

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

476 (5)-(4) INTERNET WEBSITE.-By October 1, 2010, the board  
477 shall publish the following information on its Internet website:

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

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

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

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

492 1.~~(a)~~ All documentation provided by the program in its  
493 applicant for each approved nursing program application if

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494 submitted on or after July 1, 2009.

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

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

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

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

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

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

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

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

518  
519 The information data required to be published under this  
520 subsection shall be made available in a manner that allows  
521 interactive searches and comparisons of individual specific  
522 nursing education programs selected by the website user. The

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523 board shall ~~publish the data by December 31, 2009, and~~ update  
524 the Internet website at least quarterly with the available  
525 information ~~data~~.

526 ~~(6)~~(5) ACCOUNTABILITY.—

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

537 a. Professional nursing education programs that terminate  
538 in a bachelor's degree.

539 b. Professional nursing education programs that terminate  
540 in an associate degree.

541 c. Professional nursing education programs that terminate  
542 in a diploma.

543 d. Practical nursing education programs.

544 2. Beginning with graduate passage rates for calendar year  
545 2010, if an approved a professional or practical nursing  
546 program's average graduate passage rates do not equal or exceed  
547 the required passage rates rate for first-time test takers on  
548 the National Council of State Boards of Nursing Licensing  
549 Examination falls 10 percent or more below the national average  
550 passage rate for first-time test takers educated in the United  
551 States, as annually published by the contract testing service of

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552 ~~the National Council of State Boards of Nursing, for 2~~  
553 consecutive calendar years, the board shall place the program on  
554 probationary status pursuant to chapter 120 ~~probation~~ and the  
555 program director must ~~shall be required to~~ appear before the  
556 board to present a plan for remediation. The program shall  
557 remain on probationary status until it achieves a compliance  
558 ~~with the graduate passage rate that equals or exceeds the~~  
559 required passage rate for any one calendar year.

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

571 (b) If an approved a program fails to submit the annual  
572 report required in subsection (4) ~~(2)~~, the board shall notify  
573 the program director and president or chief executive officer of  
574 the educational institution in writing within 15 days after the  
575 due date of the annual report. The program director must appear  
576 before the board at the board's next regularly scheduled meeting  
577 to explain the reason for the delay ~~place the program on~~  
578 probation. The board ~~program~~ shall terminate the program  
579 pursuant to chapter 120 ~~remain on probationary status until it~~  
580 ~~submits the annual report and shall be terminated by the board~~

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581 ~~under paragraph (d)~~ if it does not submit the annual report  
582 within 6 months after the ~~report's~~ due date.

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

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

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

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

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

607 (8) ~~(6)~~ PROGRAM CLOSURE.—

608 (a) An educational institution conducting an approved  
609 program or accredited a nursing program in this state, at least

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610 30 days before voluntarily closing the program, ~~that closes~~  
611 shall notify the board in writing of the institution's reason  
612 for closing the program, the intended closure date, the  
613 institution's plan to provide for or assist in the completion of  
614 training by the program's students, and advise the board of the  
615 arrangements for storage of the program's permanent records.

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

619 1. May not accept or enroll new students.

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

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

629 1. The president or chief executive officer of the  
630 educational institution.

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

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

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

638 5. The State Board of Education, if the program is

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639 conducted by an educational institution in the Florida College  
640 System or by an educational institution that is not subject to  
641 subparagraphs 2.-4.

642 (9)-(7) RULEMAKING.—The board does not have any rulemaking  
643 authority to administer this section, except that the board  
644 shall adopt a rule that prescribes the format for submitting  
645 program applications under subsection (1) and annual reports  
646 ~~submitting summary descriptions of program compliance~~ under  
647 subsection (4) paragraph (2) (c). The board may not impose any  
648 condition or requirement on an educational institution  
649 submitting a program application, an approved program, or an  
650 accredited program, a program on probationary status except as  
651 expressly provided in this section. The board shall repeal all  
652 rules, or portions thereof, in existence on July 1, 2009, that  
653 are inconsistent with this subsection.

654 (10) APPLICABILITY TO ACCREDITED PROGRAMS.—

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

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

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

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668 entities providing clinical training sites or community-based  
669 clinical experience sites for the program until the program  
670 becomes an approved program or is closed under subparagraph 3.

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

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

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

693 b. Does not apply to become an approved program pursuant to  
694 sub-subparagraph a., the program shall be deemed an approved  
695 program from the date that the program ceased to be accredited  
696 until the 31st day after that date. On the 31st day after the



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697 program ceased to be accredited, the program shall be closed and  
698 the educational institution conducting the program must comply  
699 with paragraph (8) (b).

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

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

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

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

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726 education policy area of the Office of Program Policy Analysis  
727 and Government Accountability.

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

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

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

736 3. The number of program graduates.

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

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

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

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

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

752 2. Accountability ~~Probation and termination~~ processes,  
753 including, but not limited to, the number of programs ~~placed~~ on  
754 probationary status, the number of approved programs for which

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755 the program director is required to appear before the board  
756 under subsection (6), the number of approved programs terminated  
757 by the board ~~under paragraph (5)(d),~~ the number of terminations  
758 reviewed under chapter 120, and a description of the outcomes of  
759 those reviews.

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

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

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

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

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

775 (1) NOTICE.—

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

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784 ~~464.003(3)(d)~~ or acts set forth in s. 464.012(3) and (4), the  
785 physician shall submit notice to the board. The notice shall  
786 contain a statement in substantially the following form:

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

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

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813 Section 8. Paragraph (a) of subsection (1) of section  
814 459.025, Florida Statutes, is amended to read:

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

817 (1) NOTICE.—

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

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

837 Section 9. Paragraph (c) of subsection (3) of section  
838 464.012, Florida Statutes, is amended to read:

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

841 (3) An advanced registered nurse practitioner shall perform

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

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

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

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

861 (2) The Crime Victims' Services Office of the department  
862 shall pay for medical expenses connected with an initial  
863 forensic physical examination of a victim of sexual battery as  
864 defined in chapter 794 or a lewd or lascivious offense as  
865 defined in chapter 800. Such payment shall be made regardless of  
866 whether the victim is covered by health or disability insurance  
867 and whether the victim participates in the criminal justice  
868 system or cooperates with law enforcement. The payment shall be  
869 made only out of moneys allocated to the Crime Victims' Services  
870 Office for the purposes of this section, and the payment may not

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

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