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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: SENA1/C
05/03/2017 05:13 PM	.	05/05/2017 01:15 PM
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Senator Grimsley moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present subsections (3) through (6) of section  
458.348, Florida Statutes, are redesignated as subsections (4)  
through (7), respectively, present subsection (2) and paragraph  
(e) of present subsection (4) of that section are amended, to  
read:

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



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12           ~~(2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.~~ The  
13 ~~joint committee shall determine minimum standards for the~~  
14 ~~content of established protocols pursuant to which an advanced~~  
15 ~~registered nurse practitioner may perform medical acts or acts~~  
16 ~~set forth in s. 464.012(3) and (4) and shall determine minimum~~  
17 ~~standards for supervision of such acts by the physician, unless~~  
18 ~~the joint committee determines that any act set forth in s.~~  
19 ~~464.012(3) or (4) is not a medical act. Such standards shall be~~  
20 ~~based on risk to the patient and acceptable standards of medical~~  
21 ~~care and shall take into account the special problems of~~  
22 ~~medically underserved areas. The standards developed by the~~  
23 ~~joint committee shall be adopted as rules by the Board of~~  
24 ~~Nursing and the Board of Medicine for purposes of carrying out~~  
25 ~~their responsibilities pursuant to part I of chapter 464 and~~  
26 ~~this chapter, respectively, but neither board shall have~~  
27 ~~disciplinary powers over the licensees of the other board.~~

28           (3)~~(4)~~ SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE  
29 SETTINGS.—A physician who supervises an advanced registered  
30 nurse practitioner or physician assistant at a medical office  
31 other than the physician's primary practice location, where the  
32 advanced registered nurse practitioner or physician assistant is  
33 not under the onsite supervision of a supervising physician,  
34 must comply with the standards set forth in this subsection. For  
35 the purpose of this subsection, a physician's "primary practice  
36 location" means the address reflected on the physician's profile  
37 published pursuant to s. 456.041.

38           (e) This subsection does not apply to health care services  
39 provided in facilities licensed under chapter 395 or in  
40 conjunction with a college of medicine, a college of nursing, an



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41 accredited graduate medical program, or a nursing education  
42 program; not-for-profit, family-planning clinics that are not  
43 licensed pursuant to chapter 390; rural and federally qualified  
44 health centers; health care services provided in a nursing home  
45 licensed under part II of chapter 400, an assisted living  
46 facility licensed under part I of chapter 429, a continuing care  
47 facility licensed under chapter 651, or a retirement community  
48 consisting of independent living units and a licensed nursing  
49 home or assisted living facility; anesthesia services provided  
50 in accordance with law; health care services provided in a  
51 designated rural health clinic; health care services provided to  
52 persons enrolled in a program designed to maintain elderly  
53 persons and persons with disabilities in a home or community-  
54 based setting; university primary care student health centers;  
55 school health clinics; or health care services provided in  
56 federal, state, or local government facilities. Subsection (2)  
57 ~~(3)~~ and this subsection do not apply to offices at which the  
58 exclusive service being performed is laser hair removal by an  
59 advanced registered nurse practitioner or physician assistant.

60 Section 2. Subsections (1) and (3) of section 464.012,  
61 Florida Statutes, are amended to read:

62 464.012 Certification of advanced registered nurse  
63 practitioners; fees; controlled substance prescribing.—

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

69 ~~(a) Satisfactory completion of a formal postbasic~~



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70 ~~educational program of at least one academic year, the primary~~  
71 ~~purpose of which is to prepare nurses for advanced or~~  
72 ~~specialized practice.~~

73       (a) ~~(b)~~ Certification by an appropriate specialty board.  
74 Such certification shall be required for initial state  
75 certification and any recertification as a registered nurse  
76 anesthetist, psychiatric nurse, or nurse midwife. The board may  
77 by rule provide for provisional state certification of graduate  
78 nurse anesthetists, psychiatric nurses, and nurse midwives for a  
79 period of time determined to be appropriate for preparing for  
80 and passing the national certification examination.

81       (b) ~~(e)~~ Graduation from a program leading to a master's  
82 degree in a nursing clinical specialty area with preparation in  
83 specialized practitioner skills. For applicants graduating on or  
84 after October 1, 1998, graduation from a master's degree program  
85 shall be required for initial certification as a nurse  
86 practitioner under paragraph (4) (c). For applicants graduating  
87 on or after October 1, 2001, graduation from a master's degree  
88 program shall be required for initial certification as a  
89 registered nurse anesthetist under paragraph (4) (a).

90       (3) An advanced registered nurse practitioner shall perform  
91 those functions authorized in this section within the framework  
92 of an established protocol which must be maintained on site at  
93 the location or locations at which an advanced registered nurse  
94 practitioner practices. In the case of multiple supervising  
95 physicians in the same group, an advanced registered nurse  
96 practitioner must enter into a supervisory protocol with at  
97 least one physician within the physician group practice that is  
98 ~~filed with the board upon biennial license renewal and within 30~~



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99 ~~days after entering into a supervisory relationship with a~~  
100 ~~physician or changes to the protocol. The board shall review the~~  
101 ~~protocol to ensure compliance with applicable regulatory~~  
102 ~~standards for protocols. The board shall refer to the department~~  
103 ~~licensees submitting protocols that are not compliant with the~~  
104 ~~regulatory standards for protocols.~~ A practitioner currently  
105 licensed under chapter 458, chapter 459, or chapter 466 shall  
106 maintain supervision for directing the specific course of  
107 medical treatment. Within the established framework, an advanced  
108 registered nurse practitioner may:

109 (a) Prescribe, dispense, administer, or order any drug;  
110 however, an advanced registered nurse practitioner may prescribe  
111 or dispense a controlled substance as defined in s. 893.03 only  
112 if the advanced registered nurse practitioner has graduated from  
113 a program leading to a master's or doctoral degree in a clinical  
114 nursing specialty area with training in specialized practitioner  
115 skills.

116 (b) Initiate appropriate therapies for certain conditions.

117 (c) Perform additional functions as may be determined by  
118 rule in accordance with s. 464.003(2).

119 (d) Order diagnostic tests and physical and occupational  
120 therapy.

121 (e) Order any medication for administration to a patient in  
122 a facility licensed under chapter 395 or part II of chapter 400,  
123 notwithstanding any provisions in chapter 465 or chapter 893.

124 Section 3. Effective December 31, 2018, or upon enactment  
125 of the Nurse Licensure Compact into law by 26 states, whichever  
126 occurs first, subsection (1) of section 464.012, Florida  
127 Statutes, as amended by section 8 of chapter 2016-139, section



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128 12 of chapter 2016-224, and section 7 of chapter 2016-231, Laws  
129 of Florida, is amended to read:

130 464.012 Certification of advanced registered nurse  
131 practitioners; fees; controlled substance prescribing.—

132 (1) Any nurse desiring to be certified as an advanced  
133 registered nurse practitioner shall apply to the department and  
134 submit proof that he or she holds a current license to practice  
135 professional nursing or holds an active multistate license to  
136 practice professional nursing pursuant to s. 464.0095 and that  
137 he or she meets one or more of the following requirements as  
138 determined by the board:

139 ~~(a) Satisfactory completion of a formal postbasic~~  
140 ~~educational program of at least one academic year, the primary~~  
141 ~~purpose of which is to prepare nurses for advanced or~~  
142 ~~specialized practice.~~

143 (a) ~~(b)~~ Certification by an appropriate specialty board.  
144 Such certification shall be required for initial state  
145 certification and any recertification as a registered nurse  
146 anesthetist, psychiatric nurse, or nurse midwife. The board may  
147 by rule provide for provisional state certification of graduate  
148 nurse anesthetists, psychiatric nurses, and nurse midwives for a  
149 period of time determined to be appropriate for preparing for  
150 and passing the national certification examination.

151 (b) ~~(e)~~ Graduation from a program leading to a master's  
152 degree in a nursing clinical specialty area with preparation in  
153 specialized practitioner skills. For applicants graduating on or  
154 after October 1, 1998, graduation from a master's degree program  
155 shall be required for initial certification as a nurse  
156 practitioner under paragraph (4) (c). For applicants graduating



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157 on or after October 1, 2001, graduation from a master's degree  
158 program shall be required for initial certification as a  
159 registered nurse anesthetist under paragraph (4) (a).

160 Section 4. Paragraph (b) of subsection (2), subsection (5),  
161 subsection (8), paragraph (a) of subsection (9), and subsection  
162 (10) of section 464.019, Florida Statutes, are amended,  
163 paragraph (d) is added to subsection (7) of that section, and  
164 paragraph (e) is added to subsection (11) of that section, to  
165 read:

166 464.019 Approval of nursing education programs.—

167 (2) PROGRAM APPROVAL.—

168 (b) Following the department's receipt of a complete  
169 program application, the board may conduct an onsite evaluation  
170 if necessary to document the applicant's compliance with  
171 subsection (1). Within 90 days after the department's receipt of  
172 a complete program application, the board shall:

173 1. Approve the application if it documents compliance with  
174 subsection (1); or

175 2. Provide the educational institution with a notice of  
176 intent to deny the application if it does not document  
177 compliance with subsection (1). The notice must specify written  
178 reasons for the board's denial of the application. The board may  
179 not deny a program application because of an educational  
180 institution's failure to correct an error or omission that the  
181 department failed to provide notice of to the institution within  
182 the 30-day notice period under paragraph (a). The educational  
183 institution may request a hearing on the notice of intent to  
184 deny the program application pursuant to chapter 120.

185 (5) ACCOUNTABILITY.—



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186 (a)1. An approved program must achieve a graduate passage  
187 rate for first-time test takers which ~~who take the licensure~~  
188 ~~examination within 6 months after graduation from the program~~  
189 ~~that~~ is not more than 10 percentage points lower than the  
190 average passage rate during the same calendar year for graduates  
191 of comparable degree programs who are United States educated,  
192 first-time test takers on the National Council of State Boards  
193 of Nursing Licensing Examination, as calculated by the contract  
194 testing service of the National Council of State Boards of  
195 Nursing. ~~An approved program shall require a graduate from the~~  
196 ~~program who does not take the licensure examination within 6~~  
197 ~~months after graduation to enroll in and successfully complete a~~  
198 ~~licensure examination preparatory course pursuant to s. 464.008.~~  
199 For purposes of this subparagraph, an approved program is  
200 comparable to all degree programs of the same program type from  
201 among the following program types:

202 a. Professional nursing education programs that terminate  
203 in a bachelor's degree.

204 b. Professional nursing education programs that terminate  
205 in an associate degree.

206 c. Professional nursing education programs that terminate  
207 in a diploma.

208 d. Practical nursing education programs.

209 2. Beginning with graduate passage rates for calendar year  
210 2010, if an approved program's graduate passage rates do not  
211 equal or exceed the required passage rates for 2 consecutive  
212 calendar years, the board shall place the program on  
213 probationary status pursuant to chapter 120 and the program  
214 director shall appear before the board to present a plan for





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215 remediation, which shall include specific benchmarks to identify  
216 progress toward a graduate passage rate goal. The program must  
217 remain on probationary status until it achieves a graduate  
218 passage rate that equals or exceeds the required passage rate  
219 for any 1 calendar year. The board shall deny a program  
220 application for a new prelicensure nursing education program  
221 submitted by an educational institution if the institution has  
222 an existing program that is already on probationary status.

223 3. Upon the program's achievement of a graduate passage  
224 rate that equals or exceeds the required passage rate, the  
225 board, at its next regularly scheduled meeting following release  
226 of the program's graduate passage rate by the National Council  
227 of State Boards of Nursing, shall remove the program's  
228 probationary status. If the program, during the 2 calendar years  
229 following its placement on probationary status, does not achieve  
230 the required passage rate for any 1 calendar year, the board  
231 ~~shall terminate the program pursuant to chapter 120. However,~~  
232 ~~the board~~ may extend the program's probationary status for 1  
233 additional year, provided if the program has demonstrated  
234 ~~demonstrates~~ adequate progress toward the graduate passage rate  
235 goal by meeting a majority of the benchmarks established in the  
236 remediation plan. If the program is not granted the 1-year  
237 extension or fails to achieve the required passage rate by the  
238 end of such extension, the board shall terminate the program  
239 pursuant to chapter 120.

240 (b) If an approved program fails to submit the annual  
241 report required in subsection (3), the board shall notify the  
242 program director and president or chief executive officer of the  
243 educational institution in writing within 15 days after the due



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244 date of the annual report. The program director shall appear  
245 before the board at the board's next regularly scheduled meeting  
246 to explain the reason for the delay. The board shall terminate  
247 the program pursuant to chapter 120 if the program director  
248 fails to appear before the board, as required under this  
249 paragraph, or if the program ~~it~~ does not submit the annual  
250 report within 6 months after the due date.

251 (c) A nursing education ~~An approved~~ program, whether  
252 accredited or nonaccredited, which has been placed on  
253 probationary status shall disclose its probationary status in  
254 writing to the program's students and applicants. The  
255 notification must include an explanation of the implications of  
256 the program's probationary status on the students or applicants.

257 (d) If students from a program that is terminated pursuant  
258 to this subsection transfer to an approved or an accredited  
259 program under the direction of the Commission for Independent  
260 Education, the board shall recalculate the passage rates of the  
261 programs receiving the transferring students, excluding the test  
262 scores of those students transferring more than 12 credits.

263 (7) PROGRAM CLOSURE.—

264 (d) A program that is terminated or closed under this  
265 section may not seek program approval under its original name or  
266 a new program name for a minimum of 3 years after the date of  
267 termination or closing. An institutional name change or the  
268 creation of a new educational institution with the same  
269 ownership does not reduce the waiting period for reapplication.

270 (8) RULEMAKING.—The board does not have rulemaking  
271 authority to administer this section, except that the board  
272 shall adopt rules that prescribe the format for submitting



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273 program applications under subsection (1) and annual reports  
274 under subsection (3), and to administer the documentation of the  
275 accreditation of nursing education programs under subsection  
276 (11). The board may adopt rules relating to the nursing  
277 curriculum, including rules relating to the uses and limitations  
278 of simulation technology. The board may not impose any condition  
279 or requirement on an educational institution submitting a  
280 program application, an approved program, or an accredited  
281 program, except as expressly provided in this section.

282 (9) APPLICABILITY TO ACCREDITED PROGRAMS.—

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

285 (10) IMPLEMENTATION STUDY.—~~The Florida Center for Nursing~~  
286 ~~and the education policy area of the Office of Program Policy~~  
287 ~~Analysis and Government Accountability~~ shall study the  
288 administration of this section and submit reports to the  
289 Governor, the President of the Senate, and the Speaker of the  
290 House of Representatives annually by January 30, through January  
291 30, 2020. The annual reports shall address the previous academic  
292 year; provide data on the measures specified in paragraphs (a)  
293 and (b), as such data becomes available; and include an  
294 evaluation of such data for purposes of determining whether this  
295 section is increasing the availability of nursing education  
296 programs and the production of quality nurses. The department  
297 and each approved program or accredited program shall comply  
298 with requests for data from the Florida Center for Nursing ~~and~~  
299 ~~the education policy area of the Office of Program Policy~~  
300 ~~Analysis and Government Accountability.~~

301 (a) The Florida Center for Nursing ~~education policy area of~~



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302 ~~the Office of Program Policy Analysis and Government~~  
303 ~~Accountability~~ shall evaluate program-specific data for each  
304 approved program and accredited program conducted in the state,  
305 including, but not limited to:

- 306 1. The number of programs and student slots available.
- 307 2. The number of student applications submitted, the number  
308 of qualified applicants, and the number of students accepted.
- 309 3. The number of program graduates.
- 310 4. Program retention rates of students tracked from program  
311 entry to graduation.
- 312 5. Graduate passage rates on the National Council of State  
313 Boards of Nursing Licensing Examination.
- 314 6. The number of graduates who become employed as practical  
315 or professional nurses in the state.

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

- 318 1. Program application approval process, including, but not  
319 limited to, the number of program applications submitted under  
320 subsection (1); the number of program applications approved and  
321 denied by the board under subsection (2); the number of denials  
322 of program applications reviewed under chapter 120; and a  
323 description of the outcomes of those reviews.
- 324 2. Accountability processes, including, but not limited to,  
325 the number of programs on probationary status, the number of  
326 approved programs for which the program director is required to  
327 appear before the board under subsection (5), the number of  
328 approved programs terminated by the board, the number of  
329 terminations reviewed under chapter 120, and a description of  
330 the outcomes of those reviews.



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331           (c) The Florida Center for Nursing shall complete an annual  
332 assessment of compliance by programs with the accreditation  
333 requirements of subsection (11), include in the assessment a  
334 determination of the accreditation process status for each  
335 program, and submit the assessment as part of the reports  
336 required ~~For any state fiscal year in which The Florida Center~~  
337 ~~for Nursing does not receive legislative appropriations, the~~  
338 ~~education policy area of the Office of Program Policy Analysis~~  
339 ~~and Government Accountability shall perform the duties assigned~~  
340 ~~by this subsection to the Florida Center for Nursing.~~

341           (11) ACCREDITATION REQUIRED.—

342           (e) A nursing education program that fails to meet the  
343 accreditation requirements shall be terminated and is ineligible  
344 for reapproval under its original name or a new program name for  
345 a minimum of 3 years after the date of termination. An  
346 institutional name change or the creation of a new educational  
347 institution with the same ownership does not reduce the waiting  
348 period for reapplication.

349           Section 5. Section 465.1893, Florida Statutes, is created  
350 to read:

351           465.1893 Administration of antipsychotic medication by  
352 injection.—

353           (1) (a) A pharmacist, at the direction of a physician  
354 licensed under chapter 458 or chapter 459, may administer a  
355 long-acting antipsychotic medication approved by the United  
356 States Food and Drug Administration by injection to a patient if  
357 the pharmacist:

358           1. Is authorized by and acting within the framework of an  
359 established protocol with the prescribing physician.



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360 2. Practices at a facility that accommodates privacy for  
361 nondeltoid injections and conforms with state rules and  
362 regulations regarding the appropriate and safe disposal of  
363 medication and medical waste.

364 3. Has completed the course required under subsection (2).

365 (b) A separate prescription from a physician is required  
366 for each injection administered by a pharmacist under this  
367 subsection.

368 (2) (a) A pharmacist seeking to administer a long-acting  
369 antipsychotic medication by injection must complete an 8-hour  
370 continuing education course offered by:

371 1. A statewide professional association of physicians in  
372 this state accredited to provide educational activities  
373 designated for the American Medical Association Physician's  
374 Recognition Award (AMA PRA) Category 1 Credit or the American  
375 Osteopathic Association (AOA) Category 1-A continuing medical  
376 education (CME) credit; and

377 2. A statewide association of pharmacists.

378 (b) The course may be offered in a distance learning format  
379 and must be included in the 30 hours of continuing professional  
380 pharmaceutical education required under s. 465.009(1). The  
381 course shall have a curriculum of instruction that concerns the  
382 safe and effective administration of behavioral health and  
383 antipsychotic medications by injection, including, but not  
384 limited to, potential allergic reactions to such medications.

385 Section 6. Subsection (5) of section 468.80, Florida  
386 Statutes, is amended to read:

387 468.80 Definitions.—As used in this part, the term:

388 (5) "Mandatory courses" means continuing education courses



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389 that the board has defined by rule and required for license  
390 issuance or renewal. Notwithstanding s. 456.013(7), the board  
391 shall require completion of a 1-hour course relating to the  
392 prevention of medical errors as a part of the licensure issuance  
393 and biennial renewal process. The 1-hour medical errors course  
394 counts toward the total number of continuing education hours  
395 required. The course must be approved by the board, be developed  
396 specifically for the field of orthotics and prosthetics, and  
397 include a study of root-cause analysis, error reduction and  
398 prevention, patient safety, and medical records.

399 Section 7. Paragraphs (b) and (c) of subsection (3) of  
400 section 486.102, Florida Statutes, are amended, and paragraph  
401 (d) is added to that subsection, to read:

402 486.102 Physical therapist assistant; licensing  
403 requirements.—To be eligible for licensing by the board as a  
404 physical therapist assistant, an applicant must:

405 (3)

406 (b) Have been graduated from a school giving a course for  
407 physical therapist assistants in a foreign country and have  
408 educational credentials deemed equivalent to those required for  
409 the educational preparation of physical therapist assistants in  
410 this country, as recognized by the appropriate agency as  
411 identified by the board, and passed to the satisfaction of the  
412 board an examination to determine her or his fitness for  
413 practice as a physical therapist assistant as hereinafter  
414 provided; ~~or~~

415 (c) Be entitled to licensure without examination as  
416 provided in s. 486.107; or

417 (d) Have been enrolled between July 1, 2014, and July 1,



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418 2016, in a physical therapist assistant school in this state  
419 which was accredited at the time of enrollment; and

420 1. Have been graduated or be eligible to graduate from such  
421 school no later than July 1, 2018; and

422 2. Have passed to the satisfaction of the board an  
423 examination to determine his or her fitness for practice as a  
424 physical therapist assistant as provided in s. 486.104.

425 Section 8. Except as otherwise expressly provided in this  
426 act, this act shall take effect upon becoming a law.

427  
428 ===== T I T L E A M E N D M E N T =====

429 And the title is amended as follows:

430 Delete everything before the enacting clause  
431 and insert:

432 A bill to be entitled  
433 An act relating to the regulation of health care  
434 practitioners; amending s. 458.348, F.S.; removing a  
435 provision that requires a joint committee to determine  
436 standards for the content of advanced registered nurse  
437 practitioner protocols; conforming a cross-reference;  
438 amending s. 464.012, F.S.; removing an obsolete  
439 qualification that is no longer sufficient to satisfy  
440 certain nursing certification requirements; requiring  
441 that an established protocol be maintained at certain  
442 locations; requiring an advanced registered nurse  
443 practitioner to enter into a supervisory protocol with  
444 a physician under certain circumstances; removing the  
445 requirement that the Board of Nursing review protocols  
446 and submit uncompliant protocols to the Department of





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447 Health; amending s. 464.019, F.S.; authorizing the  
448 board to conduct certain onsite evaluations; removing  
449 a limiting criterion from the requirement to measure  
450 graduate passage rates; removing a requirement that  
451 certain nursing program graduates complete a specific  
452 preparatory course; clarifying circumstances when  
453 programs in probationary status must be terminated;  
454 requiring that accredited and nonaccredited nursing  
455 education programs disclose probationary status;  
456 requiring notification of probationary status to  
457 include certain information; prohibiting a terminated  
458 or closed program from seeking program approval for a  
459 certain time; providing that a name change or the  
460 creation of a new educational institution does not  
461 reduce the waiting period for reapplication;  
462 authorizing the board to adopt certain rules; removing  
463 requirements that the Office of Program Policy  
464 Analysis and Government Accountability perform certain  
465 tasks; requiring the Florida Center for Nursing to  
466 evaluate program-specific data for each approved  
467 nursing program and make an annual assessment of  
468 compliance by nursing programs with certain  
469 accreditation requirements; requiring the center to  
470 include its assessment in a report to the Governor and  
471 the Legislature; requiring the termination of a  
472 program under certain circumstances; creating s.  
473 465.1893, F.S.; authorizing a pharmacist to administer  
474 specified medication by injection under certain  
475 circumstances; requiring a pharmacist who administers



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476 such injections to complete a specified course;  
477 providing requirements for the course;  
478 amending s. 468.80, F.S.; requiring completion of a  
479 specified course in orthotics and prosthetics for  
480 licensure and licensure renewal; providing course  
481 requirements; amending s. 486.102, F.S.; providing  
482 requirements for certain physical therapist assistant  
483 licensure applicants; providing effective dates.