



706938

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2017	.	
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	.	

The Committee on Health Policy (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) of section 464.012, Florida
Statutes, is amended to read:

464.012 Certification of advanced registered nurse
practitioners; fees; controlled substance prescribing.—

(1) Any nurse desiring to be certified as an advanced
registered nurse practitioner shall apply to the department and



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11 submit proof that he or she holds a current license to practice
12 professional nursing and that he or she meets one or more of the
13 following requirements as determined by the board:

14 ~~(a) Satisfactory completion of a formal postbasic~~
15 ~~educational program of at least one academic year, the primary~~
16 ~~purpose of which is to prepare nurses for advanced or~~
17 ~~specialized practice.~~

18 ~~(a)~~ (b) Certification by an appropriate specialty board.
19 Such certification shall be required for initial state
20 certification and any recertification as a registered nurse
21 anesthetist, psychiatric nurse, or nurse midwife. The board may
22 by rule provide for provisional state certification of graduate
23 nurse anesthetists, psychiatric nurses, and nurse midwives for a
24 period of time determined to be appropriate for preparing for
25 and passing the national certification examination.

26 ~~(b)~~ (e) Graduation from a program leading to a master's
27 degree in a nursing clinical specialty area with preparation in
28 specialized practitioner skills. For applicants graduating on or
29 after October 1, 1998, graduation from a master's degree program
30 shall be required for initial certification as a nurse
31 practitioner under paragraph (4) (c). For applicants graduating
32 on or after October 1, 2001, graduation from a master's degree
33 program shall be required for initial certification as a
34 registered nurse anesthetist under paragraph (4) (a).

35 Section 2. Effective December 31, 2018, or upon enactment
36 of the Nurse Licensure Compact into law by 26 states, whichever
37 occurs first, subsection (1) of section 464.012, Florida
38 Statutes, as amended by section 8 of chapter 2016-139, section
39 12 of chapter 2016-224, and section 7 of chapter 2016-231, Laws



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40 of Florida, is amended to read:

41 464.012 Certification of advanced registered nurse
42 practitioners; fees; controlled substance prescribing.—

43 (1) Any nurse desiring to be certified as an advanced
44 registered nurse practitioner shall apply to the department and
45 submit proof that he or she holds a current license to practice
46 professional nursing or holds an active multistate license to
47 practice professional nursing pursuant to s. 464.0095 and that
48 he or she meets one or more of the following requirements as
49 determined by the board:

50 ~~(a) Satisfactory completion of a formal postbasic~~
51 ~~educational program of at least one academic year, the primary~~
52 ~~purpose of which is to prepare nurses for advanced or~~
53 ~~specialized practice.~~

54 (a) ~~(b)~~ Certification by an appropriate specialty board.
55 Such certification shall be required for initial state
56 certification and any recertification as a registered nurse
57 anesthetist, psychiatric nurse, or nurse midwife. The board may
58 by rule provide for provisional state certification of graduate
59 nurse anesthetists, psychiatric nurses, and nurse midwives for a
60 period of time determined to be appropriate for preparing for
61 and passing the national certification examination.

62 (b) ~~(c)~~ Graduation from a program leading to a master's
63 degree in a nursing clinical specialty area with preparation in
64 specialized practitioner skills. For applicants graduating on or
65 after October 1, 1998, graduation from a master's degree program
66 shall be required for initial certification as a nurse
67 practitioner under paragraph (4) (c). For applicants graduating
68 on or after October 1, 2001, graduation from a master's degree



69 program shall be required for initial certification as a
70 registered nurse anesthetist under paragraph (4) (a).

71 Section 3. Paragraph (b) of subsection (2), subsection (5),
72 subsection (8), paragraph (a) of subsection (9), and subsection
73 (10) of section 464.019, Florida Statutes, are amended,
74 paragraph (d) is added to subsection (7) of that section, and
75 paragraph (e) is added to subsection (11) of that section, to
76 read:

77 464.019 Approval of nursing education programs.—

78 (2) PROGRAM APPROVAL.—

79 (b) Following the department's receipt of a complete
80 program application, the board may conduct an on-site evaluation
81 if necessary to document the applicant's compliance with
82 subsection (1). Within 90 days after the department's receipt of
83 a complete program application, the board shall:

84 1. Approve the application if it documents compliance with
85 subsection (1); or

86 2. Provide the educational institution with a notice of
87 intent to deny the application if it does not document
88 compliance with subsection (1). The notice must specify written
89 reasons for the board's denial of the application. The board may
90 not deny a program application because of an educational
91 institution's failure to correct an error or omission that the
92 department failed to provide notice of to the institution within
93 the 30-day notice period under paragraph (a). The educational
94 institution may request a hearing on the notice of intent to
95 deny the program application pursuant to chapter 120.

96 (5) ACCOUNTABILITY.—

97 (a)1. An approved program must achieve a graduate passage



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98 rate for first-time test takers which ~~who take the licensure~~
99 ~~examination within 6 months after graduation from the program~~
100 ~~that~~ is not more than 10 percentage points lower than the
101 average passage rate during the same calendar year for graduates
102 of comparable degree programs who are United States educated,
103 first-time test takers on the National Council of State Boards
104 of Nursing Licensing Examination, as calculated by the contract
105 testing service of the National Council of State Boards of
106 Nursing. ~~An approved program shall require a graduate from the~~
107 ~~program who does not take the licensure examination within 6~~
108 ~~months after graduation to enroll in and successfully complete a~~
109 ~~licensure examination preparatory course pursuant to s. 464.008.~~
110 For purposes of this subparagraph, an approved program is
111 comparable to all degree programs of the same program type from
112 among the following program types:
113 a. Professional nursing education programs that terminate
114 in a bachelor's degree.
115 b. Professional nursing education programs that terminate
116 in an associate degree.
117 c. Professional nursing education programs that terminate
118 in a diploma.
119 d. Practical nursing education programs.
120 2. Beginning with graduate passage rates for calendar year
121 2010, if an approved program's graduate passage rates do not
122 equal or exceed the required passage rates for 2 consecutive
123 calendar years, the board shall place the program on
124 probationary status pursuant to chapter 120 and the program
125 director shall appear before the board to present a plan for
126 remediation, which shall include specific benchmarks to identify



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127 progress toward a graduate passage rate goal. The program must
128 remain on probationary status until it achieves a graduate
129 passage rate that equals or exceeds the required passage rate
130 for any 1 calendar year. The board shall deny a program
131 application for a new prelicensure nursing education program
132 submitted by an educational institution if the institution has
133 an existing program that is already on probationary status.

134 3. Upon the program's achievement of a graduate passage
135 rate that equals or exceeds the required passage rate, the
136 board, at its next regularly scheduled meeting following release
137 of the program's graduate passage rate by the National Council
138 of State Boards of Nursing, shall remove the program's
139 probationary status. If the program, during the 2 calendar years
140 following its placement on probationary status, does not achieve
141 the required passage rate for any 1 calendar year, the board
142 ~~shall terminate the program pursuant to chapter 120. However,~~
143 ~~the board~~ may extend the program's probationary status for 1
144 additional year, provided if the program has demonstrated
145 ~~demonstrates~~ adequate progress toward the graduate passage rate
146 goal by meeting a majority of the benchmarks established in the
147 remediation plan. If the program is not granted the 1-year
148 extension or fails to achieve the required passage rate by the
149 end of such extension, the board shall terminate the program
150 pursuant to chapter 120.

151 (b) If an approved program fails to submit the annual
152 report required in subsection (3), the board shall notify the
153 program director and president or chief executive officer of the
154 educational institution in writing within 15 days after the due
155 date of the annual report. The program director shall appear



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156 before the board at the board's next regularly scheduled meeting
157 to explain the reason for the delay. The board shall terminate
158 the program pursuant to chapter 120 if the program director
159 fails to appear before the board, as required under this
160 paragraph, or if the program ~~it~~ does not submit the annual
161 report within 6 months after the due date.

162 (c) A nursing education ~~An approved~~ program, whether
163 accredited or nonaccredited, which has been placed on
164 probationary status shall disclose its probationary status in
165 writing to the program's students and applicants. The
166 notification must include an explanation of the implications of
167 the program's probationary status on the students or applicants.

168 (d) If students from a program that is terminated pursuant
169 to this subsection transfer to an approved or an accredited
170 program under the direction of the Commission for Independent
171 Education, the board shall recalculate the passage rates of the
172 programs receiving the transferring students, excluding the test
173 scores of those students transferring more than 12 credits.

174 (7) PROGRAM CLOSURE.—

175 (d) A program that is terminated or closed under this
176 section may not seek program approval under its original name or
177 a new program name for a minimum of 3 years after the date of
178 termination or closing. An institutional name change or the
179 creation of a new educational institution with the same
180 ownership does not reduce the waiting period for reapplication.

181 (8) RULEMAKING.—The board does not have rulemaking
182 authority to administer this section, except that the board
183 shall adopt rules that prescribe the format for submitting
184 program applications under subsection (1) and annual reports



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185 under subsection (3), and to administer the documentation of the
186 accreditation of nursing education programs under subsection
187 (11). The board may adopt rules relating to the nursing
188 curriculum, including rules relating to the uses and limitations
189 of simulation technology. The board may not impose any condition
190 or requirement on an educational institution submitting a
191 program application, an approved program, or an accredited
192 program, except as expressly provided in this section.

193 (9) APPLICABILITY TO ACCREDITED PROGRAMS.—

194 (a) Subsections (1)-(3), paragraph (4)(b), and paragraph
195 (5)(b) subsection (5) do not apply to an accredited program.

196 (10) IMPLEMENTATION STUDY.—The Florida Center for Nursing
197 ~~and the education policy area of the Office of Program Policy~~
198 ~~Analysis and Government Accountability~~ shall study the
199 administration of this section and submit reports to the
200 Governor, the President of the Senate, and the Speaker of the
201 House of Representatives annually by January 30, through January
202 30, 2020. The annual reports shall address the previous academic
203 year; provide data on the measures specified in paragraphs (a)
204 and (b), as such data becomes available; and include an
205 evaluation of such data for purposes of determining whether this
206 section is increasing the availability of nursing education
207 programs and the production of quality nurses. The department
208 and each approved program or accredited program shall comply
209 with requests for data from the Florida Center for Nursing ~~and~~
210 ~~the education policy area of the Office of Program Policy~~
211 ~~Analysis and Government Accountability.~~

212 (a) The Florida Center for Nursing ~~education policy area of~~
213 ~~the Office of Program Policy Analysis and Government~~



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214 ~~Accountability~~ shall evaluate program-specific data for each
215 approved program and accredited program conducted in the state,
216 including, but not limited to:

- 217 1. The number of programs and student slots available.
- 218 2. The number of student applications submitted, the number
219 of qualified applicants, and the number of students accepted.
- 220 3. The number of program graduates.
- 221 4. Program retention rates of students tracked from program
222 entry to graduation.
- 223 5. Graduate passage rates on the National Council of State
224 Boards of Nursing Licensing Examination.
- 225 6. The number of graduates who become employed as practical
226 or professional nurses in the state.

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

- 229 1. Program application approval process, including, but not
230 limited to, the number of program applications submitted under
231 subsection (1); the number of program applications approved and
232 denied by the board under subsection (2); the number of denials
233 of program applications reviewed under chapter 120; and a
234 description of the outcomes of those reviews.
- 235 2. Accountability processes, including, but not limited to,
236 the number of programs on probationary status, the number of
237 approved programs for which the program director is required to
238 appear before the board under subsection (5), the number of
239 approved programs terminated by the board, the number of
240 terminations reviewed under chapter 120, and a description of
241 the outcomes of those reviews.

242 (c) The Florida Center for Nursing shall complete an annual



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243 assessment of compliance by programs with the accreditation
244 requirements of subsection (11), include in the assessment a
245 determination of the accreditation process status for each
246 program, and submit the assessment as part of the reports
247 required ~~For any state fiscal year in which The Florida Center~~
248 ~~for Nursing does not receive legislative appropriations, the~~
249 ~~education policy area of the Office of Program Policy Analysis~~
250 ~~and Government Accountability shall perform the duties assigned~~
251 ~~by this subsection to the Florida Center for Nursing.~~

252 (11) ACCREDITATION REQUIRED.-

253 (e) A nursing education program that fails to meet the
254 accreditation requirements shall be terminated and is ineligible
255 for reapproval under its original name or a new program name for
256 a minimum of 3 years after the date of termination. An
257 institutional name change or the creation of a new educational
258 institution with the same ownership does not reduce the waiting
259 period for reapplication.

260 Section 4. Except as otherwise expressly provided in this
261 act, this act shall take effect July 1, 2017.

262
263 ===== T I T L E A M E N D M E N T =====

264 And the title is amended as follows:

265 Delete everything before the enacting clause
266 and insert:

267 A bill to be entitled
268 An act relating to the regulation of nursing; amending
269 s. 464.012, F.S.; removing an obsolete qualification
270 no longer sufficient to satisfy certain nursing
271 certification requirements; amending s. 464.019, F.S.;



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272 authorizing the Board of Nursing to conduct certain
273 on-site evaluations; removing a limiting criterion
274 from the requirement to measure graduate passage
275 rates; removing a requirement that certain nursing
276 program graduates complete a specific preparatory
277 course; clarifying circumstances when programs in
278 probationary status must be terminated; providing that
279 accredited and nonaccredited nursing education
280 programs must disclose probationary status; requiring
281 notification of probationary status to include certain
282 information; prohibiting a terminated or closed
283 program from seeking program approval for a certain
284 time; providing that a name change or the creation of
285 a new educational institution does not reduce the
286 waiting period for reapplication; authorizing the
287 board to adopt certain rules; removing requirements
288 that the Office of Program Policy Analysis and
289 Government Accountability perform certain tasks;
290 requiring the Florida Center for Nursing to make an
291 annual assessment of compliance by nursing programs
292 with certain accreditation requirements; requiring the
293 center to include its assessment in a report to the
294 Governor and the Legislature; requiring the
295 termination of a program under certain circumstances;
296 providing effective dates.