

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Health Policy

---

BILL: SB 1594

INTRODUCER: Senator Brandes

SUBJECT: Nursing

DATE: January 29, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stovall	Stovall	HP	<b>Pre-meeting</b>
2.			AP	
3.			RC	

---

**I. Summary:**

SB 1594 changes the title of “advanced registered nurse practitioner” (ARNP) to “advanced practice registered nurse” (APRN) throughout the Florida Statutes. Instead of being certified to practice in this state as currently required for ARNPs, the bill requires APRNs to be licensed.

The bill repeals the clinical nurse specialist (CNS) license; adding the CNS specialty certification into APRN licensure. All authorizations granted to, and requirements of, APRNs will be applicable to a CNS, including but not limited to, the authority to prescribe controlled substances under certain parameters and to maintain medical malpractice insurance.

The effective date of the act is July 1, 2018.

**II. Present Situation:**

Part I of ch. 464, F.S., the Nurse Practice Act, governs the licensure and regulation of nurses in Florida. Nurses are licensed by the Department of Health (DOH)<sup>1</sup> and regulated by the Board of Nursing (BON).<sup>2</sup>

---

<sup>1</sup> Section 464.008, F.S.

<sup>2</sup> The BON is comprised of 13 members appointed by the Governor and confirmed by the Senate who serve 4-year terms. All members must be residents of the state. Seven members must be registered nurses who are representative of the diverse areas of practice within the nursing profession. Three members must be licensed practical nurses and three members must be laypersons. At least one member of the board must be 60 years of age or older. *See* Section 464.004, F.S.

A person desiring to practice nursing in the state of Florida must obtain a Florida license by examination<sup>3</sup> or endorsement,<sup>4</sup> or hold an active multistate license pursuant to s. 464.0095, F.S., the Nurse Licensure Compact.<sup>5</sup>

### **Advanced Registered Nurse Practitioner (ARNP)**

An ARNP is a person licensed in this state to practice professional nursing and certified in advanced or specialized nursing practice, including certified registered nurse anesthetists, psychiatric nurses, certified nurse midwives, and nurse practitioners.<sup>6</sup>

Advanced or specialized nursing practice means, in addition to the practice of professional nursing, the performance of advanced-level nursing acts approved by the board which, by virtue of postbasic specialized education, training, and experience, are appropriately performed by an ARNP. Within the context of advanced or specialized nursing practice, the ARNP may perform acts of nursing diagnosis and nursing treatment of alterations of the health status. The ARNP may also perform acts of medical diagnosis and treatment, prescription, and operation as authorized within the framework of an established supervisory protocol.<sup>7</sup> In addition, within a supervisory protocol an ARNP may:

- Prescribe, dispense, administer, or order any drug; however, an ARNP must have graduated from a program leading to a master's or doctoral degree in a clinical nursing specialty area with training in specialized practitioner skills to prescribe controlled substances;
- Order diagnostic tests and physical and occupational therapy;
- Order any medication for administration in a hospital, ambulatory surgical center; or nursing home; and
- Perform additional acts within his or her specialty.<sup>8</sup>

An ARNP must maintain medical malpractice insurance or provide proof of financial responsibility, unless exempt.<sup>9</sup>

Any nurse desiring to obtain Florida certification as an ARNP must, among other things, submit to the DOH proof that he or she holds a current Florida professional nursing license as an RN or holds an active multistate license to practice professional nursing, and meets at least one of the following additional requirements:

---

<sup>3</sup> Pass the National Council Licensure Examination (NCLEX), have graduated from an approved nursing education program, and pass applicable background screening. *See* s. 464.008, F.S.

<sup>4</sup> Licensed in another state or territory, actively practiced nursing for 2 of the previous 3 years prior to application without discipline, and meet the equivalent educational and examination qualifications.

<sup>5</sup> In 2016, the Legislature created s. 464.0095, F.S., which adopts the revised Nurse Licensure Compact (NLC) in its entirety into state law. This legislation allows licensed practical and professional nurses to practice in all member states by maintaining a single license in the nurse's primary state of residence. The effective date of s. 464.0095, F.S., was December 31, 2018, or upon enactment of the revised NLC into law by 26 states, whichever occurs first. At least 26 states have enacted the revised NLC into law and the Enhanced Nurse Licensure Compact Interstate Commission set the Implementation date as January 19, 2018. The DOH and the Florida BON have implemented the NLC. *See* <http://floridasnursing.gov/latest-news/the-enlc-was-implemented-on-january-19-2018/> (last visited Jan. 25, 2018).

<sup>6</sup> *See* ss. 464.003(3) and 464.012(1)(a), F.S.

<sup>7</sup> Section 464.003(2), F.S.

<sup>8</sup> Section 464.012(3) and (4), F.S.

<sup>9</sup> Section 456.048, F.S.

- Certification by an appropriate specialty board such as a registered nurse anesthetist, psychiatric nurse, or nurse midwife; or
- Graduation from a nursing program leading to a master's degree in a nursing clinical specialty area with preparation in specialized practitioner skills. An applicant graduating on or after October 1, 1998, must meet this requirement for initial certification as a nurse practitioner. An applicant graduating on or after October 1, 2001, must meet this requirement for initial certification as a CRNA<sup>10</sup>

As of June 30, 2017, there were 27,705 certified ARNPs and 32 ARNP/CNS certified in Florida.<sup>11</sup>

### **Clinical Nurse Specialists**

Clinical nurse specialist practice means the delivery and management of advanced practice nursing care to individuals or groups, including the ability to:

- Assess the health status of individuals and families using methods appropriate to the population and area of practice.
- Diagnose human responses to actual or potential health problems.
- Plan for health promotion, disease prevention, and therapeutic intervention in collaboration with the patient or client.
- Implement therapeutic interventions based on the nurse specialist's area of expertise and within the scope of advanced nursing practice, including, but not limited to, direct nursing care, counseling, teaching, and collaboration with other licensed health care providers.
- Coordinate health care as necessary and appropriate and evaluate with the patient or client the effectiveness of care.<sup>12</sup>

A nurse seeking certification as a clinical nurse specialist must submit to the DOH proof that he or she holds a current Florida professional nursing license as an RN, a master's degree in a clinical nursing specialty and either:

- Current certification in a specialty area as a clinical nurse specialist from a nationally recognized certifying body, or
- If the master's degree is in a specialty area for which there is no certification within the clinical nurse specialist role and specialty, 1000 hours of clinical experience in the clinical specialty in which he or she is academically prepared, with at least 500 hours of clinical practice after graduation.

As of June 30, 2017, there were 182 CNS certified in Florida.<sup>13</sup>

---

<sup>10</sup> Section 464.012(1), F.S., as amended by Ch. 2017-134, Laws of Fla.

<sup>11</sup> Department of Health, Division of Medical Quality Assurance *Annual Report & Long-Range Plan Fiscal Year 2016-2017* available at [http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/\\_documents/annual-report-1617.pdf](http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/_documents/annual-report-1617.pdf), p. 12 (last visited Jan. 25, 2018)

<sup>12</sup> Section 464.003(7), F.S.

<sup>13</sup> *Id.* at p. 13.

### **APRN Title Nationally**

Currently 36 states use the APRN title.<sup>14</sup> The National Council of State Boards of Nursing's Consensus Model for APRN Regulation recommends, among other things, using the title of APRN and state recognition of the four categories of APRN: CNS, CNP, CRNA, and CNM.<sup>15</sup>

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 464.003, F.S., to define the term “advanced practice registered nurse” to mean any person licensed in this state to practice professional nursing and licensed in advanced nursing practice, including certified registered nurse anesthetists (CRNAs), certified nurse midwives (CNMs), clinical nurse specialists (CNSs), and certified nurse practitioners. The definition of “clinical nurse specialist” is repealed.

**Section 2** repeals s. 464.0115, F.S., relating to the certification of clinical nurse specialists.

**Section 3** amends s. 464.012, F.S., to create a licensure structure instead of a certification process for the renamed advanced practice registered nurse (APRN).

Clinical nurse specialists are added to the provisions applicable to licensure as an APRN. This will require the APRN/CNS to maintain medical malpractice insurance, or provide proof of financial responsibility, which is not currently required for a CNS.<sup>16</sup> The APRN/CNS will be authorized to prescribe controlled substances if qualified, and in accordance with the limitations applicable to other categories of APRN.<sup>17</sup>

The bill adds another pathway for licensure of APRNs – satisfactory completion of a formal post-basic educational program of at least one academic year, the primary purpose of which is to prepare nurses for advanced or specialized practice. This pathway was repealed in ch. 2017-134, Laws of Florida.<sup>18</sup>

One of the requirements for licensure and licensure renewal is certification by an appropriate specialty board. The bill identifies the acceptable categories of certifications to include certified registered nurse anesthetist, psychiatric nurse, certified nurse practitioner, clinical nurse specialist, or certified nurse midwife.

---

<sup>14</sup> APRN Title Map, National Council of State Boards of Nursing, last updated 9/27/2017, available at: <https://ncsbn.org/5398.htm> (last visited Jan. 25, 2018).

<sup>15</sup> National Council of State Boards of Nursing, ARNP Campaign for Consensus: Moving Toward Uniformity in State Laws, found at: <https://ncsbn.org/campaign-for-consensus.htm> (last visited Jan. 25, 2018).

<sup>16</sup> Section 456.048, F.S.

<sup>17</sup> Prescribing privileges are limited to a seven-day supply for controlled substances listed in Schedule II; do not include the prescribing of psychotropic medications for children under 18 years of age, unless prescribed by a psychiatric nurse; and do not extend to prescribing in a pain management clinic. The APRN/CNS will also be subject to the disciplinary actions applicable to an ARNP (APRN under this bill). *See* ss. 456.44, 458.3265(2)(b), 459.0137(2)(b), 464.012(3)(a) and (6), and 464.018, F.S.

<sup>18</sup> According to the DOH, all recent applicants across the country are graduates of programs for the preparation of nurse practitioners, or are graduates of master's degree programs in a clinical nursing specialty, who meet specific educational requirements for certification. This pathway to certification is now obsolete. *See* Department of Health, *Senate Bill 328 Analysis* (January 11, 2017) p. 2, (on file with the Senate Committee on Health Policy).

The bill adds a new requirement for the initial licensure of a CNW or CNS as an APRN who graduated on or after October 1, 1998. The applicant must provide proof of graduation from a master’s degree program.

**Section 4** amends s. 464.012, F.S., as found in section 3 of ch. 2017-134, Laws of Florida. This is a technical amendment to capture the amendments reflected in **Section 3** above since that 2017 language was not codified into the Florida Statutes.

**Section 5** amends s. 960.28, F.S., relating to payment for victims’ initial forensic physical examinations, to conform a cross-reference.

The following sections of law are amended in the remainder of the bill to conform the term “advanced registered nurse practitioner” to “advanced practice registered nurse”:

<a href="#">39.303</a>	Child protection teams and sexual abuse treatment programs; services; eligible cases.
<a href="#">39.304</a>	Photographs, medical examinations, X rays, and medical treatment of abused, abandoned, or neglected child.
<a href="#">90.503</a>	Psychotherapist-patient privilege.
<a href="#">110.12315</a>	Prescription drug program.
<a href="#">121.0515</a>	Special Risk Class.
<a href="#">252.515</a>	Postdisaster Relief Assistance Act; immunity from civil liability.
<a href="#">310.071</a>	Deputy pilot certification.
<a href="#">310.073</a>	State pilot licensing.
<a href="#">310.081</a>	Department to examine and license state pilots and certificate deputy pilots; vacancies.
<a href="#">320.0848</a>	Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.
<a href="#">381.00315</a>	Public health advisories; public health emergencies; isolation and quarantines.
<a href="#">381.00593</a>	Public school volunteer health care practitioner program.
<a href="#">383.14</a>	Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.
<a href="#">383.141</a>	Prenatally diagnosed conditions; patient to be provided information; definitions; information clearinghouse; advisory council.
<a href="#">390.0111</a>	Termination of pregnancies.
<a href="#">390.012</a>	Powers of agency; rules; disposal of fetal remains.
<a href="#">394.455</a>	Definitions.
<a href="#">395.0191</a>	Staff membership and clinical privileges.
<a href="#">397.311</a>	Definitions.
<a href="#">397.4012</a>	Exemptions from licensure.
<a href="#">397.427</a>	Medication-assisted treatment service providers; rehabilitation program; needs assessment and provision of services; persons authorized to issue takeout medication; unlawful operation; penalty.
<a href="#">397.679</a>	Emergency admission; circumstances justifying.

<a href="#">397.6793</a>	Professional's certificate for emergency admission.
<a href="#">400.021</a>	Definitions.
<a href="#">400.462</a>	Definitions.
<a href="#">400.487</a>	Home health service agreements; physician's, physician assistant's, and advanced registered nurse practitioner's treatment orders; patient assessment; establishment and review of plan of care; provision of services; orders not to resuscitate.
<a href="#">400.506</a>	Licensure of nurse registries; requirements; penalties.
<a href="#">400.9973</a>	Client admission, transfer, and discharge.
<a href="#">400.9974</a>	Client comprehensive treatment plans; client services.
<a href="#">400.9976</a>	Administration of medication.
<a href="#">400.9979</a>	Restraint and seclusion; client safety.
<a href="#">401.445</a>	Emergency examination and treatment of incapacitated persons.
<a href="#">409.905</a>	Mandatory Medicaid services.
<a href="#">409.908</a>	Reimbursement of Medicaid providers.
<a href="#">409.973</a>	Benefits.
<a href="#">429.918</a>	Licensure designation as a specialized Alzheimer's services adult day care center.
<a href="#">456.0391</a>	Advanced registered nurse practitioners; information required for certification.
<a href="#">456.0392</a>	Prescription labeling.
<a href="#">456.041</a>	Practitioner profile; creation.
<a href="#">456.048</a>	Financial responsibility requirements for certain health care practitioners.
<a href="#">456.072</a>	Grounds for discipline; penalties; enforcement.
<a href="#">456.44</a>	Controlled substance prescribing.
<a href="#">458.3265</a>	Pain-management clinics.
<a href="#">458.331</a>	Grounds for disciplinary action; action by the board and department.
<a href="#">458.348</a>	Formal supervisory relationships, standing orders, and established protocols; notice; standards.
<a href="#">459.0137</a>	Pain-management clinics.
<a href="#">459.015</a>	Grounds for disciplinary action; action by the board and department.
<a href="#">459.025</a>	Formal supervisory relationships, standing orders, and established protocols; notice; standards.
<a href="#">464.004</a>	Board of Nursing; membership; appointment; terms.
<a href="#">464.013</a>	Renewal of license or certificate.
<a href="#">464.015</a>	Titles and abbreviations; restrictions; penalty.
<a href="#">464.016</a>	Violations and penalties.
<a href="#">464.018</a>	Disciplinary actions.
<a href="#">464.0205</a>	Retired volunteer nurse certificate.
<a href="#">467.003</a>	Definitions.
<a href="#">480.0475</a>	Massage establishments; prohibited practices.
<a href="#">483.041</a>	Definitions.
<a href="#">483.801</a>	Exemptions.
<a href="#">486.021</a>	Definitions.

<a href="#">490.012</a>	Violations; penalties; injunction.
<a href="#">491.0057</a>	Dual licensure as a marriage and family therapist.
<a href="#">491.012</a>	Violations; penalty; injunction.
<a href="#">493.6108</a>	Investigation of applicants by Department of Agriculture and Consumer Services.
<a href="#">627.357</a>	Medical malpractice self-insurance.
<a href="#">627.6471</a>	Contracts for reduced rates of payment; limitations; coinsurance and deductibles.
<a href="#">627.6472</a>	Exclusive provider organizations.
<a href="#">627.736</a>	Required personal injury protection benefits; exclusions; priority; claims.
<a href="#">633.412</a>	Firefighters; qualifications for certification.
<a href="#">641.3923</a>	Discrimination against providers prohibited.
<a href="#">766.103</a>	Florida Medical Consent Law.
<a href="#">766.1115</a>	Health care providers; creation of agency relationship with governmental contractors.
<a href="#">766.1116</a>	Health care practitioner; waiver of license renewal fees and continuing education requirements.
<a href="#">794.08</a>	Female genital mutilation.
<a href="#">893.02</a>	Definitions.
<a href="#">893.05</a>	Practitioners and persons administering controlled substances in their absence.
<a href="#">943.13</a>	Officers' minimum qualifications for employment or appointment.
<a href="#">948.03</a>	Terms and conditions of probation.
<a href="#">1002.20</a>	K-12 student and parent rights.
<a href="#">1002.42</a>	Private schools.
<a href="#">1006.062</a>	Administration of medication and provision of medical services by district school board personnel.
<a href="#">1009.65</a>	Medical Education Reimbursement and Loan Repayment Program.
<a href="#">1009.66</a>	Nursing Student Loan Forgiveness Program.
<a href="#">1009.67</a>	Nursing scholarship program.

The effective date of the bill is July 1, 2018.

#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions:

None.

##### B. Public Records/Open Meetings Issues:

None.

##### C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Currently certified CNSs (168 are in an active status) who wish to become licensed as an APRN will incur a \$100 APRN licensure fee. However, the renewal fee as an APRN will be slightly less on a recurring basis because the current ARNP renewal fee is \$25 less than the CNS renewal fee. The APRN/CNS will incur a cost to meet the financial responsibility requirements.

**C. Government Sector Impact:**

The DOH notes the nonrecurring and recurring revenue impact in fee collections reflected above. The DOH also notes a nonrecurring workload impact to update the Licensing and Enforcement Information Database System (LEIDS) licensure system, the Nursing website, and the Medical Quality Assurance online systems. However, the DOH indicates that current resources are able to absorb this impact.

**VI. Technical Deficiencies:**

In several sections of the bill, chapter laws are amended to accommodate law that has not been codified into the Florida Statutes due to the effective date in the chapter law. However, with respect to those sections relating to the NLC, which had a conditional effective date, one of the conditions has occurred and that language is now law in Florida. Amendments may be appropriate to reflect the current law.

**VII. Related Issues:**

The bill does not address how and when currently certified ARNPs must become licensed. Accordingly, if all ARNP certifications are not converted to a license to practice as an APRN by July 1, 2018, the practitioner will be engaged in unlicensed practice if he or she continued practicing.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 464.003, 464.0115, 464.012, 960.28, 39.303, 39.304, 90.503, 110.12315, 121.0515, 252.515, 310.071, 310.073, 310.081, 320.0848, 381.00315, 381.00593, 383.14, 383.141, 390.0111, 390.012, 394.455, 395.0191, 397.311, 397.4012, 397.427, 397.679, 397.6793, 400.021, 400.462, 400.487, 400.506, 400.9973, 400.9974, 400.9976, 400.9979, 401.445, 409.905, 409.908, 409.973, 429.918, 456.0391, 456.0392, 456.041, 456.048, 456.072, 456.44, 458.3265, 458.331, 458.348, 459.0137, 459.015, 459.025, 464.004, 464.013, 464.015, 464.016, 464.018, 464.0205, 467.003, 480.0475, 483.041, 483.801, 486.021, 490.012, 491.0057, 491.012, 493.6108, 627.357, 627.6471,



627.6472, 627.736, 633.412, 641.3923, 766.103, 766.1115, 766.1116, 794.08, 893.02, 893.05, 943.13, 948.03, 1002.20, 1002.42, 1006.062, 1009.65, 1009.66, and 1009.67.

The bill substantially amends the following Laws of Florida: 2017-134, 2016-109, and 2016-139.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

---

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

---