

By Senator Grimsley

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1 A bill to be entitled
2 An act relating to nursing education programs;
3 amending s. 464.003, F.S.; revising definitions of the
4 terms "clinical training" and "practice of practical
5 nursing"; amending s. 464.013, F.S.; exempting nurses
6 who are certified by an accredited program from
7 continuing education requirements; amending s.
8 464.019, F.S.; removing the limitation on the
9 percentage of clinical training that may consist of
10 clinical simulation; deleting obsolete requirements;
11 authorizing the Board of Nursing to adopt certain
12 rules relating to documenting the accreditation of
13 nursing education programs; deleting the requirement
14 that the Office of Program Policy Analysis and
15 Government Accountability participate in an
16 implementation study; requiring nursing education
17 programs that prepare students for the practice of
18 professional nursing to be accredited; providing an
19 exception; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsections (10) and (19) of section 464.003,
24 Florida Statutes, are amended to read:

25 464.003 Definitions.—As used in this part, the term:

26 (10) "Clinical training" means direct nursing care
27 experiences with patients or clients, or clinical simulation of
28 such experiences, which offer the student the opportunity to
29 integrate, apply, and refine specific skills and abilities based

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30 on theoretical concepts and scientific principles.

31 (19) "Practice of practical nursing" means the performance
32 of selected acts, including the administration of treatments and
33 medications, in the care of the ill, injured, or infirm; ~~and~~ the
34 promotion of wellness, maintenance of health, and prevention of
35 illness of others under the direction of a registered nurse, a
36 licensed physician, a licensed osteopathic physician, a licensed
37 podiatric physician, or a licensed dentist; and the teaching of
38 general principles of health and wellness to the public and to
39 students other than nursing students. A practical nurse is
40 responsible and accountable for making decisions that are based
41 upon the individual's educational preparation and experience in
42 nursing.

43 Section 2. Subsection (3) of section 464.013, Florida
44 Statutes, is amended to read:

45 464.013 Renewal of license or certificate.-

46 (3) The board shall by rule prescribe up to 30 hours of
47 continuing education ~~not to exceed 30 hours~~ biennially as a
48 condition for renewal of a license or certificate. A nurse who
49 is certified by an accredited program is exempt from continuing
50 education requirements. The criteria for programs shall be
51 approved by the board.

52 Section 3. Section 464.019, Florida Statutes, is amended to
53 read:

54 464.019 Approval of nursing education programs.-

55 (1) PROGRAM APPLICATION ~~APPLICATIONS~~.-An educational
56 institution that wishes to conduct a program in this state for
57 the prelicensure education of professional or practical nurses
58 must submit to the department a program application and review

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59 fee of \$1,000 for each prelicensure nursing education program to
60 be offered at the institution's main campus, branch campus, or
61 other instructional site. The ~~Each~~ program application must
62 include the legal name of the educational institution, the legal
63 name of the nursing education program, and, if such program is
64 accredited ~~by an accrediting agency other than an accrediting~~
65 ~~agency described in s. 464.003(1)~~, the name of the accrediting
66 agency. The application must also document that:

67 (a)1. For a professional nursing education program, the
68 program director and at least 50 percent of the program's
69 faculty members are registered nurses who have a master's or
70 higher degree in nursing or a bachelor's degree in nursing and a
71 master's or higher degree in a field related to nursing.

72 2. For a practical nursing education program, the program
73 director and at least 50 percent of the program's faculty
74 members are registered nurses who have a bachelor's or higher
75 degree in nursing.

76
77 The educational degree requirements of this paragraph may be
78 documented by an official transcript or by a written statement
79 from the educational institution verifying that the institution
80 conferred the degree.

81 (b) The program's nursing major curriculum consists of at
82 least:

83 1. Fifty percent clinical training for a practical nursing
84 education program, an associate degree professional nursing
85 education program, or a professional diploma nursing education
86 program.

87 2. Forty percent clinical training for a bachelor's degree

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88 professional nursing education program.

89 ~~(c) No more than 25 percent of the program's clinical~~
90 ~~training consists of clinical simulation.~~

91 (c)~~(d)~~ The program has signed agreements with each agency,
92 facility, and organization included in the curriculum plan as
93 clinical training sites and community-based clinical experience
94 sites.

95 (d)~~(e)~~ The program has written policies for faculty which
96 include provisions for direct or indirect supervision by program
97 faculty or clinical preceptors for students in clinical training
98 consistent with the following standards:

99 1. The number of program faculty members equals at least
100 one faculty member directly supervising every 12 students unless
101 the written agreement between the program and the agency,
102 facility, or organization providing clinical training sites
103 allows more students, not to exceed 18 students, to be directly
104 supervised by one program faculty member.

105 2. For a hospital setting, indirect supervision may occur
106 only if there is direct supervision by an assigned clinical
107 preceptor, a supervising program faculty member is available by
108 telephone, and such arrangement is approved by the clinical
109 facility.

110 3. For community-based clinical experiences that involve
111 student participation in invasive or complex nursing activities,
112 students must be directly supervised by a program faculty member
113 or clinical preceptor and such arrangement must be approved by
114 the community-based clinical facility.

115 4. For community-based clinical experiences not subject to
116 subparagraph 3., indirect supervision may occur only when a

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117 supervising program faculty member is available to the student
118 by telephone.

119
120 A program's policies established under this paragraph must
121 require that a clinical preceptor who is, ~~if~~ supervising
122 students in a professional nursing education program, ~~to~~ be a
123 registered nurse or, if supervising students in a practical
124 nursing education program, ~~to~~ be a registered nurse or licensed
125 practical nurse.

126 (e) ~~(f)~~ The professional or practical nursing curriculum
127 plan documents clinical experience and theoretical instruction
128 in medical, surgical, obstetric, pediatric, and geriatric
129 nursing; ~~A professional nursing curriculum plan shall also~~
130 ~~document~~ clinical experience and theoretical instruction in
131 psychiatric nursing; and. ~~Each curriculum plan must document~~
132 clinical training experience in appropriate settings that
133 include, but are not limited to, acute care, long-term care, and
134 community settings.

135 (f) ~~(g)~~ The professional or practical nursing education
136 program provides theoretical instruction and clinical
137 application in personal, family, and community health concepts;
138 nutrition; human growth and development throughout the life
139 span; body structure and function; interpersonal relationship
140 skills; mental health concepts; pharmacology and administration
141 of medications; and legal aspects of practice. A professional
142 nursing education program must ~~shall~~ also provide theoretical
143 instruction and clinical application in interpersonal
144 relationships and leadership skills; professional role and
145 function; and health teaching and counseling skills.

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146 (2) PROGRAM APPROVAL.—

147 (a) Upon receipt of a program application and review fee,
148 the department shall examine the application to determine if
149 ~~whether~~ it is complete. If the ~~a program~~ application is not
150 complete, the department shall notify the educational
151 institution in writing of any errors or omissions within 30 days
152 after the department's receipt of the application. A program
153 application is deemed complete upon the department's receipt of:

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

157 2. A revised application that corrects each error and
158 omission of which the department notifies the educational
159 institution within the 30-day period.

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

162 1. Approve the application if it documents compliance with
163 subsection (1) ~~paragraphs (1)(a)-(g)~~; or

164 2. Provide the educational institution with a notice of
165 intent to deny the application if it does not document
166 compliance with subsection (1) ~~paragraphs (1)(a)-(g)~~. The notice
167 must specify ~~set forth~~ written reasons for the board's denial of
168 the application. The board may not deny a program application
169 because of an educational institution's failure to correct an
170 any error or omission that ~~of which~~ the department failed to
171 provide notice of to ~~does not notify~~ the institution within the
172 30-day notice period under paragraph (a). The educational
173 institution may request a hearing on the notice of intent to
174 deny the program application pursuant to chapter 120.

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

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

180 ~~(3) STATUS OF CERTAIN PROGRAMS. A professional or practical~~
181 ~~nursing education program becomes an approved program if, as of~~
182 ~~June 30, 2009, the program:~~

183 ~~(a) Has full or provisional approval from the board or,~~
184 ~~except as provided in paragraph (b), is on probationary status.~~

185 ~~(b) Is on probationary status because the program did not~~
186 ~~meet the board's requirement for graduate passage rates. Such~~
187 ~~program shall remain on probationary status until it achieves a~~
188 ~~graduate passage rate for calendar year 2009 or 2010 that equals~~
189 ~~or exceeds the required passage rate for the respective calendar~~
190 ~~year and must disclose its probationary status in writing to the~~
191 ~~program's students and applicants. If the program does not~~
192 ~~achieve the required passage rate, the board shall terminate the~~
193 ~~program pursuant to chapter 120.~~

194 (3)(4) ANNUAL REPORT.—By November 1 of each year, each
195 approved program that is not accredited shall submit to the
196 board an annual report comprised of an affidavit certifying
197 continued compliance with subsection (1) ~~paragraphs (1)(a)-(g),~~
198 a summary description of the program's compliance with
199 subsection (1) ~~paragraphs (1)(a)-(g),~~ and documentation for the
200 previous academic year that, to the extent applicable, describes
201 ~~sets forth:~~

202 (a) The number of student applications received, qualified
203 applicants, applicants accepted, accepted applicants who enroll

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204 in the program, students enrolled in the program, and program
205 graduates.

206 (b) The program's retention rates for students tracked from
207 program entry to graduation.

208 (c) The program's accreditation status, including
209 identification of the accrediting agency if the program is
210 accredited ~~such agency is not an accrediting agency described in~~
211 ~~s. 464.003(1)~~.

212 (4) ~~(5)~~ INTERNET WEBSITE. ~~By October 1, 2010,~~ The board
213 shall publish the following information on its Internet website:

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

218 1. For a program's accreditation status, the specialized
219 accrediting agencies that are nationally recognized by the
220 United States Secretary of Education to accredit nursing
221 education programs.

222 2. For a program's graduate passage rates, the contract
223 testing service of the National Council of State Boards of
224 Nursing.

225 (b) The following data for each approved program, which
226 includes ~~shall include~~, to the extent applicable:

227 1. All documentation provided by the program in its program
228 application if submitted on or after July 1, 2009.

229 2. The summary description of the program's compliance
230 submitted under subsection (3) ~~(4)~~.

231 3. The program's accreditation status, including
232 identification of the accrediting agency if the program is

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233 ~~accredited~~ such agency is not an accrediting agency described in
 234 ~~s. 464.003(1)~~.

235 4. The program's probationary status.

236 5. The program's graduate passage rates for the most recent
 237 2 calendar years.

238 6. Each program's retention rates for students tracked from
 239 program entry to graduation.

240 (c) The average passage rates for United States educated
 241 first-time test takers on the National Council of State Boards
 242 of Nursing Licensing Examination for the most recent 2 calendar
 243 years, as calculated by the contract testing service of the
 244 National Council of State Boards of Nursing. The average passage
 245 rates shall be published separately for each type of comparable
 246 degree program listed in subparagraph (5) (a) 1. ~~sub-subparagraphs~~
 247 ~~(6) (a) 1.a. d.~~

248
 249 The information required to be published under this subsection
 250 shall be made available in a manner that allows interactive
 251 searches and comparisons of individual programs selected by the
 252 website user. The board shall update the Internet website at
 253 least quarterly with the available information.

254 (5) (6) ACCOUNTABILITY.—

255 (a) 1. An approved program must achieve a graduate passage
 256 rate that is not more ~~lower~~ than 10 percentage points lower ~~less~~
 257 than the average passage rate during the same calendar year for
 258 graduates of comparable degree programs who are United States
 259 educated, first-time test takers on the National Council of
 260 State Boards of Nursing Licensing Examination ~~during a calendar~~
 261 ~~year~~, as calculated by the contract testing service of the

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262 National Council of State Boards of Nursing. For purposes of
263 this subparagraph, an approved program is comparable to all
264 degree programs of the same program type from among the
265 following program types:

266 a. Professional nursing education programs that terminate
267 in a bachelor's degree.

268 b. Professional nursing education programs that terminate
269 in an associate degree.

270 c. Professional nursing education programs that terminate
271 in a diploma.

272 d. Practical nursing education programs.

273 2. Beginning with graduate passage rates for calendar year
274 2010, if an approved program's graduate passage rates do not
275 equal or exceed the required passage rates for 2 consecutive
276 calendar years, the board shall place the program on
277 probationary status pursuant to chapter 120 and the program
278 director shall ~~must~~ appear before the board to present a plan
279 for remediation. The program must ~~shall~~ remain on probationary
280 status until it achieves a graduate passage rate that equals or
281 exceeds the required passage rate for any 1 calendar year. The
282 board shall deny a program application for a new prelicensure
283 nursing education program submitted by an educational
284 institution if the institution has an existing program that is
285 already on probationary status.

286 3. Upon the program's achievement of a graduate passage
287 rate that equals or exceeds the required passage rate, the
288 board, at its next regularly scheduled meeting following release
289 of the program's graduate passage rate by the National Council
290 of State Boards of Nursing, shall remove the program's

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291 probationary status. However, if the program, during the 2
292 calendar years following its placement on probationary status,
293 does not achieve the required passage rate for any 1 calendar
294 year, the board shall terminate the program pursuant to chapter
295 120.

296 (b) If an approved program fails to submit the annual
297 report required in subsection (3) ~~(4)~~, the board shall notify
298 the program director and president or chief executive officer of
299 the educational institution in writing within 15 days after the
300 due date of the annual report. The program director shall ~~must~~
301 appear before the board at the board's next regularly scheduled
302 meeting to explain the reason for the delay. The board shall
303 terminate the program pursuant to chapter 120 if it does not
304 submit the annual report within 6 months after the due date.

305 (c) An approved program on probationary status shall
306 disclose its probationary status in writing to the program's
307 students and applicants.

308 (6) ~~(7)~~ DISCLOSURE OF GRADUATE PASSAGE RATE DATA.—

309 (a) For each graduate of the program ~~an approved program's~~
310 ~~or accredited program's graduates~~ included in the calculation of
311 the program's graduate passage rate, the department shall
312 disclose to the program director, upon his or her written
313 request, the name, examination date, and determination of
314 whether each graduate passed or failed the National Council of
315 ~~for~~ State Boards of Nursing Licensing Examination, if to the
316 ~~extent that~~ such information is provided to the department by
317 the contract testing service of the National Council of ~~for~~
318 State Boards of Nursing. The written request must specify the
319 calendar years for which the information is requested.

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320 (b) A program director to whom confidential information
321 exempt from public disclosure pursuant to s. 456.014 is
322 disclosed under this subsection must maintain the
323 confidentiality of the information and is subject to the same
324 penalties provided in s. 456.082 for department employees who
325 unlawfully disclose confidential information.

326 (7)~~(8)~~ PROGRAM CLOSURE.—

327 (a) An educational institution conducting an approved
328 program or accredited program in this state, at least 30 days
329 before voluntarily closing the program, shall notify the board
330 in writing of the institution's reason for closing the program,
331 the intended closure date, the institution's plan to provide for
332 or assist in the completion of training by the program's
333 students, and the arrangements for storage of the program's
334 permanent records.

335 (b) An educational institution conducting a nursing
336 education program that is terminated under subsection (5) ~~(6)~~ or
337 closed under subparagraph (9) (b) 3. ~~(10) (b) 3.:~~

338 1. May not accept or enroll new students.

339 2. Shall ~~Must~~ submit to the board within 30 days after the
340 program is terminated or closed a written description of how the
341 institution will assist in completing the ~~completion~~ of training
342 of ~~by~~ the program's students and the institution's arrangements
343 for storage of the program's permanent records.

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

348 1. The president or chief executive officer of the

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349 educational institution.

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

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

354 4. The Commission for Independent Education, if the program
355 is conducted by an educational institution licensed under
356 chapter 1005.

357 5. The State Board of Education, if the program is
358 conducted by an educational institution in the Florida College
359 System or by an educational institution that is not subject to
360 subparagraphs 2.-4.

361 ~~(8)-(9)~~ RULEMAKING.—The board does not have ~~any~~ rulemaking
362 authority to administer this section, except that the board
363 shall adopt rules ~~a rule~~ that prescribe ~~prescribes~~ the format
364 for submitting program applications under subsection (1) and
365 annual reports under subsection (3), and to administer the
366 documentation of the accreditation of nursing education programs
367 under subsection (11) ~~(4)~~. The board may not impose any
368 condition or requirement on an educational institution
369 submitting a program application, an approved program, or an
370 accredited program, except as expressly provided in this
371 section. ~~The board shall repeal all rules, or portions thereof,~~
372 ~~in existence on July 1, 2009, that are inconsistent with this~~
373 ~~subsection.~~

374 ~~(9)-(10)~~ APPLICABILITY TO ACCREDITED PROGRAMS.—

375 (a) Subsections (1)-(3) ~~(1)-(4)~~, paragraph (4)(b) ~~(5)(b)~~,
376 and subsection (5) ~~(6)~~ do not apply to an accredited program. ~~An~~
377 ~~accredited program on probationary status before July 1, 2010,~~

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378 ceases to be subject to the probationary status.

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

381 1. Within 10 business days after the program ceases to be
382 accredited, must provide written notice of the date that the
383 program ceased to be accredited to the board, the program's
384 students and applicants, and each entity providing clinical
385 training sites or community-based clinical experience sites for
386 the program. The educational institution must continue to
387 provide the written notice to new students, applicants, and
388 entities providing clinical training sites or community-based
389 clinical experience sites for the program until the program
390 becomes an approved program or is closed under subparagraph 3.

391 2. Within 30 days after the program ceases to be
392 accredited, must submit an affidavit to the board, signed by the
393 educational institution's president or chief executive officer
394 which, ~~that~~ certifies the institution's compliance with
395 subparagraph 1. The board shall notify the persons listed in
396 subparagraph (7)(c)1. ~~(8)(e)1.~~ and the applicable entities
397 listed in subparagraphs (7)(c)2.-5. ~~(8)(e)2.-5.~~ if an
398 educational institution does not submit the affidavit required
399 by this subparagraph.

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

402 a. Within 30 days after the program ceases to be
403 accredited, submits a program application and review fee to the
404 department under subsection (1) and the affidavit required under
405 subparagraph 2., the program shall be deemed an approved program
406 from the date that the program ceased to be accredited until the

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407 date that the board approves or denies the program application.
408 The program application must be denied by the board pursuant to
409 chapter 120 if it does not contain the affidavit. If the board
410 denies the program application under subsection (2) or if
411 ~~because~~ the program application does not contain the affidavit,
412 the program shall be closed and the educational institution
413 conducting the program must comply with paragraph (7) (b) ~~(8) (b)~~.

414 b. Does not apply to become an approved program pursuant to
415 sub-subparagraph a., the program shall be deemed an approved
416 program from the date ~~that~~ the program ceased to be accredited
417 until the 31st day after that date. On the 31st day after the
418 program ceased to be accredited, the program shall be closed and
419 the educational institution conducting the program must comply
420 with paragraph (7) (b) ~~(8) (b)~~.

421 (10) ~~(11)~~ IMPLEMENTATION STUDY.—The Florida Center for
422 Nursing ~~and the education policy area of the Office of Program~~
423 ~~Policy Analysis and Government Accountability~~ shall study the 5-
424 year administration of this section and submit reports to the
425 Governor, the President of the Senate, and the Speaker of the
426 House of Representatives by January 30, 2011, and annually
427 thereafter through January 30, 2015. The annual reports shall
428 address the previous academic year; provide ~~set forth~~ data on
429 the measures specified in paragraphs (a) and (b), as such data
430 becomes available; and include an evaluation of such data for
431 purposes of determining whether this section is increasing the
432 availability of nursing education programs and the production of
433 quality nurses. The department and each approved program or
434 accredited program shall comply with requests for data from the
435 Florida Center for Nursing ~~and the education policy area of the~~

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~~Office of Program Policy Analysis and Government Accountability.~~

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

1. The number of programs and student slots available.

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

3. The number of program graduates.

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

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

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

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

1. Program application approval process, including, but not limited to, the number of program applications submitted under subsection (1); the number of program applications approved and denied by the board under subsection (2); the number of denials of program applications reviewed under chapter 120; and a description of the outcomes of those reviews.

2. Accountability processes, including, but not limited to, the number of programs on probationary status, the number of approved programs for which the program director is required to appear before the board under subsection (5) ~~(6)~~, the number of approved programs terminated by the board, the number of

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465 terminations reviewed under chapter 120, and a description of
466 the outcomes of those reviews.

467 ~~(c) For any state fiscal year in which the Florida Center~~
468 ~~for Nursing does not receive legislative appropriations, the~~
469 ~~education policy area of the Office of Program Policy Analysis~~
470 ~~and Government Accountability shall perform the duties assigned~~
471 ~~by this subsection to the Florida Center for Nursing.~~

472 (11) ACCREDITATION REQUIRED.-

473 (a) A nursing education program that prepares students for
474 the practice of professional nursing, that was approved under
475 this section before July 1, 2014, and that enrolled students
476 before July 1, 2014, must be accredited by an accrediting agency
477 described in s. 464.003(1) by July 1, 2019.

478 (b) A nursing education program that prepares students for
479 the practice of professional nursing, that was approved under
480 this section before July 1, 2014, but did not enroll students
481 before that date, must become accredited by an accrediting
482 agency described in s. 464.003(1) within 5 years after the date
483 of enrolling the program's first students.

484 (c) A nursing education program that prepares students for
485 the practice of professional nursing and that is approved by the
486 board after June 30, 2014, must become accredited by an
487 accrediting agency described in s. 464.003(1) within 5 years
488 after the date of enrolling the program's first students.

489 (d) This subsection does not apply to a nursing education
490 program provided by an institution that is exempted from
491 licensure by the Commission for Independent Education under s.
492 1005.06(1)(e).

493 Section 4. This act shall take effect July 1, 2014.