

By Senator Harrell

31-00960A-24

20241118__

1 A bill to be entitled
2 An act relating to nursing education programs;
3 amending s. 464.019, F.S.; revising application
4 requirements for nursing education program approval;
5 requiring the Board of Nursing to deny an application
6 under certain circumstances; authorizing the board to
7 revoke a program's approval under certain
8 circumstances; revising requirements for annual
9 reports approved programs are required to submit to
10 the board; providing for the revocation of a program's
11 approval, and discipline of its program director,
12 under certain circumstances; revising remediation
13 procedures for approved programs with graduate passage
14 rates that do not meet specified requirements;
15 subjecting program directors of approved programs to
16 specified disciplinary action under certain
17 circumstances; deleting a provision authorizing the
18 board to extend a program's probationary status;
19 authorizing agents of the Department of Health to
20 conduct onsite evaluations and inspections of approved
21 and accredited nursing education programs; authorizing
22 the department to collect evidence as part of such
23 evaluations and inspections; deeming failure or
24 refusal of a program to allow such evaluation or
25 inspection as a violation of a legal obligation;
26 revising rulemaking authority of the board; deleting a
27 provision authorizing approved nursing education
28 programs to request an extension to meet the board's
29 accreditation requirements; providing an effective

31-00960A-24

20241118__

30 date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Subsections (1), (2), (3), (5), and (8) and
35 paragraph (f) of subsection (11) of section 464.019, Florida
36 Statutes, are amended to read:

37 464.019 Approval of nursing education programs.—

38 (1) PROGRAM APPLICATION.—An educational institution that
39 wishes to conduct a program in this state for the prelicensure
40 education of professional or practical nurses must submit to the
41 department a program application and review fee of \$1,000 for
42 each prelicensure nursing education program to be offered at the
43 institution's main campus, branch campus, or other instructional
44 site. The program application must include the legal name of the
45 educational institution, the legal name of the nursing education
46 program, the legal name of the nursing education program
47 director, and, if such institution is accredited, the name of
48 the accrediting agency. The application must also document that:

49 (a)1. For a professional nursing education program, the
50 program director and at least 50 percent of the program's
51 faculty members are registered nurses who have a master's or
52 higher degree in nursing or a bachelor's degree in nursing and a
53 master's or higher degree in a field related to nursing.

54 2. For a practical nursing education program, the program
55 director and at least 50 percent of the program's faculty
56 members are registered nurses who have a bachelor's or higher
57 degree in nursing.

31-00960A-24

20241118__

59 The educational degree requirements of this paragraph must ~~may~~
60 be documented by an official transcript or by a written
61 statement from the program director of the educational
62 institution verifying that the institution conferred the degree.
63 The program director shall certify the official transcript or
64 written statement as true and accurate.

65 (b) The program's nursing major curriculum consists of at
66 least:

67 1. Fifty percent clinical training in the United States,
68 the District of Columbia, or a possession or territory of the
69 United States for a practical nursing education program, an
70 associate degree professional nursing education program, or a
71 professional diploma nursing education program.

72 2. Forty percent clinical training in the United States,
73 the District of Columbia, or a possession or territory of the
74 United States for a bachelor's degree professional nursing
75 education program.

76 (c) No more than 50 percent of the program's clinical
77 training consists of clinical simulation.

78 (d) The program has signed agreements with each agency,
79 facility, and organization included in the curriculum plan as
80 clinical training sites and community-based clinical experience
81 sites.

82 (e) The program has written policies for faculty which
83 include provisions for direct or indirect supervision by program
84 faculty or clinical preceptors for students in clinical training
85 consistent with the following standards:

86 1. The number of program faculty members equals at least
87 one faculty member directly supervising every 12 students unless

31-00960A-24

20241118__

88 the written agreement between the program and the agency,
89 facility, or organization providing clinical training sites
90 allows more students, not to exceed 18 students, to be directly
91 supervised by one program faculty member.

92 2. For a hospital setting, indirect supervision may occur
93 only if there is direct supervision by an assigned clinical
94 preceptor, a supervising program faculty member is available by
95 telephone, and such arrangement is approved by the clinical
96 facility.

97 3. For community-based clinical experiences that involve
98 student participation in invasive or complex nursing activities,
99 students must be directly supervised by a program faculty member
100 or clinical preceptor and such arrangement must be approved by
101 the community-based clinical facility.

102 4. For community-based clinical experiences not subject to
103 subparagraph 3., indirect supervision may occur only when a
104 supervising program faculty member is available to the student
105 by telephone.

106
107 A program's policies established under this paragraph must
108 require that a clinical preceptor who is supervising students in
109 a professional nursing education program be a registered nurse
110 or, if supervising students in a practical nursing education
111 program, be a registered nurse or licensed practical nurse.

112 (f) The professional or practical nursing curriculum plan
113 documents clinical experience and theoretical instruction in
114 medical, surgical, obstetric, pediatric, and geriatric nursing.
115 A professional nursing curriculum plan shall also document
116 clinical experience and theoretical instruction in psychiatric

31-00960A-24

20241118__

117 nursing. Each curriculum plan must document clinical training
118 experience in appropriate settings that include, but are not
119 limited to, acute care, long-term care, and community settings.

120 (g) The professional or practical nursing education program
121 provides theoretical instruction and clinical application in
122 personal, family, and community health concepts; nutrition;
123 human growth and development throughout the life span; body
124 structure and function; interpersonal relationship skills;
125 mental health concepts; pharmacology and administration of
126 medications; and legal aspects of practice. A professional
127 nursing education program must also provide theoretical
128 instruction and clinical application in interpersonal
129 relationships and leadership skills; professional role and
130 function; and health teaching and counseling skills.

131 (h) The professional or practical nursing education program
132 has established evaluation and standardized admission criteria.
133 The admission criteria must, at a minimum, identify those
134 students who are likely to need additional educational support
135 to be successful program graduates. The program shall maintain
136 documentation of the individualized student academic support
137 plan for those students identified as in need of additional
138 preparation and educational support.

139 (i) The professional or practical nursing education program
140 has an established comprehensive examination to prepare students
141 for the National Council of State Boards of Nursing Licensing
142 Examination (NCLEX). This type of comprehensive examination must
143 be termed an exit examination that all programs will administer
144 and may not be the sole exclusion to graduation if the student
145 has otherwise successfully completed all coursework required by

31-00960A-24

20241118__

146 the program. The program director is responsible for ensuring
147 that the average exit exam results of the program are placed on
148 the program's website and reported to the board along with the
149 annual report required in subsection (3).

150 (j) The program shall submit to the board established
151 criteria for remediation that will be offered to students who do
152 not successfully pass the exit examination. A program with NCLEX
153 passage rates at least 10 percentage points below the average
154 passage rate for the most recent calendar year must offer
155 remediation at no additional cost or refer the student to an
156 approved remedial program and pay for that program for the
157 student.

158 (2) PROGRAM APPROVAL.—

159 (a) Upon receipt of a program application and review fee,
160 the department shall examine the application to determine if it
161 is complete. If the application is not complete, the department
162 shall notify the educational institution in writing of any
163 errors or omissions within 30 days after the department's
164 receipt of the application. A program application is deemed
165 complete upon the department's receipt of:

166 1. The initial application, if the department does not
167 notify the educational institution of any errors or omissions
168 within the 30-day period; or

169 2. A revised application that corrects each error and
170 omission of which the department notifies the educational
171 institution within the 30-day period.

172 (b) Following the department's receipt of a complete
173 program application, the board may conduct an onsite evaluation
174 if necessary to document the applicant's compliance with

31-00960A-24

20241118__

175 subsection (1). Within 90 days after the department's receipt of
176 a complete program application, the board shall:

177 1. Approve the application if it documents compliance with
178 subsection (1); or

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

189 (c) A program application is deemed approved if the board
190 does not act within the 90-day review period provided under
191 paragraph (b).

192 (d) Upon the board's approval of a program application, the
193 program becomes an approved program.

194 (e) The board shall deny an application from a program that
195 has had adverse action taken against it by another regulatory
196 jurisdiction in the United States. The board may also revoke the
197 approval of an existing approved program that has had adverse
198 action taken against it by another regulatory jurisdiction in
199 the United States.

200 (3) ANNUAL REPORT.—By November 1 of each year, each
201 approved program's director ~~program~~ shall submit to the board an
202 annual report comprised of an affidavit certifying continued
203 compliance with subsection (1), a summary description of the

31-00960A-24

20241118__

204 program's compliance with subsection (1), and documentation for
205 the previous academic year that, to the extent applicable,
206 describes:

207 (a) The number of student applications received, qualified
208 applicants, applicants accepted, accepted applicants who enroll
209 in the program, students enrolled in the program, and program
210 graduates.

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

213 (c) The program's accreditation status, including
214 identification of the accrediting agency.

215

216 The board shall terminate the program pursuant to chapter 120 if
217 the requirements of this subsection are not met. The program
218 director is also subject to discipline under s. 456.072(1)(k).

219 (5) ACCOUNTABILITY.—

220 (a)1. An approved program must achieve a graduate passage
221 rate for first-time test takers which is not more than 10
222 percentage points lower than the average passage rate during the
223 same calendar year for graduates of comparable degree programs
224 who are United States educated, first-time test takers on the
225 National Council of State Boards of Nursing Licensing
226 Examination, as calculated by the contract testing service of
227 the National Council of State Boards of Nursing. For purposes of
228 this subparagraph, an approved program is comparable to all
229 degree programs of the same program type from among the
230 following program types:

231 a. Professional nursing education programs that terminate
232 in a bachelor's degree.

31-00960A-24

20241118__

233 b. Professional nursing education programs that terminate
234 in an associate degree.

235 c. Professional nursing education programs that terminate
236 in a diploma.

237 d. Practical nursing education programs.

238 2. If an approved program's graduate passage rates do not
239 equal or exceed the required passage rates for 1 calendar year ~~2~~
240 ~~consecutive calendar years~~, the board shall place the program on
241 probationary status pursuant to chapter 120 and the program
242 director shall submit a written remediation plan to the board.

243 The program director shall appear before the board to present
244 the ~~a~~ plan for remediation, which shall include specific
245 nationally recognized benchmarks to identify progress toward a
246 graduate passage rate goal. The board shall terminate a program
247 pursuant to chapter 120 if the program director fails to submit
248 a written remediation plan or fails to appear before the board
249 and present the remediation plan no later than 6 months after
250 the date of the program being placed on probation. The program's
251 director is also subject to discipline under s. 456.072(1)(k)
252 for such failure. The program must remain on probationary status
253 until it achieves a graduate passage rate that equals or exceeds
254 the required passage rate for ~~any~~ 1 calendar year. The board
255 shall deny a program application for a new prelicensure nursing
256 education program submitted by an educational institution if the
257 institution has an existing program that is already on
258 probationary status.

259 3. Upon the program's achievement of a graduate passage
260 rate that equals or exceeds the required passage rate, the
261 board, at its next regularly scheduled meeting following release

31-00960A-24

20241118__

262 of the program's graduate passage rate by the National Council
263 of State Boards of Nursing, shall remove the program's
264 probationary status. If the program, during the ~~2~~ calendar year
265 ~~years~~ following its placement on probationary status, does not
266 achieve the required passage rate ~~for any 1 calendar year~~, the
267 board must ~~may extend the program's probationary status for 1~~
268 ~~additional year, provided the program has demonstrated adequate~~
269 ~~progress toward the graduate passage rate goal by meeting a~~
270 ~~majority of the benchmarks established in the remediation plan.~~
271 ~~If the program is not granted the 1-year extension or fails to~~
272 ~~achieve the required passage rate by the end of such extension,~~
273 ~~the board shall~~ terminate the program pursuant to chapter 120.

274 (b) If an approved program fails to submit the annual
275 report required in subsection (3), the board must ~~shall~~ notify
276 the program director and president or chief executive officer of
277 the educational institution in writing within 15 days after the
278 due date of the annual report. The program director shall appear
279 before the board at the board's next regularly scheduled meeting
280 to explain the reason for the delay. The board shall terminate
281 the program pursuant to chapter 120 if the program director
282 fails to appear before the board, as required under this
283 paragraph, or if the program does not submit the annual report
284 within 6 months after the due date.

285 (c) A nursing education program, whether accredited or
286 nonaccredited, which has been placed on probationary status
287 shall disclose its probationary status in writing to the
288 program's students and applicants. The notification must include
289 an explanation of the implications of the program's probationary
290 status on the students or applicants.

31-00960A-24

20241118__

291 (d) If students from a program that is terminated pursuant
292 to this subsection transfer to an approved or an accredited
293 program under the direction of the Commission for Independent
294 Education, the board must ~~shall~~ recalculate the passage rates of
295 the programs receiving the transferring students, excluding the
296 test scores of those students transferring more than 12 credits.

297 (e) Duly authorized agents or employees of the department
298 may conduct onsite evaluations or inspections at all reasonable
299 hours to ensure that approved programs or accredited programs
300 are in full compliance with this chapter, or to determine
301 whether this chapter or s. 456.072 is being violated. The
302 department may collect any necessary evidence needed to ensure
303 compliance with this chapter or for prosecution as deemed
304 necessary. A failure of a program to refuse or allow an onsite
305 evaluation or inspection is deemed as violating a legal
306 obligation imposed by the board or the department.

307 (8) RULEMAKING.—The board does not have rulemaking
308 authority to administer this section, except that the board
309 shall adopt rules that prescribe the format for submitting
310 program applications under subsection (1) and annual reports
311 under subsection (3), to enforce and administer subsection (5),
312 and to administer the documentation of the accreditation of
313 nursing education programs under subsection (11). The board may
314 adopt rules relating to the nursing curriculum, including rules
315 relating to the uses and limitations of simulation technology,
316 ~~and rules relating to the criteria to qualify for an extension~~
317 ~~of time to meet the accreditation requirements under paragraph~~
318 ~~(11)(f).~~ The board may not impose any condition or requirement
319 on an educational institution submitting a program application,

31-00960A-24

20241118__

320 an approved program, or an accredited program, except as
321 expressly provided in this section.

322 (11) ACCREDITATION REQUIRED.—

323 ~~(f) An approved nursing education program may, no sooner~~
324 ~~than 90 days before the deadline for meeting the accreditation~~
325 ~~requirements of this subsection, apply to the board for an~~
326 ~~extension of the accreditation deadline for a period which does~~
327 ~~not exceed 2 years. An additional extension may not be granted.~~
328 ~~In order to be eligible for the extension, the approved program~~
329 ~~must establish that it has a graduate passage rate of 60 percent~~
330 ~~or higher on the National Council of State Boards of Nursing~~
331 ~~Licensing Examination for the most recent calendar year and must~~
332 ~~meet a majority of the board's additional criteria, including,~~
333 ~~but not limited to, all of the following:~~

334 1. ~~A student retention rate of 60 percent or higher for the~~
335 ~~most recent calendar year.~~

336 2. ~~A graduate work placement rate of 70 percent or higher~~
337 ~~for the most recent calendar year.~~

338 3. ~~The program has applied for approval or been approved by~~
339 ~~an institutional or programmatic accreditor recognized by the~~
340 ~~United States Department of Education.~~

341 4. ~~The program is in full compliance with subsections (1)~~
342 ~~and (3) and paragraph (5) (b).~~

343 5. ~~The program is not currently in its second year of~~
344 ~~probationary status under subsection (5).~~

345
346 ~~The applicable deadline under this paragraph is tolled from the~~
347 ~~date on which an approved program applies for an extension until~~
348 ~~the date on which the board issues a decision on the requested~~

31-00960A-24

20241118__

349 ~~extension.~~

350 Section 2. This act shall take effect July 1, 2024.