

**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.)

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

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BILL: SB 1118

INTRODUCER: Senator Harrell

SUBJECT: Nursing Education Programs

DATE: February 5, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	<b>Favorable</b>
2.	_____	_____	AHS	_____
3.	_____	_____	RC	_____

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**I. Summary:**

SB 1118 adds the following requirements to the application process for approval of nursing education programs:

- The legal name of the nursing education program director must be included;
- The nursing educational program’s annual report to the Board of Nursing (BON) must be submitted by the program director;
- The nursing education program must have evaluation and standardized admission criteria that identify students likely to need additional educational support and a student academic support plan; and
- The nursing education program must have a comprehensive examination, i.e., an exit exam, to prepare nursing students for the National Council of State Boards of Nursing Licensing Examination (NELEX), which cannot be the sole basis of exclusion from graduation.

The bill requires the BON to:

- Terminate a nursing education program’s approval if the annual report is not submitted, or the required elements are not included;
- Deny an application, or revoke an approval, of a nursing education program that has had adverse action taken against it by another regulatory jurisdiction in the U.S.;
- Terminate a nursing education program if, during the calendar year following being placed on probation, the program does not achieve the required passage rate; and
- Terminate a nursing education program if the nursing education program director fails to submit a required written remediation plan or fails to appear before the BON to present the remediation plan.

The bill requires the nursing education program director to do the following or be subject to professional discipline:

- Provide the written statements or official program transcripts of the institution and to certify them as true and accurate;
- Be responsible for ensuring that the average exit exam results of the nursing education program are placed on the program's website and reported to the BON along with the annual report; and
- Submit to the BON a written remediation plan if an approved program's graduate NELEX passage rates are not equal to, or do not exceed, the required passage rates for one calendar year and to present the plan to the BON.

The bill reduces the time period for which an approved nursing education program's graduate passage rates are permitted to go below the required passage rates before the BON must place the program on probation, from two consecutive calendar years to one calendar year.

The bill authorizes DOH agents or employees to conduct onsite inspections at reasonable times to ensure that approved programs or accredited programs are in full compliance with ch. 464, F.S., or to determine whether ch. 464, F.S., or s. 456.072, F.S., are being violated.

The bill grants rule making authority to the BON to enforce and administer s. 464.019 (5), F.S.; and repeals the BON's rule making authority to establish criteria for nursing education programs to qualify for an extension of time to meet accreditation requirements. The bill repeals the BON's rule making authority to grant an extension of the accreditation deadline.

The bill provides an effective date of July 1, 2024.

## II. Present Situation:

### Florida Postsecondary Nursing Education Programs

The number of approved pre-licensure licensed practical nurse (LPN) and registered nurse (RN) nursing education programs in Florida continues to grow from 482 programs in 2020 to 515 in August, 2023.<sup>1</sup> Pre-licensure nursing programs include pre-licensure programs offered by Florida state universities, colleges, public school districts, private institutions licensed by the Florida Commission for Independent Education (CIE), private institutions that are members of the Independent Colleges and Universities of Florida (ICUF), and religious institutions authorized by law to offer nursing programs.<sup>2</sup>

Post-licensure nursing programs advance the training of licensed RNs and include Registered Nurse to Bachelor of Science in Nursing (RN to BSN), Master of Science in Nursing (MSN), Doctor of Nursing Practice (DNP), Doctor of Philosophy (Ph.D.) programs, and nursing certificates. Upon completion of some masters and doctorate programs, RNs transition to an advanced practice registered nurse (APRN) license. These roles include nurse practitioner (NP), certified nurse midwife (CNM), clinical nurse specialist (CNS), psychiatric mental health nurse practitioner, and certified registered nurse anesthetists (CRNA).<sup>3</sup>

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<sup>1</sup> Florida Center for Nursing (2023), *Florida's Nursing Education Program Report Academic Year 2022-2023*, Tampa, Fla., available at [https://issuu.com/flcenterfornursing/docs/nursing\\_education\\_report-interactive](https://issuu.com/flcenterfornursing/docs/nursing_education_report-interactive) (last visited Feb. 1, 2024).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

## Pre-license Nursing Education Programs

Educational institutions that wish to conduct a program in Florida for the pre-licensure education of RNs or LPNs must meet specific requirements to be approved by the BON.<sup>4</sup> The program application must include the legal name of the educational institution, the legal name of the nursing education program, and, if such institution is accredited, the name of the accrediting agency. The application must also document:<sup>5</sup>

- For an RN education program, the program director and that at least 50 percent of the program's faculty members must be RNs who have a master's degree or higher in nursing or a bachelor's degree in nursing and a master's or higher degree in a field related to nursing;
- For an LPN education program, the program director and at least 50 percent of the program's faculty members must be RNs who have a bachelor's degree or higher in nursing;
- The program's nursing major curriculum consists of at least:
  - Fifty percent clinical training in the U.S., the District of Columbia (D.C.), or a possession or territory of the U.S. for an LPN, ARN or a diploma RN;
  - Forty percent clinical training in a U.S. state, D.C., or a possession or territory of the U.S. for a B.S. degree RN education program, and no more than 50 percent of the program's clinical training may consist of clinical simulation;
- The RN and LPN educational degree requirements may be documented by an official transcript or by a written statement from the educational institution verifying that the institution conferred the degree;
- The program must have signed agreements with each agency, facility, and organization included in the curriculum plan as clinical training sites and community-based clinical experience sites;
- The program must have written policies for faculty which include provisions for direct or indirect supervision by faculty or clinical preceptors for students in clinical training consistent with the following standards:
  - The number of program faculty members must equal at least one faculty member directly supervising every 12 students unless the written agreement between the program and the agency, facility, or organization providing clinical training sites allows more students, not to exceed 18, to be directly supervised by one program faculty member;
  - For a hospital setting, indirect supervision may occur only if there is direct supervision by an assigned clinical preceptor and a supervising program faculty member is available by telephone, and such arrangement is approved by the clinical facility;
  - For community-based clinical experiences that involve student participation in invasive or complex nursing activities, students must be directly supervised by a program faculty member or clinical preceptor and such arrangement must be approved by the community-based clinical facility;
  - For community-based clinical experiences not involving student participation in invasive or complex nursing activities, indirect supervision may occur only when a supervising program faculty member is available to the student by telephone; and

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<sup>4</sup> Section. 464.019, F.S. and Florida Board of Nursing, *Education and Training Programs*, available at <https://floridasnursing.gov/education-and-training-programs/> (last visited Feb. 1, 2024).

<sup>5</sup> Section 464.019(1), F.S.

- A program's clinical training policies must require that a clinical preceptor who is supervising students in an RN education program be an RN or, if supervising students in an LPN education program, be an RN or LPN;
- The RN or LPN nursing curriculum plan must document clinical experience and theoretical instruction in medical, surgical, obstetric, pediatric, and geriatric nursing. An RN curriculum plan must also document clinical experience and theoretical instruction in psychiatric nursing. Each curriculum plan must document clinical training experience in appropriate settings that include, but are not limited to, acute care, long-term care, and community settings;
- An RN or LPN education programs must provide theoretical instruction and clinical application in the following:
  - Personal, family, and community health concepts;
  - Nutrition;
  - Human growth and development throughout the lifespan;
  - Body structure and function;
  - Interpersonal relationship skills;
  - Mental health concepts;
  - Pharmacology and administration of medications; and
  - Legal aspects of practice; and
- An RN nursing education program must also provide theoretical instruction and clinical experience in:
  - Interpersonal relationships and leadership skills;
  - Professional role and function; and
  - Health teaching and counseling skills.

### **Program Approval Process**

Upon receipt of a program application and the required fee, the DOH must examine the application to determine if it is complete. If the application is not complete, the DOH must notify the educational institution in writing of any errors or omissions within 30 days after the DOH's receipt of the application. A program application is deemed complete upon the DOH's receipt of:

- The initial application, if the DOH does not notify the educational institution of any errors or omissions within the initial 30-day period after receipt; or
- Upon receipt of a revised application that corrects each error and omission that the DOH has notified the applicant of within the initial the 30-day period after receipt of the application.<sup>6</sup>

Once a complete application is received, the BON may conduct an onsite evaluation if necessary to document the applicant's curriculum and staffing. Within 90 days after the DOH's receipt of the complete program application, the BON must:

- Approve the application; or
- Provide the educational institution with a Notice of Intent to Deny if information or documents are missing.<sup>7</sup>

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<sup>6</sup> Sections 464.019(2) and 464.003(4), F.S.

<sup>7</sup> *Id.*

The notice must specify in writing the reasons for the BON's denial of the application, and the BON may not deny an application because of an educational institution's failure to correct an error or omission that the DOH failed to notify the institution of within the 30-day notice period. The educational institution may request a hearing on the Notice of Intent to Deny the application pursuant to ch. 120, F.S. A program application is deemed approved if the BON does not act within the 90-day review period. Upon the BON's approval of a program application, the program becomes an "approved" program.<sup>8</sup>

### **Approved Nursing Pre-licensure Education Programs Annual Report**

Each approved pre-licensure education program must submit to the BON an annual report by November 1, which must include:

- An affidavit certifying continued compliance with s. 465.019(1), F.S.;
- A summary description of the program's compliance with s. 465.019(1), F.S.; and
- Documentation for the previous academic year that describes:
  - The number of student applications received, qualified applicants, applicants accepted, accepted applicants who enroll in the program, students enrolled in the program, and program graduates;
  - The program's retention rates for students tracked from program entry to graduation; and
  - The program's accreditation status, including identification of the accrediting agency.<sup>9</sup>

If an approved program fails to submit the required annual report, the BON must notify the program director and president or chief executive officer of the institution in writing within 15 days after the due date. The program director must appear before the BON to explain the delay. If the program director fails to appear, or if the program does not submit the annual report within six months after the due date, the BON must terminate the program.<sup>10</sup>

### **Approved Nursing Pre-licensure Education Programs Accountability**

#### ***Graduate Passage Rates***

An approved nursing pre-licensure education program must achieve a graduate NELEX passage rate of first-time test takers which is not more than ten percentage points lower than the average passage rate during the same calendar year for graduates of comparable degree programs who are U.S. educated, first-time test takers, as calculated by the contracted testing service of the National Council of State Boards of Nursing.<sup>11</sup>

For purposes of s. 464.019(5), F.S., an approved program is comparable to all degree programs of the same program type from among the following program types:<sup>12</sup>

- RN nursing education programs that terminate in a bachelor's degree;
- RN nursing education programs that terminate in an associate degree;
- RN nursing education programs that terminate in a diploma; and

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<sup>8</sup> *Id.*

<sup>9</sup> Section 464.019(3), F.S.

<sup>10</sup> Section 464.019(5), F.S.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

- LPN nursing education programs.

If an approved program's graduate passage rates do not equal or exceed the required passage rates for two consecutive calendar years, the BON must place the program on probationary status and the program director must appear before the BON to present a plan for remediation, which must include specific benchmarks to identify progress toward a graduate passage rate goal. The program must remain on probationary status until it achieves a graduate passage rate that equals or exceeds the required passage rate for any one calendar year.<sup>13</sup>

The BON must deny a program application for a new pre-licensure nursing education program submitted by an educational institution if the institution has an existing program that is already on probationary status. Upon the program's achievement of a graduate passage rate that equals or exceeds the required passage rate, the BON must remove the program's probationary status.

If the program, during the two calendar years following its placement on probation, does not achieve the required passage rate for any one calendar year, the BON may extend the program's probationary status for one additional year if certain criteria are met. If the program is not granted the one-year extension or fails to achieve the required passage rate by the end of the extension, the BON must terminate the program. If students from a program that is terminated transfer to an approved or an accredited program under the direction of the Commission for Independent Education, the BON must recalculate the passage rates of the programs receiving the transfer students and exclude the test scores of those students transferring more than 12 credits.<sup>14</sup>

An "accredited" nursing education program is a program for the pre-licensure education of RNs or LPNs that is conducted at a U.S. educational institution, whether in Florida, another state, or D.C., and that is accredited by a specialized nursing accrediting agency that is nationally recognized by the U.S. Secretary of Education to accredit nursing education programs.<sup>15</sup> Accredited programs do not have to meet requirements related to program application, approval, or submission of annual reports to the BON.<sup>16</sup>

All approved and accredited programs must meet accountability requirements related to graduate passage rate on the NELEX.

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

<sup>14</sup> *Id.*

<sup>15</sup> Section 464.003(1), F.S. Eligible institutional and accrediting Agencies available to Florida Nursing Programs are: Accreditation Commission for Education in Nursing (ACEN), Inc., formerly, National League for Nursing Accrediting Commission; Commission on Collegiate Nursing Education (CCNE)); National League for Nursing Commission for Nursing Education Accreditation (NLN CNEA); National Nurse Practitioner Residency and Fellowship Training Consortium;. and Florida Board of Nursing, *See* U.S. Department of Education, Accreditation in the U.S., available at <https://www2.ed.gov/print/admins/finaid/accred/accreditation.html#> (last visited Feb. 1, 2024); and Florida Board of Nursing, *What is the difference between an "approved" and an "accredited" pre-licensure nursing education program in Florida?* available at <https://floridasnursing.gov/help-center/what-is-the-difference-between-an-approved-and-an-accredited-pre-licensure-nursing-education-program-in-florida/> (last visited Feb. 1, 2024).

<sup>16</sup> Section 464.019(9), F.S.

All approved nursing programs, except those specifically excluded,<sup>17</sup> must seek accreditation within five years of enrolling the program's first students.<sup>18</sup> An approved program which has been placed on probation must disclose its probationary status in writing to the program's students and applicants.<sup>19</sup> If an accredited program ceases to be accredited, the educational institution conducting the program must provide written notice to that effect to the BON, the program's students and applicants, and each entity providing clinical training sites or experiences. It may then apply to be an approved program.<sup>20</sup>

The BON does not have rulemaking authority to administer s. 464.019, F.S., except:

- The BON must adopt rules that prescribe the format for submitting program applications and annual reports, and to administer the documentation of the accreditation of nursing education programs.<sup>21</sup>
- The board may adopt rules relating to the nursing curriculum, including rules relating to the uses and limitations of simulation technology, and rules relating to the criteria to qualify for an extension of time to meet the accreditation requirements.<sup>22</sup>

Under these rulemaking requirements and authority, the BON may not impose any condition or requirement on an educational institution submitting a program application, an approved program, or an accredited program, except as expressly provided in s. 464.019, F.S.<sup>23</sup>

### III. Effect of Proposed Changes:

SB 1118 adds the following requirements to the application process for nursing education program approval:

- The legal name of the nursing education program director must be included;
- The nursing educational program's annual report to the Board of Nursing (BON) must be submitted by the program director;
- The nursing education program must have evaluation and standardized admission criteria that identify students who are likely to need additional educational support and a student academic support plan; and
- The nursing education program must have a comprehensive examination to prepare nursing students for the NELEX;
  - This type of comprehensive examination:
    - Must be termed an "exit examination" that all nursing education programs will administer;
    - May not be the sole exclusion to graduation if the student has otherwise successfully completed all coursework required by the program; and

<sup>17</sup> Excluded institutions are those exempt from licensure by the Commission of Independent Education under ss. 1005.06(1) and 464.019(11)(d), F.S.

<sup>18</sup> Section 464.019(11)(a)-(d), F.S.

<sup>19</sup> *Id.*

<sup>20</sup> Section 464.019(9)(b), F.S.

<sup>21</sup> Section 464.019(8), F.S.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

- The program director must be responsible for ensuring that the program's average exit exam results are placed on the program's website and reported to the BON along with the annual report.

The nursing education program must submit to the BON established criteria for remediation that will be offered to students who do not successfully pass the exit examination. A program with NELEX passage rates at least ten percentage points below the average passage rate for the most recent calendar year must offer remediation at no additional cost or refer the student to an approved remedial program and pay for that program for the student.

The bill requires the BON to deny an application from a nursing education program that has had adverse action taken against it by another regulatory jurisdiction in the U.S. The BON may also revoke the approval of an existing approved program that has had adverse action taken against it by another regulatory jurisdiction in the U.S.

The bill reduces the time period for which an approved nursing education program's graduate passage rates are permitted to go below the required passage rates before the BON must place the program on probation, from two consecutive calendar years to one calendar year.

The bill requires the program director to submit to the BON a written remediation plan with specific nationally-recognized benchmarks to identify progress toward a graduate passage rate goal, and to present that plan to the BON. If the program director fails to submit the required written remediation plan, or fails to appear before the BON to present the remediation plan no later than six months after the date of the program being placed on probation, the bill requires the BON to terminate the nursing education program and the program director is subject to professional discipline for failing to perform any statutory or legal obligation placed upon a licensee.

The bill requires that if a nursing education program, during the calendar year following being placed on probation, does not achieve the required passage rate, the BON must terminate the program.

The bill authorizes agents or employees of the DOH to conduct onsite evaluations or inspections at reasonable hours to ensure that approved programs or accredited programs are in full compliance with ch. 464, F.S., or to determine whether ch. 464, F.S., or s. 456.072, F.S., is being violated. The DOH may collect any evidence necessary or as required to ensure compliance with ch. 464, F.S. or for prosecution. A refusal by a nursing education program to allow an onsite evaluation or inspection is deemed a violation of a legal obligation imposed by the BON and the DOH.

The bill grants rulemaking authority to the BON to enforce and administer s. 464.019(5), F.S.; and repeals the BON rulemaking authority to establish the criteria for nursing education programs to qualify for an extension of time to meet the accreditation requirements under s. 464.019(11), F.S., and repeals s. 464.019(11)(f), F.S., which gives the BON authority to grant an extension of the accreditation deadline.

The bill provides an effective date of July 1, 2024.



**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 464.019 of the Florida Statutes:

**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.

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

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