

By Senator Brodeur

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1 A bill to be entitled
2 An act relating to nursing programs; amending s.
3 464.003, F.S.; defining the terms "average graduate
4 passage rate" and "test takers"; amending s. 464.019,
5 F.S.; revising requirements for an annual report
6 submitted by approved nursing programs; revising
7 specified information that the Board of Nursing must
8 publish on its website; revising graduate passage rate
9 requirements for approved nursing programs; providing
10 that certain requirements for nursing programs apply
11 beginning in a specified year; requiring nursing
12 programs to offer remediation programs to students who
13 fail to pass a certain examination on their first
14 attempt; prohibiting the board from considering
15 average graduate passage rates from the 2020 and 2021
16 calendar years when making certain determinations;
17 providing for retroactive applicability; amending s.
18 960.28, F.S.; correcting a cross-reference; providing
19 an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Present subsections (6) through (13) of section
24 464.003, Florida Statutes, are redesignated as subsections (7)
25 through (14), respectively, present subsection (14) is
26 redesignated as subsection (6) and amended, and subsection (22)
27 of that section is amended, to read:

28 464.003 Definitions.—As used in this part, the term:
29 (6) ~~(14)~~ "Average graduate passage rate" means the

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30 percentage of a program's test takers ~~graduates~~ who, ~~as first-~~
31 ~~time test takers,~~ pass the National Council of State Boards of
32 Nursing Licensing Examination (NCLEX) during the most recent 2
33 consecutive ~~a~~ calendar years ~~year,~~ ~~as calculated by the contract~~
34 ~~testing service of the National Council of State Boards of~~
35 Nursing. The term includes all test takers as defined in this
36 section regardless of the number of times the student takes the
37 NCLEX.

38 (22) "Test takers" means those graduates who take the NCLEX
39 within 1 year after their graduation date ~~"Required passage~~
40 ~~rate" means the graduate passage rate required for an approved~~
41 ~~program pursuant to s. 464.019(5)(a).~~

42 Section 2. Subsections (3), (4), and (5), paragraph (a) of
43 subsection (9), and paragraph (f) of subsection (11) of section
44 464.019, Florida Statutes, are amended to read:

45 464.019 Approval of nursing education programs.—

46 (3) ANNUAL REPORT.—By February ~~November~~ 1 of each year,
47 each approved program shall submit to the board an annual report
48 composed ~~comprised~~ of an affidavit certifying continued
49 compliance with subsection (1), a summary description of the
50 program's compliance with subsection (1), and documentation for
51 the previous calendar ~~academic~~ year which ~~that~~, to the extent
52 applicable, describes:

53 (a) The number of student applications received, qualified
54 applicants, applicants accepted, accepted applicants who enroll
55 in the program, students enrolled in the program, and program
56 graduates.

57 (b) The program's retention rates for students tracked from
58 program entry to graduation.

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59 (c) The program's average graduate passage rate.

60 (d) The program's accreditation status, including
61 identification of the accrediting agency.

62 (4) INTERNET WEBSITE.—The board shall publish the following
63 information on its Internet website:

64 (a) A list of each accredited program conducted in this ~~the~~
65 state and the program's average graduate passage rate ~~rates~~ ~~for~~
66 ~~the most recent 2 calendar years~~, which the department shall
67 determine through the following sources:

68 1. For a program's accreditation status, the specialized
69 accrediting agencies that are nationally recognized by the
70 United States Secretary of Education to accredit nursing
71 education programs.

72 2. For a program's average graduate passage rate ~~rates~~, the
73 contract testing service of the National Council of State Boards
74 of Nursing and the approved program.

75 (b) The following data for each approved program, which
76 includes, to the extent applicable:

77 1. All documentation provided by the program in its program
78 application.

79 2. The summary description of the program's compliance
80 submitted under subsection (3).

81 3. The program's accreditation status, including
82 identification of the accrediting agency.

83 4. The program's probationary status.

84 5. The program's average graduate passage rate ~~rates~~ ~~for~~
85 ~~the most recent 2 calendar years.~~

86 6. Each program's retention rates for students tracked from
87 program entry to graduation.

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88 (c) The average graduate passage rate ~~rates~~ for United
89 States-educated ~~United States educated, first-time~~ test takers
90 ~~on the National Council of State Boards of Nursing Licensing~~
91 ~~Examination for the most recent 2 calendar years, as calculated~~
92 ~~by the contract testing service of the National Council of State~~
93 ~~Boards of Nursing.~~ The average graduate passage rate ~~must~~ rates
94 shall be published separately for each type of comparable degree
95 program listed in paragraph (5) (a) ~~subparagraph (5) (a)1~~.

96
97 The information required to be published under this subsection
98 shall be made available in a manner that allows interactive
99 searches and comparisons of individual programs selected by the
100 website user. The board shall update the Internet website at
101 least quarterly with the available information.

102 (5) ACCOUNTABILITY.—

103 (a)~~1~~. An approved program must achieve an average a
104 graduate passage rate of 75 percent or greater than the most
105 recent national average graduate passage rate or be placed on
106 probationary status or terminated as provided in paragraph (b)
107 ~~for first-time test takers which is not more than 10 percentage~~
108 ~~points lower than the average passage rate during the same~~
109 ~~calendar year for graduates of comparable degree programs who~~
110 ~~are United States educated, first-time test takers on the~~
111 ~~National Council of State Boards of Nursing Licensing~~
112 ~~Examination, as calculated by the contract testing service of~~
113 ~~the National Council of State Boards of Nursing.~~ For purposes of
114 this paragraph ~~subparagraph~~, an approved program is comparable
115 to all degree programs of the same program type from among the
116 following program types:

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117 1.a. Professional nursing education programs that terminate
118 in a bachelor's degree.

119 2.b. Professional nursing education programs that terminate
120 in an associate degree.

121 3.e. Professional nursing education programs that terminate
122 in a diploma.

123 4.d. Practical nursing education programs.

124 (b) Beginning in calendar year 2022, all of the following
125 requirements apply:

126 1. By February 1 of each calendar year, approved programs,
127 in consultation with the board, must report all of the following
128 information for the 2 most recent consecutive calendar years to
129 the board:

130 a. The names and number of students who graduated, along
131 with their graduation dates, and who took, passed, or failed the
132 NCLEX, and the number of times each student took the NCLEX.

133 b. The percentage of graduates who failed the NCLEX a third
134 time compared to the number of graduates who took the NCLEX.

135 c. The number of graduates who were offered the remediation
136 program, their graduation dates, and the names of students who
137 participated in the remediation program.

138 d. The average graduate passage rate and whether the
139 approved program has met or exceeded the average graduate
140 passage rate required in paragraph (a).

141 2. Upon receipt of the information in subparagraph 1., the
142 board shall prepare a report detailing the average graduate
143 passage rate for each approved program and shall provide such
144 report to each approved program.

145 3. Upon receipt of the board's report, an approved program

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146 has 30 calendar days to provide additional information to the
147 board if there are any disputes relating to the information the
148 board used to prepare the report.

149 4. After the board receives all required or additional
150 information, the board shall issue a final report detailing the
151 average graduate passage rate for each approved program in
152 accordance with this subsection.

153 ~~5.2.~~ If an approved program's average graduate passage rate
154 ~~does rates de~~ not equal or exceed the average graduate required
155 passage rate required in paragraph (a) ~~rates for 2 consecutive~~
156 ~~calendar years~~, the board shall place the program on
157 probationary status pursuant to chapter 120 and the program
158 director shall appear before the board to present a plan for
159 remediation, which shall include specific benchmarks to identify
160 progress toward the required average a graduate passage rate
161 ~~goal~~. The program must remain on probationary status until it
162 achieves an average a graduate passage rate that equals or
163 exceeds the required average graduate passage rate for any 1
164 calendar year. The board shall deny a program application for a
165 new prelicensure nursing education program submitted by an
166 educational institution if the institution has an existing
167 program that is already on probationary status.

168 ~~6.3.~~ Upon the program's achievement of an average a
169 graduate passage rate that equals or exceeds the required
170 average graduate passage rate, the board shall remove the
171 program's probationary status, at its next regularly scheduled
172 meeting following release of the program's average graduate
173 passage rate ~~by the National Council of State Boards of Nursing,~~
174 ~~shall remove the program's probationary status.~~

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175 7. If the program, during the 2 calendar years following
176 its placement on probationary status, does not achieve the
177 required average graduate passage rate ~~for any 1 calendar year~~,
178 the board may extend the program's probationary status for 1
179 additional year, provided the program has demonstrated adequate
180 progress toward achieving the required average graduate passage
181 rate goal by meeting a majority of the benchmarks established in
182 the remediation plan.

183 8. If the program is not granted the 1-year extension or
184 fails to achieve the required average graduate passage rate by
185 the end of such extension, the board shall terminate the program
186 pursuant to chapter 120.

187 (c) For each student who fails to pass the NCLEX on his or
188 her first attempt, and for at least 1 calendar year following
189 his or her graduation date, an approved program must offer such
190 student a remediation program designed to assist the student in
191 passing the NCLEX.

192 (d) ~~(b)~~ If an approved program fails to submit the annual
193 report required in subsection (3), the board shall notify the
194 program director and president or chief executive officer of the
195 educational institution in writing within 15 days after the due
196 date of the annual report. The program director shall appear
197 before the board at the board's next regularly scheduled meeting
198 to explain the reason for the delay. The board shall terminate
199 the program pursuant to chapter 120 if the program director
200 fails to appear before the board, as required under this
201 paragraph, or if the program does not submit the annual report
202 within 6 months after the due date.

203 (e) ~~(e)~~ A nursing education program, whether accredited or

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204 nonaccredited, which has been placed on probationary status
205 shall disclose its probationary status in writing to the
206 program's students and applicants. The notification must include
207 an explanation of the implications of the program's probationary
208 status on the students or applicants.

209 (f) ~~(d)~~ If students from a program that is terminated
210 pursuant to this subsection transfer to an approved or an
211 accredited program under the direction of the Commission for
212 Independent Education, the board shall recalculate the passage
213 rates of the programs receiving the transferring students,
214 excluding the test scores of those students transferring more
215 than 12 credits.

216 (g) The board may not consider average graduate passage
217 rates of any program for calendar years 2020 and 2021, as
218 determined by the contract testing service of the National
219 Council of State Boards of Nursing, in determining whether to
220 take any adverse action against an approved program, such as
221 placing or continuing a program on probationary status or
222 terminating a program that is already on probationary status.

223 (h) It is the intent of the Legislature that the amendment
224 to this subsection apply retroactively to January 1, 2021, to
225 prevent the board from placing or continuing an approved program
226 on probationary status or terminating an existing approved
227 program that is already on probationary status.

228 (9) APPLICABILITY TO ACCREDITED PROGRAMS.—

229 (a) Subsections (1)-(3), paragraph (4)(b), and paragraph
230 (5)(d) ~~(5)(b)~~ do not apply to an accredited program.

231 (11) ACCREDITATION REQUIRED.—

232 (f) An approved nursing education program may, no sooner

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233 than 90 days before the deadline for meeting the accreditation
234 requirements of this subsection, apply to the board for an
235 extension of the accreditation deadline for a period which does
236 not exceed 2 years. An additional extension may not be granted.
237 In order to be eligible for the extension, the approved program
238 must establish that it has a graduate passage rate of 60 percent
239 or higher on the National Council of State Boards of Nursing
240 Licensing Examination for the most recent calendar year and must
241 meet a majority of the board's additional criteria, including,
242 but not limited to, all of the following:

243 1. A student retention rate of 60 percent or higher for the
244 most recent calendar year.

245 2. A graduate work placement rate of 70 percent or higher
246 for the most recent calendar year.

247 3. The program has applied for approval or been approved by
248 an institutional or programmatic accreditor recognized by the
249 United States Department of Education.

250 4. The program is in full compliance with subsections (1)
251 and (3) and paragraph (5) (d) ~~(5) (b)~~.

252 5. The program is not currently in its second year of
253 probationary status under subsection (5).

254
255 The applicable deadline under this paragraph is tolled from the
256 date on which an approved program applies for an extension until
257 the date on which the board issues a decision on the requested
258 extension.

259 Section 3. Subsection (2) of section 960.28, Florida
260 Statutes, is amended to read:

261 960.28 Payment for victims' initial forensic physical

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262 examinations.-

263 (2) The Crime Victims' Services Office of the department
264 shall pay for medical expenses connected with an initial
265 forensic physical examination of a victim of sexual battery as
266 defined in chapter 794 or a lewd or lascivious offense as
267 defined in chapter 800. Such payment shall be made regardless of
268 whether the victim is covered by health or disability insurance
269 and whether the victim participates in the criminal justice
270 system or cooperates with law enforcement. The payment shall be
271 made only out of moneys allocated to the Crime Victims' Services
272 Office for the purposes of this section, and the payment may not
273 exceed \$1,000 with respect to any violation. The department
274 shall develop and maintain separate protocols for the initial
275 forensic physical examination of adults and children. Payment
276 under this section is limited to medical expenses connected with
277 the initial forensic physical examination, and payment may be
278 made to a medical provider using an examiner qualified under
279 part I of chapter 464, excluding s. 464.003(15) ~~s. 464.003(14)~~;
280 chapter 458; or chapter 459. Payment made to the medical
281 provider by the department shall be considered by the provider
282 as payment in full for the initial forensic physical examination
283 associated with the collection of evidence. The victim may not
284 be required to pay, directly or indirectly, the cost of an
285 initial forensic physical examination performed in accordance
286 with this section.

287 Section 4. This act shall take effect upon becoming a law.