

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/CS/HB 1059 Nursing Education Programs

**SPONSOR(S):** Education Committee, Education Appropriations Subcommittee, Select Committee on Health Care Workforce Innovation; Pigman

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1036

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Select Committee on Health Care Workforce Innovation	16 Y, 0 N, As CS	Dunn	Calamas
2) Education Appropriations Subcommittee	13 Y, 0 N, As CS	Garner	Heflin
3) Education Committee	14 Y, 0 N, As CS	Thomas	Mizereck

### SUMMARY ANALYSIS

In 2009, the Legislature determined that the state had a growing nursing workforce shortage and that there was an insufficient number of nursing programs in the state due to strict program requirements established by the Board of Nursing (BON). That year, the Legislature reformed regulation of nursing programs by removing the BON's discretion and rulemaking authority related to approving such programs. Instead, the Legislature codified the requirements for becoming an approved program. The law also included an accountability mechanism that required unaccredited programs to be placed on probation for having two consecutive years of national exam passage rates 10 percentage points or more below the national average.

The bill restricts the accountability measure of exam passage rates to only first-time test takers who take the exam within six months of graduation and requires students who wait to take the exam to successfully complete a licensure examination preparatory course. The bill also requires the director of a program being placed on probation to include benchmarks in the statutorily required remediation plan presented to the BON. It allows the Board to grant an extension of probationary status for one year if the program achieves a majority of the benchmarks and demonstrates progress toward the success rate.

To hold nursing programs more accountable, this bill amends the Florida Nurse Practice Act to require nursing education programs that prepare students to be registered nurses (RNs) to be accredited by a nationally recognized nursing accrediting agency. The bill requires RN nursing education programs to obtain program accreditation by July 19, 2019 or within 5 years after the date of enrollment of the program's first students.

The bill authorizes the BON to adopt rules relating to documenting the accreditation of nursing education programs. The bill requires the education policy area of OPPAGA to continue submitting annual implementation reports through January 30, 2020.

The bill revises the definition of "clinical training" to include clinical simulation and increases the authorized amount of training from 25 to 50 percent. The bill requires the clinical training portion of a nursing major curriculum to occur in the United States or a possession or territory of the United States. The bill revises the definition of "practical nursing" to include teaching of general principles of health and wellness to the public and to students other than nursing students. The bill exempts nurses with specialty health care certification from continuing education required at biennial license renewal. The bill provides for the recalculation of passage rates for programs that received transfer students from a terminated nursing program.

The bill has an insignificant negative fiscal impact on eight public college programs that have not yet applied for program accreditation and will be required to do so. The bill has no fiscal impact on local governments.

The bill provides an effective date of July 1, 2014.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** h1059e.EDC

**DATE:** 4/10/2014

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Background**

##### Nursing Licensure

The Nurse Practice Act, chapter 464, F.S., governs the licensure and regulation of nurses in Florida. The Department of Health (DOH) is the licensing agency for nurses, and the Board of Nursing (BON) is the regulatory authority. The BON is comprised of 13 members appointed by the Governor and confirmed by the Senate.<sup>1</sup>

Applicants may apply to the DOH to be licensed as a registered nurse (RN) or a licensed practical nurse (LPN). RNs are licensed to practice “professional nursing;” whereas, LPNs are licensed to practice “practical nursing.”<sup>2</sup> After graduating from a BON approved nursing program or equivalent, applicants must submit an application, pay a fee, submit information for a criminal background check, and pass a licensure exam.<sup>3</sup> For the exam requirement, the DOH uses the National Council Licensure Examination (NCLEX), developed by the National Council of State Boards of Nursing.

License renewal is required biennially.<sup>4</sup> Each renewal period, an RN must document completion of one hour of continuing education for each calendar month of the licensure cycle.<sup>5</sup> As part of the total hours required, all licensees must complete a two-hour course on the prevention of medical errors.<sup>6</sup> Beginning with the biennium ending in 2015, each licensee shall complete a two hour course on the laws and rules that govern the practice of nursing in Florida.<sup>7</sup>

##### Nurse Specialty Certification

Specialty certification is a process by which a nongovernmental agency validates, based upon predetermined standards, an individual nurse’s qualifications for practice in a defined functional or clinical area of nursing.<sup>8</sup> Certifications are intended to raise nursing standards and are earned through an assessment process.<sup>9</sup>

Periodic recertification is required in order to maintain a specialty certification. Recertification typically requires proof of a designated number of clinic hours in the specialty practice, testing, professional competency (continuing education), or some combination of the three.<sup>10</sup>

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<sup>1</sup> Section 464.004, F.S. Board membership consists of seven registered nurses, three licensed practical nurses, and three lay persons without any connection to a health care facility. *Id.*

<sup>2</sup> Section 464.003, F.S. “Practice of professional nursing” means the performance of acts requiring substantial specialized knowledge, judgment, and nursing skill based upon applied principles of psychological, biological, physical, and social sciences. *Id.* “Practice of practical nursing” means the performance of selected acts and being responsible and accountable for making decisions that are based upon the individual’s educational preparation and experience in nursing. *Id.*

<sup>3</sup> Section 464.008, F.S. The state also has a licensure by endorsement provision for nurses currently licensed and practicing in another state. Section 464.009, F.S.

<sup>4</sup> Section 464.013, F.S.

<sup>5</sup> Fla. Admin. Code Ann. r. 64B9-5.002 (2014).

<sup>6</sup> Fla. Admin. Code Ann. r. 64B9-5.011.

<sup>7</sup> Fla. Admin. Code Ann. r. 64B9-5.013.

<sup>8</sup> American Association of Critical-Care Nurses, *What is Nurse Certification?*, available at <http://www.aacn.org/wd/certifications/content/consumer-whatiscert.pcms?menu=certification> (last visited Mar. 12, 2014).

<sup>9</sup> *Id.*

<sup>10</sup> See, e.g., American Nurses Credentialing Center, *2014 Certification Renewal Requirements*, available at <http://www.nursecredentialing.org/RenewalRequirements.aspx> (last visited Mar. 12, 2014).

The National Commission for Certifying Agencies accredits sixteen nursing certification programs, for example the American Nurses Credentialing Center.<sup>11</sup> The individual certification programs offer specialty certification in a wide range of areas, such as acute care, ambulatory care, and clinical care.<sup>12</sup>

In Florida, RNs are not required to obtain specialty certification.<sup>13</sup> Nurses may voluntarily seek certification, or certification may be required by an employer.

### Nursing Education Programs

Nursing programs in Florida are offered by: public school district workforce education programs, Florida colleges, state universities, private institutions licensed by the Commission for Independent Education, private institutions that are members of the Independent Colleges and Universities of Florida (ICUF), and Pensacola Christian College, which is statutorily authorized by s. 1005.06(1)(e), F.S.<sup>14</sup>

A nursing education program is considered an accredited program if the program is accredited by a specialized nursing accrediting agency that is nationally recognized by the United States Secretary of Education to accredit nursing education programs.<sup>15</sup> A program that is approved by the BON that is not accredited is considered an approved program.<sup>16</sup> Chapter 464, F.S., recognizes and distinguishes between approved programs and accredited programs.

#### *Approved Programs*

An educational institution may apply to the DOH to become an approved nursing program. The DOH reviews the applications for completeness. An application to become an approved program must document compliance with the following program standards: faculty qualifications, clinical training requirements, faculty-to-student ratios, signed agreements with clinical training sites in the curriculum plan, and curriculum and instruction requirements.<sup>17</sup>

Applications deemed complete are forwarded to the BON for approval. Within 90 days of receipt of the application from the DOH, the BON must approve the application or notify the applicant of the intent to deny the application. If noticed of the intent to deny, the applicant may request a hearing under chapter 120, F.S.<sup>18</sup>

An approved program's curriculum must consist of at least 50 percent clinical training for an associate's degree RN program or at least 40 percent clinical training for a bachelor's degree RN program.<sup>19</sup> No more than 25 percent of an approved program's clinical training may consist of clinical simulation.<sup>20</sup>

Approved programs must submit an annual report by November 1 of each year to the BON. The report must document enrollment, student retention rates, and accreditation status. The BON must publish on

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<sup>11</sup> Institute for Credentialing Excellence, *NCCA-Accredited Certification Programs*, available at <http://www.credentialingexcellence.org/p/cm/ld/fid=121> (last visited Mar. 12, 2014).

<sup>12</sup> *Id.*

<sup>13</sup> Advanced Registered Nurse Practitioners are a special category of registered nurses. The Nurse Practice Act requires specialty certification in order to practice as an Advanced Registered Nurse Practitioner. See s. 464.012, F.S.

<sup>14</sup> This section of law exempts schools from the Commission for Independent Education's licensure requirements if the institution: had been so exempted prior to 2001; is incorporated in this state; the institution's credits or degrees are accepted for credit by at least three colleges that are fully accredited by an agency recognized by the U.S. Department of Education; the institution was exempt under that category prior to July 1, 1982; and the institution does not enroll any students who receive state or federal financial aid. Section 1005.06(1)(e), F.S. Only two institutions in Florida, Pensacola Christian College and Landmark Baptist College, are subject to this exemption. Landmark Baptist College does not offer a nursing program.

<sup>15</sup> Section 464.003(1), F.S.

<sup>16</sup> *Id.*

<sup>17</sup> Section 464.019(1), F.S.

<sup>18</sup> Section 464.019(2), F.S.

<sup>19</sup> Section 464.019(1)(b), F.S.

<sup>20</sup> Section 464.019(1)(c), F.S.

its website an approved program's graduate NCLEX passage rate, student retention rates, probationary status, accreditation status, and application documentation.

Approved programs are subject to an accountability provision. Approved programs that have two consecutive years of national exam passage rates 10 percentage points or more below the national average are placed on probation by the BON. If a program on probation does not achieve the required passage rate for any one calendar year during the two calendar years following its placement on probation, the BON must terminate the program.<sup>21</sup>

### *Accredited Programs*

Because accredited programs have to meet stringent criteria to maintain program accreditation, the following statutory requirements for approved programs are not applicable to accredited programs:<sup>22</sup>

- Documenting with the DOH compliance with faculty qualifications, clinical training requirements, faculty-to-student ratios, signed agreements with clinical training sites in the curriculum plan, and curriculum and instruction requirements;
- Clinical training minimums;
- Clinical simulation limitations;
- Annual reports to the BON;
- Publication of the accredited program's application documentation and student retention rates on the BON website; and
- Probation for NCLEX passage rates 10 percentage points below the national average.

Accredited program's accreditation status and graduate NCLEX passage rates must be published on the BON website.

### Clinical Simulation

Clinical simulation is the practice of recreating a clinical scenario in an artificial setting. Simulation training allows deliberate practice in a controlled environment and allows students to practice a procedure prior to performance on a live patient. Advances in technology have created the opportunity for clinical simulation to be used as a substitute for actual clinical experience. The ability to substitute clinical simulation for clinical training is useful for nursing programs dealing with a limited number of clinical sites or clinical sites that have inadequate learning opportunities.<sup>23</sup> Advantages of clinical simulation include:<sup>24</sup>

- No direct risk to patients;
- The opportunity for repetitive practice;
- Team training;
- Standardized curriculums;
- Reflective learning by facilitated debriefing of scenarios and video feedback; and
- The potential to decrease the number and effect of errors through crisis resource management training.

A disadvantage to clinical simulation is difficulty in replicating reality. Equipment is often unable to imitate actual physiological signs or symptoms. An artificial environment with mannequins and standardized patients has the potential to eliminate emotional stress that would be present in a real

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<sup>21</sup> Section 464.019(6), F.S.

<sup>22</sup> Section 464.019(10), F.S.

<sup>23</sup> Frank D. Hicks et al., *The Effect of High-Fidelity Simulation on Nursing Students' Knowledge and Performance: A Pilot Study*, 1, (2009), available at [https://www.ncsbn.org/09\\_SimulationStudy\\_Vol40\\_web\\_with\\_cover.pdf](https://www.ncsbn.org/09_SimulationStudy_Vol40_web_with_cover.pdf) (last visited Mar. 12, 2014).

<sup>24</sup> *Id.* at 1-2.

situation. Trainee perception of the simulation may cause students to react differently due to the lack of consequences on patient safety.<sup>25</sup>

The body of literature on the effectiveness of clinical simulation is growing. A recent review of studies published between 1999 and January 2009, found that medium and/or high fidelity simulation using mannequins is an effective teaching and learning method when best practice guidelines are used.<sup>26</sup>

Competition for clinical training spots in Florida has increased significantly.<sup>27</sup> A recent Miami Herald article reported that some nursing programs have begun paying for access to hospitals for clinical training slots for students.<sup>28</sup> On-site clinical training is limited by the number of available sites and the hours the sites are available, which makes training through clinical simulation a valuable alternative.

### Nursing Education Program Reform

Prior to 2009, the BON had additional statutory authority over nursing program approval, including the ability to adopt rules related to educational objectives, faculty qualifications, curriculum guidelines, administrative procedures, and clinical training.<sup>29</sup>

However, in 2009, the Florida Legislature recognized that the state had a nursing shortage and that the shortage was projected to grow significantly. In 2007, demand for RNs exceeded supply by 10,850 RNs.<sup>30</sup> The Florida Center for Nursing predicted a statewide RN shortage of 52,209 nurses by 2020.<sup>31</sup> The Legislature identified a shortage of available seats in nursing programs for qualified applicants. For academic year 2007-2008, over 12,500 qualified applicants in Florida were turned away because schools were at capacity, and 68 percent of qualified RN applicants were turned away.<sup>32</sup>

To address the issue of program seat capacity, the 2009 Legislature codified the requirements for becoming an approved nursing program, removing the discretion and rulemaking authority from the BON.<sup>33</sup> The new law removed BON oversight of faculty requirements, student to faculty ratios, clinical training and clinical simulation requirements, and curriculum and instruction requirements. The law added transparency provisions and a measure to hold programs accountable via NCLEX passage rates.

The new law increased transparency by requiring nursing programs to submit an annual report to the BON, which the BON was required to use to publish program data to its website. The BON was required to publish new programs' applications; program accreditation status, including the accrediting agency; program probationary status; each program's NCLEX passage rate; program's student retention rates; and the national average passage rate for the NCLEX.

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<sup>25</sup> *Id.* at 2-3.

<sup>26</sup> Robyn P. Cant & Simon J. Cooper, *Simulation-based Learning in Nurse Education: Systematic Review*, 66 J. ADVANCED NURSING 3, 3 (2009). See Denise Ellis et al., *Hospital, Simulation Center, and Teamwork Training for Eclampsia Management: A Randomized Controlled Trial*, 111 OBSTETRICS AND GYNECOLOGY 723, 723 (2008), for recent study of 132 students finding revealing no differences in clinical versus simulated training. *But cf.* Frank D. Hicks et al., *supra* note 21 (finding inconclusive results, with clinical students and simulation students having different strengths and weaknesses).

<sup>27</sup> Michael Vasquez, *Trend of Pay-to-play Medical Training Worries Critics*, March 8, 2014), available at <http://www.miamiherald.com/2014/03/08/3983064/trend-of-pay-to-play-medical-training.html> (last visited Mar. 12, 2014).

<sup>28</sup> *Id.*

<sup>29</sup> Florida House of Representatives, Government Accountability Act Council, 2009 Legislative Bill Analysis at 5, CS/CS/HB 1209, April 2, 2009, on file with committee staff.

<sup>30</sup> Florida Center for Nursing. *Forecasting Supply, Demand, and Shortage of RNs and LPNs in Florida, 2007-2020*, 6 (July 2008), available at [http://www.flcenterfornursing.org/DigitalLibrary.aspx?Command=Core\\_Download&EntryId=193](http://www.flcenterfornursing.org/DigitalLibrary.aspx?Command=Core_Download&EntryId=193) (last viewed March 13, 2014)

<sup>31</sup> *Id.* at 6.

<sup>32</sup> Florida Center for Nursing. *2008 Nursing Education Program Annual Report and Workforce Survey*, 16 (January 2009), available at [http://www.flcenterfornursing.org/DigitalLibrary.aspx?Command=Core\\_Download&EntryId=8](http://www.flcenterfornursing.org/DigitalLibrary.aspx?Command=Core_Download&EntryId=8) (last viewed March 13, 2014).

<sup>33</sup> Ch. 2009-168, Laws of Fla.

The legislation also included an accountability mechanism. Programs without programmatic accreditation that have two consecutive years of national exam passage rates 10 percentage points or more below the national average are placed on probation by the BON.<sup>34</sup> If a program on probation does not achieve the required passage rate for any one calendar year during the two calendar years following its placement on probation, the BON must terminate the program.<sup>35</sup>

The Legislature charged the Office of Program Policy Analysis and Government Accountability (OPPAGA) with conducting a five-year implementation study of the effects of the 2009 changes.<sup>36</sup> OPPAGA issued a report in 2014, which found that the changes to the nursing program approval process led to rapid increases in the number of approved programs and available seats for students. Since 2009, 231 new programs have been approved, and over 29,500 seats have been added.<sup>37</sup> From academic years 2008-2009 to 2012-2013, the number of graduating students increased by 30 percent.<sup>38</sup> However, most of the programs approved after 2009 had poor passage rates on the NCLEX. Of the programs approved since 2009, 73 percent had exam passage rates 10 percent below the national average passing rate.<sup>39</sup>

### Nursing Education Program Accreditation

Accreditation is a voluntary process by which a non-governmental entity reviews and recognizes educational institutions or programs that meet or exceed standards for educational quality.<sup>40</sup> Accreditation is designed to distinguish schools adhering to a set of educational standards.<sup>41</sup> Nursing programs in Florida fall into one of the following accreditation categories:

- Programmatic accreditation;
- Broader institutional accreditation;
- Both programmatic accreditation and institutional accreditation; and
- Neither the program nor the institution is accredited.

The process for obtaining accreditation generally requires the following: an application, fees, a self-evaluation report, a peer review site visit, and a detailed analysis of materials and reviewer findings. Once accreditation is obtained, programs are subject to ongoing review, periodic site visits, and continuing accreditation fees.<sup>42</sup>

The United States Secretary of Education recognizes two accrediting agencies for nursing program accreditation, the Accreditation Commission for Education in Nursing (ACEN) and the Commission on Collegiate Nursing Education (CCNE).<sup>43</sup> Obtaining initial accreditation is an involved process. CCNE requires nursing programs to have students enrolled at least one year before applying.<sup>44</sup> Both ACEN and CCNE require programs to complete the accreditation process within two years.<sup>45</sup> CCNE requires

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<sup>34</sup> Accredited programs are exempt from the accountability provision. Section 464.019(10), F.S.

<sup>35</sup> Section 464.019(6), F.S.

<sup>36</sup> Office of Program Policy and Government Accountability, Florida Legislature, *Florida's Nursing Education Programs Continued to Expand in 2013, While Licensure Exams Passage Rates of New Programs Declined*, Report No. 14-03 at 1, available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1403rpt.pdf> (last visited Mar. 12, 2014).

<sup>37</sup> *Id.* at 3-4. Only 112 of the newly approved programs had graduates take the 2013 NCLEX. *Id.* at 7.

<sup>38</sup> *Id.* at 6.

<sup>39</sup> *Id.* at 7.

<sup>40</sup> Accreditation Commission for Education in Nursing, *Accreditation Manual*, 1, (July 31, 2013), available at <http://www.acenursing.net/manuals/GeneralInformation.pdf> (last visited Mar. 12, 2014).

<sup>41</sup> AdvancedEd, *What Is Accreditation?*, available at <http://www.advanc-ed.org/what-accreditation> (last visited Mar. 12, 2014).

<sup>42</sup> Accreditation Commission for Education in Nursing, *Accreditation Manual*, *supra* note 38 at 13.

<sup>43</sup> United States Department of Education, *Specialized Accrediting Agencies*, [https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg7.html](https://www2.ed.gov/admins/finaid/accred/accreditation_pg7.html) (last visited Mar. 12, 2014).

<sup>44</sup> Commission on Collegiate Nursing Education, *Procedures for Accreditation of Baccalaureate and Graduate Degree Nursing Programs* at 7 (April 28, 2012), available at <http://www.aacn.nche.edu/ccne-accreditation/procedures.pdf> (last visited Mar. 12, 2014).

<sup>45</sup> *Id.* at 6. Accreditation Commission for Education in Nursing, *Accreditation Manual*, *supra* note 38 at 13.

that the institution be accredited by an institutional accrediting agency recognized by the U.S. Secretary of Education.<sup>46</sup>

CCNE charges the following fees:<sup>47</sup>

- \$3,500 new applicant fee per program;
- \$1,750 evaluation fee per evaluation team member (typically, 3 - 5 members); and
- \$2,468 annual fee to maintain accreditation.

ACEN charges the following fees:

- \$2,500 candidacy fee;
- \$1,000 review fee for initial or continuing accreditation (per program); and
- \$835 site visit fee per evaluator per day.

Institutional accreditation applies to the entire institution and is not program specific. For example, the Southern Association of Colleges and Schools Council on Accreditation and School Improvement accredits almost seventy institutions that provide nursing programs, including all of the schools in the Florida university system.<sup>48</sup> At present, all schools that have nursing program accreditation also have institutional accreditation. However, not all schools with institutional accreditation have nursing program accreditation. Fifty-six nursing programs with only institutional accreditation had students take the 2013 NCLEX.<sup>49</sup>

There currently is no requirement to be accredited in order to become an approved nursing program. In 2013, eleven schools with neither nursing program accreditation nor institutional accreditation had students take the 2013 NCLEX.<sup>50</sup>

#### 2013 RN Education Programs National Exam Results by Accreditation Type

The charts below show by accreditation type the number of RN nursing programs that exceeded the NCLEX national average passage rate for first time test takers in 2013. The charts also illustrate the number of programs that were within or below 10 percent of the national passage rate.<sup>51</sup>

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<sup>46</sup> Commission on Collegiate Nursing Education, *Baccalaureate & Graduate Nursing Programs*, available at <http://www.aacn.nche.edu/ccne-accreditation/new-applicant-process/baccalaureate-graduate> (last visited Mar. 20, 2014).

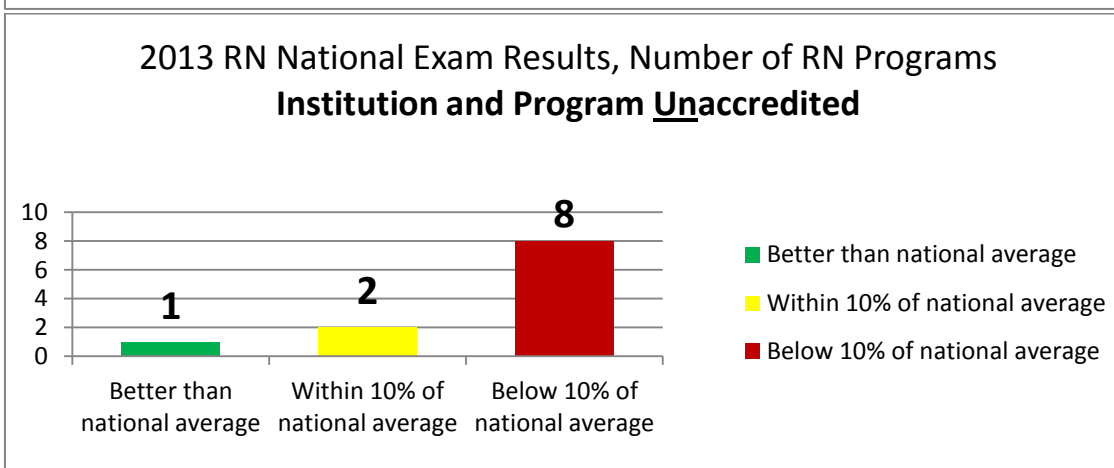
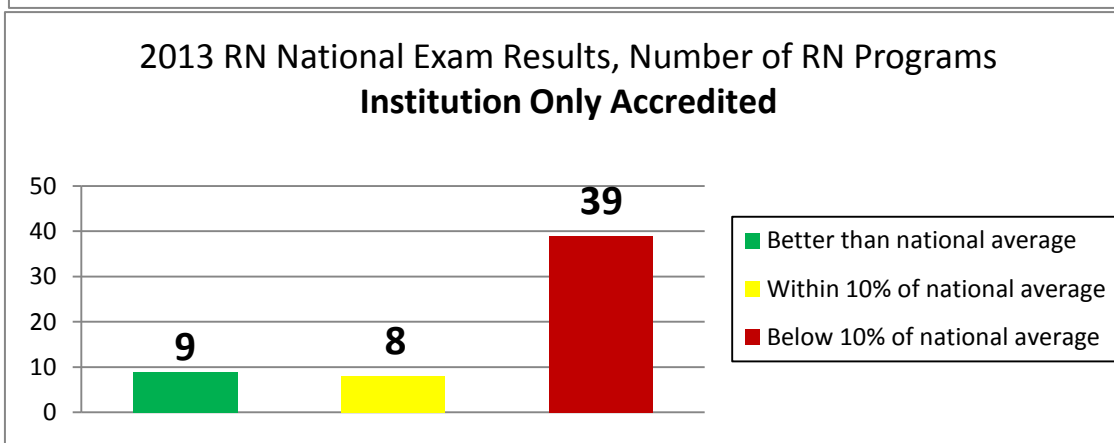
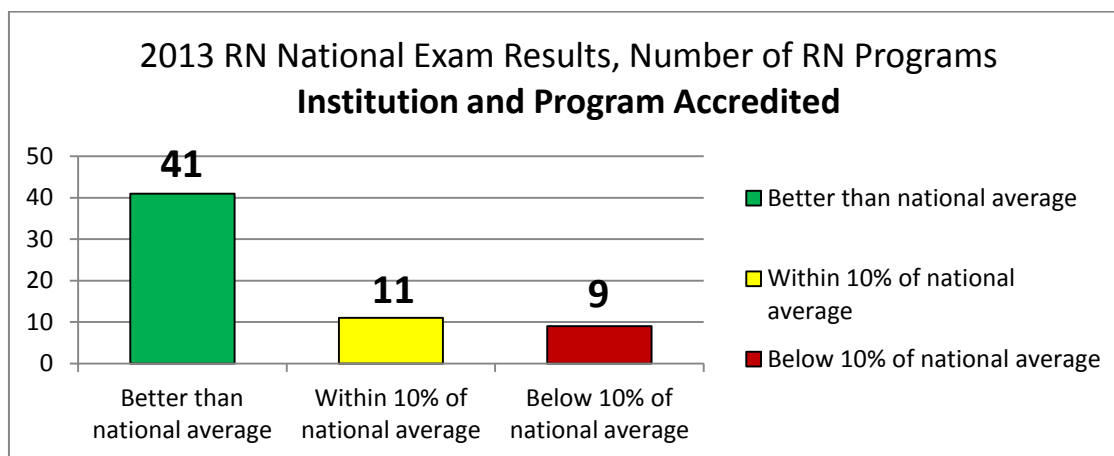
<sup>47</sup> Commission on Collegiate Nursing Education, *CCNE Fee Structure Nursing Education Programs*, available at <http://www.aacn.nche.edu/ccne-accreditation/FEESTR.pdf> (last visited Mar. 12, 2014).

<sup>48</sup> Data retrieved from Florida Department of Health, *Compare Florida Prelicensure Nursing Education Programs*, available at <http://ww2.doh.state.fl.us/MQANEP/SearchCriteria.aspx> (last visited Mar. 12, 2014).

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> Charts created from data available from the DOH and the 2013 nursing education OPPAGA report. See Florida Department of Health, *Compare Florida Prelicensure Nursing Education Programs*, *supra* note 46; Office of Program Policy and Government Accountability, Florida Legislature, *Florida's Nursing Education Programs Continued to Expand in 2013, While Licensure Exams Passage Rates of New Programs Declined*, *supra* note 34. Charts only include schools with more than one test taker.



## Effect of Proposed Changes

The bill amends s. 464.019, F.S., to require all nursing education programs that prepare students for the practice of professional nursing to be accredited by a specialized nursing accrediting agency that is nationally recognized by the United States Secretary of Education, with the exception of a nursing education program statutorily authorized by s. 1005.06(1)(e), F.S.<sup>52</sup> The bill requires RN nursing education programs to obtain program accreditation by July 19, 2019 or within 5 years after the date of enrollment of the program's first students. The following requirements for approved programs are not applicable to accredited programs:

<sup>52</sup> Only Pensacola Christian College and Landmark Baptist College qualify for this exception. Pensacola Christian College has a professional nursing education program, but Landmark Baptist College does not offer a nursing program.



- Documenting with the DOH compliance with faculty qualifications, clinical training requirements, faculty-to-student ratios, signed agreements with clinical training sites in the curriculum plan, and curriculum and instruction requirements;
- Clinical training minimums;
- Clinical simulation limitations;
- Annual reports to the BON;
- Publication of the accredited program's application documentation and student retention rates on the BON website; and
- Probation for NCLEX passage rates 10 percentage points below the national average.

The bill requires accredited program's accreditation status and graduate NCLEX passage rates to be published on the BON website.

The bill restricts the accountability measure of exam passage rates to only first-time test takers who take the exam within six months of graduation and requires students who wait more than six months to take the exam to successfully complete a licensure examination preparatory course. The bill also requires the director of a program being placed on probation to include benchmarks in the statutorily required remediation plan presented to the Board of Nursing. It allows the Board to grant an extension of probationary status for one year if the program achieves a majority of the benchmarks and demonstrates progress toward the success rate.

The bill revises the definition of "clinical training" to include clinical simulation and increases the authorized amount of clinical simulation training from 25 percent to 50 percent. The bill requires the clinical training portion of a nursing major curriculum to occur in the United States, the District of Columbia, or a possession or territory of the United States. The bill revises the definition of "practical nursing" to include teaching of general principles of health and wellness to the public and to students other than nursing students.

The bill amends s. 464.013, F.S., to exempt nurses with specialty health care certification from a program accredited by the National Commission for Certifying Agencies or the Accreditation Board for Specialty Nursing Certification from continuing education required at biennial license renewal.

The bill provides the Board of Nursing the authority to adopt rules relating to documenting the accreditation of nursing education programs. The bill requires the education policy area of OPPAGA to continue submitting annual implementation reports through January 30, 2020.

The bill provides for the recalculation of the passage rates of an approved or an accredited nursing program under the direction of the Commission for Independent Education that receives students who have been transferred from a terminated nursing program.

The bill repeals obsolete language in s. 464.019, F.S., related to the status of certain programs during the transition to the new program approval process effective July 1, 2009.

The bill amends s. 456.014 F.S., to conform a cross-reference.

The bill provides an effective date of July 1, 2014.

## B. SECTION DIRECTORY:

**Section 1.** Amends s. 464.003, F.S., relating to nursing definitions.

**Section 2.** Amends s. 464.013, F.S., relating to renewal of license or certificate.

**Section 3.** Amends s. 464.019, F.S., relating to approval of nursing education programs.

**Section 4.** Amends s. 456.014, F.S., relating to public inspection of information required from applicants; exceptions; examination hearing.

**Section 5.** Provides an effective date of July 1, 2014.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The DOH anticipates non-recurring costs for rule-making and workload to revise the nursing application, which can be absorbed by existing resources.<sup>53</sup>

Public colleges that do not currently have nursing program accreditation and are not currently seeking accreditation will incur the additional cost of becoming accredited and ongoing accreditation maintenance costs. ACEN charges an application fee of \$2,500, an initial accreditation or continuing accreditation review fee of \$1,000, and a site visit fee of \$835 per site visit. CCNE charges an application fee of \$3,500, an annual maintenance fee of \$2,468, and an evaluation fee of \$1,750 per evaluation team member (typically, 3 - 5 members). There are currently five Bachelor of Science in nursing programs and three Associate of Science in nursing programs offered at public colleges that have not yet applied for program accreditation.<sup>54</sup>

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private colleges and universities that do not currently have nursing program accreditation will incur the cost of becoming accredited and ongoing accreditation maintenance costs. There are currently 19 bachelor of science RN nursing programs and 120 associate degree RN nursing programs at private institutions that do not have nursing program accreditation.<sup>55</sup>

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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<sup>53</sup> Florida Department of Health, 2014 Agency Legislative Bill Analysis, HB 1059, March 10, 2014, on file with committee staff.

<sup>54</sup> Data retrieved from Florida College System staff, Commission on Collegiate Nursing Education website, and Accreditation Commission for Education in Nursing website accessed Mar. 31, 2014.

<sup>55</sup> Data retrieved from Florida Department of Health, *Compare Florida Prelicensure Nursing Education Programs*, *supra* note 46.

The bill provides the BON sufficient authority to adopt rules relating to documenting the accreditation of nursing education programs.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 19, 2014, the Select Committee on Health Care Workforce Innovation adopted an amendment to HB 1059 and reported the bill favorably as a committee substitute. The amendment:

- Adds the Accreditation Board for Specialty Nursing Certification to the named entities for nursing specialty certification accreditation for the purpose of the continuing education exemption in the bill;
- Requires the clinical training portion of a nursing major curriculum to occur in the United States, the District of Columbia, or a possession or territory of the United States;
- Increases from 25 percent to 50 percent the amount of clinical training that may be provided through clinical simulation; and
- Requires the education policy area of OPPAGA to continue submitting annual implementation reports through January 30, 2020.

On April 1, 2014, the Education Appropriations Subcommittee adopted an amendment to HB 1059 and reported the bill favorably as a committee substitute. The amendment restricts the accountability measure of exam passage rates to only first-time test takers who take the exam within six months of graduation and requires students who wait more than six months to take the exam to successfully complete a licensure examination preparatory course. It also allows the Board of Nursing to grant a one-year extension for a program that is set for termination due to low licensure passage rates.

On April 10, 2014, the Education Committee adopted an amendment to HB 1059 and reported the bill favorably as a committee substitute. The amendment provided for the recalculation of passage rates for programs that received transfer students from a terminated nursing program.

This analysis is drafted to the committee substitute as passed by the Education Committee.