

By the Committee on Health Policy; and Senators Grimsley and Perry

588-02417-17

2017328c1

1                                   A bill to be entitled  
2       An act relating to the regulation of nursing; amending  
3       s. 464.012, F.S.; removing an obsolete qualification  
4       no longer sufficient to satisfy certain nursing  
5       certification requirements; amending s. 464.019, F.S.;  
6       authorizing the Board of Nursing to conduct certain  
7       on-site evaluations; removing a limiting criterion  
8       from the requirement to measure graduate passage  
9       rates; removing a requirement that certain nursing  
10      program graduates complete a specific preparatory  
11      course; clarifying circumstances when programs in  
12      probationary status must be terminated; providing that  
13      accredited and nonaccredited nursing education  
14      programs must disclose probationary status; requiring  
15      notification of probationary status to include certain  
16      information; prohibiting a terminated or closed  
17      program from seeking program approval for a certain  
18      time; providing that a name change or the creation of  
19      a new educational institution does not reduce the  
20      waiting period for reapplication; authorizing the  
21      board to adopt certain rules; removing requirements  
22      that the Office of Program Policy Analysis and  
23      Government Accountability perform certain tasks;  
24      requiring the Florida Center for Nursing to make an  
25      annual assessment of compliance by nursing programs  
26      with certain accreditation requirements; requiring the  
27      center to include its assessment in a report to the  
28      Governor and the Legislature; requiring the  
29      termination of a program under certain circumstances;

588-02417-17

2017328c1

30 providing effective dates.

31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
34 Section 1. Subsection (1) of section 464.012, Florida  
35 Statutes, is amended to read:

36 464.012 Certification of advanced registered nurse  
37 practitioners; fees; controlled substance prescribing.—

38 (1) Any nurse desiring to be certified as an advanced  
39 registered nurse practitioner shall apply to the department and  
40 submit proof that he or she holds a current license to practice  
41 professional nursing and that he or she meets one or more of the  
42 following requirements as determined by the board:

43 ~~(a) Satisfactory completion of a formal postbasic~~  
44 ~~educational program of at least one academic year, the primary~~  
45 ~~purpose of which is to prepare nurses for advanced or~~  
46 ~~specialized practice.~~

47 (a) ~~(b)~~ Certification by an appropriate specialty board.  
48 Such certification shall be required for initial state  
49 certification and any recertification as a registered nurse  
50 anesthetist, psychiatric nurse, or nurse midwife. The board may  
51 by rule provide for provisional state certification of graduate  
52 nurse anesthetists, psychiatric nurses, and nurse midwives for a  
53 period of time determined to be appropriate for preparing for  
54 and passing the national certification examination.

55 (b) ~~(e)~~ Graduation from a program leading to a master's  
56 degree in a nursing clinical specialty area with preparation in  
57 specialized practitioner skills. For applicants graduating on or  
58 after October 1, 1998, graduation from a master's degree program

588-02417-17

2017328c1

59 shall be required for initial certification as a nurse  
60 practitioner under paragraph (4)(c). For applicants graduating  
61 on or after October 1, 2001, graduation from a master's degree  
62 program shall be required for initial certification as a  
63 registered nurse anesthetist under paragraph (4)(a).

64 Section 2. Effective December 31, 2018, or upon enactment  
65 of the Nurse Licensure Compact into law by 26 states, whichever  
66 occurs first, subsection (1) of section 464.012, Florida  
67 Statutes, as amended by section 8 of chapter 2016-139, section  
68 12 of chapter 2016-224, and section 7 of chapter 2016-231, Laws  
69 of Florida, is amended to read:

70 464.012 Certification of advanced registered nurse  
71 practitioners; fees; controlled substance prescribing.—

72 (1) Any nurse desiring to be certified as an advanced  
73 registered nurse practitioner shall apply to the department and  
74 submit proof that he or she holds a current license to practice  
75 professional nursing or holds an active multistate license to  
76 practice professional nursing pursuant to s. 464.0095 and that  
77 he or she meets one or more of the following requirements as  
78 determined by the board:

79 ~~(a) Satisfactory completion of a formal postbasic~~  
80 ~~educational program of at least one academic year, the primary~~  
81 ~~purpose of which is to prepare nurses for advanced or~~  
82 ~~specialized practice.~~

83 (a) ~~(b)~~ Certification by an appropriate specialty board.  
84 Such certification shall be required for initial state  
85 certification and any recertification as a registered nurse  
86 anesthetist, psychiatric nurse, or nurse midwife. The board may  
87 by rule provide for provisional state certification of graduate

588-02417-17

2017328c1

88 nurse anesthetists, psychiatric nurses, and nurse midwives for a  
89 period of time determined to be appropriate for preparing for  
90 and passing the national certification examination.

91 (b)~~(e)~~ Graduation from a program leading to a master's  
92 degree in a nursing clinical specialty area with preparation in  
93 specialized practitioner skills. For applicants graduating on or  
94 after October 1, 1998, graduation from a master's degree program  
95 shall be required for initial certification as a nurse  
96 practitioner under paragraph (4)(c). For applicants graduating  
97 on or after October 1, 2001, graduation from a master's degree  
98 program shall be required for initial certification as a  
99 registered nurse anesthetist under paragraph (4)(a).

100 Section 3. Paragraph (b) of subsection (2), subsection (5),  
101 subsection (8), paragraph (a) of subsection (9), and subsection  
102 (10) of section 464.019, Florida Statutes, are amended,  
103 paragraph (d) is added to subsection (7) of that section, and  
104 paragraph (e) is added to subsection (11) of that section, to  
105 read:

106 464.019 Approval of nursing education programs.—

107 (2) PROGRAM APPROVAL.—

108 (b) Following the department's receipt of a complete  
109 program application, the board may conduct an on-site evaluation  
110 if necessary to document the applicant's compliance with  
111 subsection (1). Within 90 days after the department's receipt of  
112 a complete program application, the board shall:

113 1. Approve the application if it documents compliance with  
114 subsection (1); or

115 2. Provide the educational institution with a notice of  
116 intent to deny the application if it does not document

588-02417-17

2017328c1

117 compliance with subsection (1). The notice must specify written  
118 reasons for the board's denial of the application. The board may  
119 not deny a program application because of an educational  
120 institution's failure to correct an error or omission that the  
121 department failed to provide notice of to the institution within  
122 the 30-day notice period under paragraph (a). The educational  
123 institution may request a hearing on the notice of intent to  
124 deny the program application pursuant to chapter 120.

125 (5) ACCOUNTABILITY.—

126 (a)1. An approved program must achieve a graduate passage  
127 rate for first-time test takers which ~~who take the licensure~~  
128 ~~examination within 6 months after graduation from the program~~  
129 ~~that~~ is not more than 10 percentage points lower than the  
130 average passage rate during the same calendar year for graduates  
131 of comparable degree programs who are United States educated,  
132 first-time test takers on the National Council of State Boards  
133 of Nursing Licensure Examination, as calculated by the contract  
134 testing service of the National Council of State Boards of  
135 Nursing. ~~An approved program shall require a graduate from the~~  
136 ~~program who does not take the licensure examination within 6~~  
137 ~~months after graduation to enroll in and successfully complete a~~  
138 ~~licensure examination preparatory course pursuant to s. 464.008.~~  
139 For purposes of this subparagraph, an approved program is  
140 comparable to all degree programs of the same program type from  
141 among the following program types:

142 a. Professional nursing education programs that terminate  
143 in a bachelor's degree.

144 b. Professional nursing education programs that terminate  
145 in an associate degree.

588-02417-17

2017328c1

146 c. Professional nursing education programs that terminate  
147 in a diploma.

148 d. Practical nursing education programs.

149 2. Beginning with graduate passage rates for calendar year  
150 2010, if an approved program's graduate passage rates do not  
151 equal or exceed the required passage rates for 2 consecutive  
152 calendar years, the board shall place the program on  
153 probationary status pursuant to chapter 120 and the program  
154 director shall appear before the board to present a plan for  
155 remediation, which shall include specific benchmarks to identify  
156 progress toward a graduate passage rate goal. The program must  
157 remain on probationary status until it achieves a graduate  
158 passage rate that equals or exceeds the required passage rate  
159 for any 1 calendar year. The board shall deny a program  
160 application for a new prelicensure nursing education program  
161 submitted by an educational institution if the institution has  
162 an existing program that is already on probationary status.

163 3. Upon the program's achievement of a graduate passage  
164 rate that equals or exceeds the required passage rate, the  
165 board, at its next regularly scheduled meeting following release  
166 of the program's graduate passage rate by the National Council  
167 of State Boards of Nursing, shall remove the program's  
168 probationary status. If the program, during the 2 calendar years  
169 following its placement on probationary status, does not achieve  
170 the required passage rate for any 1 calendar year, the board  
171 ~~shall terminate the program pursuant to chapter 120. However,~~  
172 ~~the board~~ may extend the program's probationary status for 1  
173 additional year, provided if the program has demonstrated  
174 ~~demonstrates~~ adequate progress toward the graduate passage rate

588-02417-17

2017328c1

175 goal by meeting a majority of the benchmarks established in the  
176 remediation plan. If the program is not granted the 1-year  
177 extension or fails to achieve the required passage rate by the  
178 end of such extension, the board shall terminate the program  
179 pursuant to chapter 120.

180 (b) If an approved program fails to submit the annual  
181 report required in subsection (3), the board shall notify the  
182 program director and president or chief executive officer of the  
183 educational institution in writing within 15 days after the due  
184 date of the annual report. The program director shall appear  
185 before the board at the board's next regularly scheduled meeting  
186 to explain the reason for the delay. The board shall terminate  
187 the program pursuant to chapter 120 if the program director  
188 fails to appear before the board, as required under this  
189 paragraph, or if the program ~~it~~ does not submit the annual  
190 report within 6 months after the due date.

191 (c) A nursing education ~~An approved~~ program, whether  
192 accredited or nonaccredited, which has been placed on  
193 probationary status shall disclose its probationary status in  
194 writing to the program's students and applicants. The  
195 notification must include an explanation of the implications of  
196 the program's probationary status on the students or applicants.

197 (d) If students from a program that is terminated pursuant  
198 to this subsection transfer to an approved or an accredited  
199 program under the direction of the Commission for Independent  
200 Education, the board shall recalculate the passage rates of the  
201 programs receiving the transferring students, excluding the test  
202 scores of those students transferring more than 12 credits.

203 (7) PROGRAM CLOSURE.—

588-02417-17

2017328c1

204 (d) A program that is terminated or closed under this  
205 section may not seek program approval under its original name or  
206 a new program name for a minimum of 3 years after the date of  
207 termination or closing. An institutional name change or the  
208 creation of a new educational institution with the same  
209 ownership does not reduce the waiting period for reapplication.

210 (8) RULEMAKING.—The board does not have rulemaking  
211 authority to administer this section, except that the board  
212 shall adopt rules that prescribe the format for submitting  
213 program applications under subsection (1) and annual reports  
214 under subsection (3), and to administer the documentation of the  
215 accreditation of nursing education programs under subsection  
216 (11). The board may adopt rules relating to the nursing  
217 curriculum, including rules relating to the uses and limitations  
218 of simulation technology. The board may not impose any condition  
219 or requirement on an educational institution submitting a  
220 program application, an approved program, or an accredited  
221 program, except as expressly provided in this section.

222 (9) APPLICABILITY TO ACCREDITED PROGRAMS.—

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

225 (10) IMPLEMENTATION STUDY.—The Florida Center for Nursing  
226 ~~and the education policy area of the Office of Program Policy~~  
227 ~~Analysis and Government Accountability~~ shall study the  
228 administration of this section and submit reports to the  
229 Governor, the President of the Senate, and the Speaker of the  
230 House of Representatives annually by January 30, through January  
231 30, 2020. The annual reports shall address the previous academic  
232 year; provide data on the measures specified in paragraphs (a)



588-02417-17

2017328c1

233 and (b), as such data becomes available; and include an  
234 evaluation of such data for purposes of determining whether this  
235 section is increasing the availability of nursing education  
236 programs and the production of quality nurses. The department  
237 and each approved program or accredited program shall comply  
238 with requests for data from the Florida Center for Nursing ~~and~~  
239 ~~the education policy area of the Office of Program Policy~~  
240 ~~Analysis and Government Accountability.~~

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

- 246 1. The number of programs and student slots available.
- 247 2. The number of student applications submitted, the number  
248 of qualified applicants, and the number of students accepted.
- 249 3. The number of program graduates.
- 250 4. Program retention rates of students tracked from program  
251 entry to graduation.
- 252 5. Graduate passage rates on the National Council of State  
253 Boards of Nursing Licensing Examination.
- 254 6. The number of graduates who become employed as practical  
255 or professional nurses in the state.

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

- 258 1. Program application approval process, including, but not  
259 limited to, the number of program applications submitted under  
260 subsection (1); the number of program applications approved and  
261 denied by the board under subsection (2); the number of denials

588-02417-17

2017328c1

262 of program applications reviewed under chapter 120; and a  
263 description of the outcomes of those reviews.

264 2. Accountability processes, including, but not limited to,  
265 the number of programs on probationary status, the number of  
266 approved programs for which the program director is required to  
267 appear before the board under subsection (5), the number of  
268 approved programs terminated by the board, the number of  
269 terminations reviewed under chapter 120, and a description of  
270 the outcomes of those reviews.

271 (c) The Florida Center for Nursing shall complete an annual  
272 assessment of compliance by programs with the accreditation  
273 requirements of subsection (11), include in the assessment a  
274 determination of the accreditation process status for each  
275 program, and submit the assessment as part of the reports  
276 required ~~For any state fiscal year in which The Florida Center~~  
277 ~~for Nursing does not receive legislative appropriations, the~~  
278 ~~education policy area of the Office of Program Policy Analysis~~  
279 ~~and Government Accountability shall perform the duties assigned~~  
280 ~~by this subsection to the Florida Center for Nursing.~~

281 (11) ACCREDITATION REQUIRED.—

282 (e) A nursing education program that fails to meet the  
283 accreditation requirements shall be terminated and is ineligible  
284 for reapproval under its original name or a new program name for  
285 a minimum of 3 years after the date of termination. An  
286 institutional name change or the creation of a new educational  
287 institution with the same ownership does not reduce the waiting  
288 period for reapplication.

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