

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; revising program-specific data the
18 Florida Center for Nursing evaluates for certain
19 programs; deleting a provision authorizing the board
20 to extend a program's probationary status; authorizing
21 agents of the Department of Health to conduct onsite
22 evaluations and inspections of approved and accredited
23 nursing education programs; authorizing the department
24 to collect evidence as part of such evaluations and
25 inspections; deeming failure or refusal of a program

26 to allow such evaluation or inspection as a violation
 27 of a legal obligation; revising rulemaking authority
 28 of the board; deleting a provision authorizing
 29 approved nursing education programs to request an
 30 extension to meet the board's accreditation
 31 requirements; providing an effective date.

32

33 Be It Enacted by the Legislature of the State of Florida:

34

35 **Section 1. Subsections (1), (2), (3), (5), (8), and (10)**
 36 **and paragraph (f) of subsection (11) of section 464.019, Florida**
 37 **Statutes, are amended to read:**

38 464.019 Approval of nursing education programs.—

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

50 (a)1. For a professional nursing education program, the

51 program director and at least 50 percent of the program's
52 faculty members are registered nurses who have a master's or
53 higher degree in nursing or a bachelor's degree in nursing and a
54 master's or higher degree in a field related to nursing.

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

59

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

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

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

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

76 | education program.

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

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

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

87 | 1. The number of program faculty members equals at least
88 | one faculty member directly supervising every 12 students unless
89 | the written agreement between the program and the agency,
90 | facility, or organization providing clinical training sites
91 | allows more students, not to exceed 18 students, to be directly
92 | supervised by one program faculty member.

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

98 | 3. For community-based clinical experiences that involve
99 | student participation in invasive or complex nursing activities,
100 | students must be directly supervised by a program faculty member

101 or clinical preceptor and such arrangement must be approved by
102 the community-based clinical facility.

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

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

113 (f) The professional or practical nursing curriculum plan
114 documents clinical experience and theoretical instruction in
115 medical, surgical, obstetric, pediatric, and geriatric nursing.
116 A professional nursing curriculum plan must ~~shall~~ also document
117 clinical experience and theoretical instruction in psychiatric
118 nursing. Each curriculum plan must document clinical training
119 experience in appropriate settings that include, but are not
120 limited to, acute care, long-term care, and community settings.

121 (g) The professional or practical nursing education
122 program provides theoretical instruction and clinical
123 application in personal, family, and community health concepts;
124 nutrition; human growth and development throughout the life
125 span; body structure and function; interpersonal relationship

126 skills; mental health concepts; pharmacology and administration
127 of medications; and legal aspects of practice. A professional
128 nursing education program must also provide theoretical
129 instruction and clinical application in interpersonal
130 relationships and leadership skills; professional role and
131 function; and health teaching and counseling skills.

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

140 (i) The professional or practical nursing education
141 program has an established comprehensive examination, known as
142 an exit examination, to prepare students for the National
143 Council of State Boards of Nursing Licensing Examination. The
144 exit examination must be administered before program completion.
145 However, successful passage may not be required for graduation.
146 The program director is responsible for posting the average exit
147 examination results of the program on the program's website.

148 (j) The professional or practical nursing education
149 program has submitted to the board the established criteria for
150 remediation that will be offered to students who do not

151 successfully pass the exit examination.

152 (2) PROGRAM APPROVAL.—

153 (a) Upon receipt of a program application and review fee,
154 the department shall examine the application to determine if it
155 is complete. If the application is not complete, the department
156 must ~~shall~~ notify the educational institution in writing of any
157 errors or omissions within 30 days after the department's
158 receipt of the application. A program application is deemed
159 complete upon the department's receipt of:

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

163 2. A revised application that corrects each error and
164 omission of which the department notifies the educational
165 institution within the 30-day period.

166 (b) Following the department's receipt of a complete
167 program application, the board may conduct an onsite evaluation
168 if necessary to document the applicant's compliance with
169 subsection (1). Within 90 days after the department's receipt of
170 a complete program application, the board shall:

171 1. Approve the application if it documents compliance with
172 subsection (1); or

173 2. Provide the educational institution with a notice of
174 intent to deny the application if it does not document
175 compliance with subsection (1). The notice must specify written

176 reasons for the board's denial of the application. The board may
177 not deny a program application because of an educational
178 institution's failure to correct an error or omission that the
179 department failed to provide notice of to the institution within
180 the 30-day notice period under paragraph (a). The educational
181 institution may request a hearing on the notice of intent to
182 deny the program application pursuant to chapter 120.

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

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

188 (e) The board shall deny an application from a program
189 that has had adverse action taken against it by another
190 regulatory jurisdiction in the United States. The board may also
191 revoke the approval of an existing approved program that has had
192 adverse action taken against it by another regulatory
193 jurisdiction in the United States.

194 (3) ANNUAL REPORT.—By November 1 of each year, each
195 approved program's director ~~program~~ shall submit to the board an
196 annual report comprised of an affidavit certifying continued
197 compliance with subsection (1), a summary description of the
198 program's compliance with subsection (1), and documentation for
199 the previous academic year that, to the extent applicable,
200 describes:

201 (a) The number of student applications received, qualified
202 applicants, applicants accepted, accepted applicants who enroll
203 in the program, students enrolled in the program, and program
204 graduates.

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

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

209 (d) The program's average exit examination results.

210
211 The board must terminate the program pursuant to chapter 120 if
212 the requirements of this subsection are not met. The program
213 director is also subject to discipline under s. 456.072(1)(k)
214 for such failure.

215 (5) ACCOUNTABILITY.—

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

226 following program types:

227 a. Professional nursing education programs that terminate
228 in a bachelor's degree.

229 b. Professional nursing education programs that terminate
230 in an associate degree.

231 c. Professional nursing education programs that terminate
232 in a diploma.

233 d. Practical nursing education programs.

234 2. An approved program with graduate passage rates which
235 do not equal or exceed the required passage rate for the most
236 recent calendar year must offer remediation to students who do
237 not successfully pass the program's exit examination at no
238 additional cost or pay for remediation from a board-approved
239 remedial program.

240 ~~3.2.~~ If an approved program's graduate passage rates do
241 not equal or exceed the required passage rates for 1 calendar
242 year ~~2 consecutive calendar years~~, the board must ~~shall~~ place
243 the program on probationary status pursuant to chapter 120 and
244 the program director must submit a written remediation plan to
245 the board. The program director must ~~shall~~ appear before the
246 board to present the ~~a~~ plan for remediation, which must ~~shall~~
247 include specific nationally recognized benchmarks to identify
248 progress toward a graduate passage rate goal. The board must
249 terminate a program pursuant to chapter 120 if the program
250 director fails to submit a written remediation plan or fails to

251 appear before the board and present the remediation within 6
252 months after the program is placed on probation. The program's
253 director is also subject to discipline under s. 456.072(1)(k)
254 for such failure. The program must remain on probationary status
255 until it achieves a graduate passage rate that equals or exceeds
256 the required passage rate for ~~any~~ 1 calendar year. The board
257 must ~~shall~~ deny a program application for a new prelicensure
258 nursing education program submitted by an educational
259 institution if the institution has an existing program that is
260 already on probationary status.

261 4.3. Upon the program's achievement of a graduate passage
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~~ 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 5. If an approved program's graduate passage rate is below
277 30 percent in a calendar year, the program must reimburse the
278 total cost of tuition and fees paid by each student who failed
279 to pass the National Council of State Boards of Nursing
280 Licensing Examination as a first-time test taker in that
281 calendar year. The program must outline its plan for meeting
282 this requirement in its written remediation plan under
283 subparagraph (5) (a) 3.

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

295 (c) A nursing education program, whether accredited or
296 nonaccredited, which has been placed on probationary status must
297 ~~shall~~ disclose its probationary status in writing to the
298 program's students and applicants. The notification must include
299 an explanation of the implications of the program's probationary
300 status on the students or applicants.

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

307 (e) For each student who fails to pass the National
308 Council of State Boards of Nursing Licensing Examination as a
309 first-time test taker, and for at least 1 calendar year
310 following his or her graduation date, an approved program on
311 probationary status must offer such student remediation at no
312 additional cost to the student or pay for remediation from a
313 board-approved remedial program.

314 (f) Duly authorized agents or employees of the department
315 may conduct onsite evaluations or inspections at all reasonable
316 hours to verify that approved programs or accredited programs
317 are in full compliance with this chapter, or to determine
318 whether this chapter or s. 456.072 is being violated. The
319 department may collect any necessary evidence needed to verify
320 compliance with this chapter or for prosecution as deemed
321 necessary. The failure of a program to allow an onsite
322 evaluation or inspection is deemed a violation of a legal
323 obligation imposed by the board or the department.

324 (8) RULEMAKING.—The board does not have rulemaking
325 authority to administer this section, except that the board

326 shall adopt rules that prescribe the format for submitting
327 program applications under subsection (1) and annual reports
328 under subsection (3), to enforce and administer subsection (5),
329 and to administer the documentation of the accreditation of
330 nursing education programs under subsection (11). The board may
331 adopt rules relating to the nursing curriculum, including rules
332 relating to the uses and limitations of simulation technology,
333 ~~and rules relating to the criteria to qualify for an extension~~
334 ~~of time to meet the accreditation requirements under paragraph~~
335 ~~(11)(f).~~ The board may not impose any condition or requirement
336 on an educational institution submitting a program application,
337 an approved program, or an accredited program, except as
338 expressly provided in this section.

339 (10) IMPLEMENTATION STUDY.—The Florida Center for Nursing
340 shall study the administration of this section and submit
341 reports to the Governor, the President of the Senate, and the
342 Speaker of the House of Representatives annually by January 30.
343 The annual reports shall address the previous academic year;
344 provide data on the measures specified in paragraphs (a) and
345 (b), as such data becomes available; and include an evaluation
346 of such data for purposes of determining whether this section is
347 increasing the availability of nursing education programs and
348 the production of quality nurses. The department and each
349 approved program or accredited program shall comply with
350 requests for data from the Florida Center for Nursing.

351 (a) The Florida Center for Nursing shall evaluate program-
352 specific data for each approved program and accredited program
353 conducted in the state, including, but not limited to:

354 1. The number of programs and student slots available.

355 2. The number of student applications submitted, the
356 number of qualified applicants, and the number of students
357 accepted.

358 3. The number of program graduates.

359 4. Program retention rates of students tracked from
360 program entry to graduation.

361 5. Program exit examination results.

362 6. The number of students offered remediation due to exit
363 examination performance and the number of students who completed
364 remediation.

365 7. The impact of exit examinations and remediation on
366 graduation rates and graduate passage rates on the National
367 Council of State Boards of Nursing Licensing Examination.

368 ~~8.5.~~ Graduate passage rates on the National Council of
369 State Boards of Nursing Licensing Examination.

370 ~~9.6.~~ The number of graduates who become employed as
371 practical or professional nurses in the state.

372 (b) The Florida Center for Nursing shall evaluate the
373 board's implementation of the:

374 1. Program application approval process, including, but
375 not limited to, the number of program applications submitted

376 under subsection (1), the number of program applications
377 approved and denied by the board under subsection (2), the
378 number of denials of program applications reviewed under chapter
379 120, and a description of the outcomes of those reviews.

380 2. Accountability processes, including, but not limited
381 to, the number of programs on probationary status, the number of
382 approved programs for which the program director is required to
383 appear before the board under subsection (5), the number of
384 approved programs terminated by the board, the number of
385 terminations reviewed under chapter 120, and a description of
386 the outcomes of those reviews.

387 (c) The Florida Center for Nursing shall complete an
388 annual assessment of compliance by programs with the
389 accreditation requirements of subsection (11), include in the
390 assessment a determination of the accreditation process status
391 for each program, and submit the assessment as part of the
392 reports required by this subsection.

393 (11) ACCREDITATION REQUIRED.—

394 ~~(f) An approved nursing education program may, no sooner~~
395 ~~than 90 days before the deadline for meeting the accreditation~~
396 ~~requirements of this subsection, apply to the board for an~~
397 ~~extension of the accreditation deadline for a period which does~~
398 ~~not exceed 2 years. An additional extension may not be granted.~~
399 ~~In order to be eligible for the extension, the approved program~~
400 ~~must establish that it has a graduate passage rate of 60 percent~~

401 ~~or higher on the National Council of State Boards of Nursing~~
402 ~~Licensing Examination for the most recent calendar year and must~~
403 ~~meet a majority of the board's additional criteria, including,~~
404 ~~but not limited to, all of the following:~~

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

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

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

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

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

416
417 ~~The applicable deadline under this paragraph is tolled from the~~
418 ~~date on which an approved program applies for an extension until~~
419 ~~the date on which the board issues a decision on the requested~~
420 ~~extension.~~

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