

By the Committee on Health Policy; and 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; requiring
10 nursing programs to provide specified information to
11 students who fail to pass a certain examination on
12 their first attempt; prohibiting the board from
13 considering average graduate passage rates from the
14 2020 and 2021 calendar years when making certain
15 determinations; providing for retroactive
16 applicability; amending s. 960.28, F.S.; correcting a
17 cross-reference; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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

26 464.003 Definitions.—As used in this part, the term:
27 (6)~~(14)~~ "Average graduate passage rate" means the
28 percentage of a program's test takers ~~graduates~~ who, as first-
29 time test takers, pass the National Council of State Boards of

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30 Nursing Licensing Examination (NCLEX) during the most recent 2
31 consecutive ~~a calendar~~ years ~~year,~~ ~~as calculated by the contract~~
32 ~~testing service of the National Council of State Boards of~~
33 ~~Nursing.~~ The term includes all test takers as defined in this
34 section.

35 (22) "Test takers" means those graduates who take the NCLEX
36 within 1 year after their graduation date and do not fail the
37 examination more than three consecutive times pursuant to s.
38 464.008(3) "Required passage rate" means the graduate passage
39 rate required for an approved program pursuant to s.
40 464.019(5)(a).

41 Section 2. Subsections (3), (4), and (5) of section
42 464.019, Florida Statutes, are amended to read:

43 464.019 Approval of nursing education programs.—

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

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

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

57 (c) The program's average graduate passage rate as defined
58 in s. 464.003 or the program's passage rate as calculated by the

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59 contract testing service of the National Council of State Boards
60 of Nursing if the average passage rate is 80 percent or greater
61 on the NCLEX for the prior calendar year.

62 (d)~~(e)~~ The program's accreditation status, including
63 identification of the accrediting agency.

64 (e) The number of students who were provided information on
65 available remediation programs pursuant to paragraph (5) (e).

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

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

72 1. For a program's accreditation status, the specialized
73 accrediting agencies that are nationally recognized by the
74 United States Secretary of Education to accredit nursing
75 education programs.

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

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

81 1. All documentation provided by the program in its program
82 application.

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

85 3. The program's accreditation status, including
86 identification of the accrediting agency.

87 4. The program's probationary status.

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

90 6. Each program's retention rates for students tracked from
91 program entry to graduation.

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

100

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

106 (5) ACCOUNTABILITY.—

107 (a)1. An approved program must achieve an average ~~a~~
108 graduate passage rate of 80 percent or greater or be placed on
109 probationary status or terminated as provided in subparagraph 2
110 ~~for first-time test takers which is not more than 10 percentage~~
111 ~~points lower than the average passage rate during the same~~
112 ~~calendar year for graduates of comparable degree programs who~~
113 ~~are United States educated, first-time test takers on the~~
114 ~~National Council of State Boards of Nursing Licensing~~
115 ~~Examination, as calculated by the contract testing service of~~
116 ~~the National Council of State Boards of Nursing.~~ For purposes of

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117 this subparagraph, an approved program is comparable to all
118 degree programs of the same program type from among the
119 following program types:

120 a. Professional nursing education programs that terminate
121 in a bachelor's degree.

122 b. Professional nursing education programs that terminate
123 in an associate degree.

124 c. Professional nursing education programs that terminate
125 in a diploma.

126 d. Practical nursing education programs.

127 2. If an approved program's average graduate passage rate
128 does ~~rates do~~ not equal or exceed the average graduate required
129 passage rate required in subparagraph 1. ~~rates for 2 consecutive~~
130 ~~calendar years~~, the board shall place the program on
131 probationary status pursuant to chapter 120 and the program
132 director shall appear before the board to present a plan for
133 remediation, which shall include specific benchmarks to identify
134 progress toward the required average ~~a~~ graduate passage rate
135 ~~goal~~. The program must remain on probationary status until it
136 achieves an average ~~a~~ graduate passage rate that equals or
137 exceeds the required average graduate passage rate for any 1
138 calendar year. The board shall deny a program application for a
139 new prelicensure nursing education program submitted by an
140 educational institution if the institution has an existing
141 program that is already on probationary status.

142 3. Upon the program's achievement of a graduate passage
143 rate of 80 percent or greater for test takers who took the NCLEX
144 during the most recent calendar year and do not fail the
145 examination more than three consecutive times pursuant to s.

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146 464.008(3) ~~that equals or exceeds the required passage rate,~~ the
147 board, at its next regularly scheduled meeting following release
148 of the program's average graduate passage rate ~~by the National~~
149 ~~Council of State Boards of Nursing,~~ shall remove the program's
150 probationary status. If the program, during the 2 calendar years
151 following its placement on probationary status, does not achieve
152 the required average graduate passage rate ~~for any 1 calendar~~
153 ~~year,~~ the board may extend the program's probationary status for
154 1 additional year, provided the program has demonstrated
155 adequate progress toward achieving the required average graduate
156 passage rate ~~goal~~ by meeting a majority of the benchmarks
157 established in the remediation plan. If the program is not
158 granted the 1-year extension or fails to achieve the required
159 average graduate passage rate by the end of such extension, the
160 board shall terminate the program pursuant to chapter 120.

161 (b) If an approved program fails to submit the annual
162 report required in subsection (3), the board shall notify the
163 program director and president or chief executive officer of the
164 educational institution in writing within 15 days after the due
165 date of the annual report. The program director shall appear
166 before the board at the board's next regularly scheduled meeting
167 to explain the reason for the delay. The board shall terminate
168 the program pursuant to chapter 120 if the program director
169 fails to appear before the board, as required under this
170 paragraph, or if the program does not submit the annual report
171 within 6 months after the due date.

172 (c) A nursing education program, whether accredited or
173 nonaccredited, which has been placed on probationary status
174 shall disclose its probationary status in writing to the

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175 program's students and applicants. The notification must include
176 an explanation of the implications of the program's probationary
177 status on the students or applicants.

178 (d) If students from a program that is terminated pursuant
179 to this subsection transfer to an approved or an accredited
180 program under the direction of the Commission for Independent
181 Education, the board shall recalculate the passage rates of the
182 programs receiving the transferring students, excluding the test
183 scores of those students transferring more than 12 credits.

184 (e) For each student who fails to pass the NCLEX on his or
185 her first attempt, and for at least 1 calendar year following
186 his or her graduation date, an approved program must provide
187 such student information about remediation programs designed to
188 assist the student in passing the NCLEX.

189 (f) The average graduate passage rate of an approved
190 program for calendar years 2020 and 2021, as determined by the
191 contract testing service of the National Council of State Boards
192 of Nursing, may not be considered by the board in any manner
193 when determining whether to take any adverse action against an
194 approved program, such as placing or continuing an approved
195 program on probationary status or terminating an existing
196 approved program that is already on probationary status.

197 (g) It is the intent of the Legislature that the amendment
198 to this subsection apply retroactively to January 1, 2021, to
199 prevent the board from placing or continuing an approved program
200 on probationary status or terminating an existing approved
201 program that is already on probationary status.

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

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204 960.28 Payment for victims' initial forensic physical
205 examinations.-

206 (2) The Crime Victims' Services Office of the department
207 shall pay for medical expenses connected with an initial
208 forensic physical examination of a victim of sexual battery as
209 defined in chapter 794 or a lewd or lascivious offense as
210 defined in chapter 800. Such payment shall be made regardless of
211 whether the victim is covered by health or disability insurance
212 and whether the victim participates in the criminal justice
213 system or cooperates with law enforcement. The payment shall be
214 made only out of moneys allocated to the Crime Victims' Services
215 Office for the purposes of this section, and the payment may not
216 exceed \$1,000 with respect to any violation. The department
217 shall develop and maintain separate protocols for the initial
218 forensic physical examination of adults and children. Payment
219 under this section is limited to medical expenses connected with
220 the initial forensic physical examination, and payment may be
221 made to a medical provider using an examiner qualified under
222 part I of chapter 464, excluding s. 464.003(15) ~~s. 464.003(14)~~;
223 chapter 458; or chapter 459. Payment made to the medical
224 provider by the department shall be considered by the provider
225 as payment in full for the initial forensic physical examination
226 associated with the collection of evidence. The victim may not
227 be required to pay, directly or indirectly, the cost of an
228 initial forensic physical examination performed in accordance
229 with this section.

230 Section 4. This act shall take effect July 1, 2021.