

By Senator Harrell

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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

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30 date.

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

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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.

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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

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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 must ~~shall~~ also document
116 clinical experience and theoretical instruction in psychiatric

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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 must 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). The comprehensive examination must be
143 termed an exit examination that all programs will administer and
144 may not be the sole exclusion to graduation if the student has
145 otherwise successfully completed all coursework required by the

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

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

159 (2) PROGRAM APPROVAL.—

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

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

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

173 (b) Following the department's receipt of a complete
174 program application, the board may conduct an onsite evaluation

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175 if necessary to document the applicant's compliance with
176 subsection (1). Within 90 days after the department's receipt of
177 a complete program application, the board shall:

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

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

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

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

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

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

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

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

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

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

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

221 (5) ACCOUNTABILITY.—

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

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- 233 a. Professional nursing education programs that terminate
234 in a bachelor's degree.
- 235 b. Professional nursing education programs that terminate
236 in an associate degree.
- 237 c. Professional nursing education programs that terminate
238 in a diploma.
- 239 d. Practical nursing education programs.
- 240 2. If an approved program's graduate passage rates do not
241 equal or exceed the required passage rates for 1 calendar year ~~2~~
242 ~~consecutive calendar years~~, the board must ~~shall~~ place the
243 program on probationary status pursuant to chapter 120 and the
244 program director must submit a written remediation plan to the
245 board. The program director must ~~shall~~ appear before the board
246 to present the ~~a~~ plan for remediation, which must ~~shall~~ include
247 specific nationally recognized benchmarks to identify progress
248 toward a graduate passage rate goal. The board must terminate a
249 program pursuant to chapter 120 if the program director fails to
250 submit a written remediation plan or fails to appear before the
251 board and present the remediation plan no later than 6 months
252 after the date of the program being placed on probation. The
253 program's director is also subject to discipline under s.
254 456.072(1)(k) for such failure. The program must remain on
255 probationary status until it achieves a graduate passage rate
256 that equals or exceeds the required passage rate for ~~any~~ 1
257 calendar year. The board must ~~shall~~ deny a program application
258 for a new prelicensure nursing education program submitted by an
259 educational institution if the institution has an existing
260 program that is already on probationary status.
- 261 3. Upon the program's achievement of a graduate passage

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

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

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

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291 an explanation of the implications of the program's probationary
292 status on the students or applicants.

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

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

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

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320 ~~(11)(f)~~. The board may not impose any condition or requirement
321 on an educational institution submitting a program application,
322 an approved program, or an accredited program, except as
323 expressly provided in this section.

324 (11) ACCREDITATION REQUIRED.—

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

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

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

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

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

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

347
348 ~~The applicable deadline under this paragraph is tolled from the~~

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349 ~~date on which an approved program applies for an extension until~~
350 ~~the date on which the board issues a decision on the requested~~
351 ~~extension.~~

352 Section 2. This act shall take effect July 1, 2025.