

Council Substitute for Committee Substitute for  
Committee Substitute for House Bill No. 519

An act relating to nursing shortage solutions; providing a short title; amending s. 240.4075, F.S., relating to the Nursing Student Loan Forgiveness Program; revising provisions relating to loan repayment; providing a restriction on participation in the program; amending s. 240.4076, F.S., relating to the Nursing Scholarship Program; revising eligibility provisions; revising provisions relating to repayment of a scholarship under certain circumstances; deleting obsolete language; creating the Sunshine Workforce Solutions Grant Program; providing for grants to fund the establishment of exploratory programs in nursing or programs of study in nursing in the public schools; providing requirements and procedures for application and selection; amending s. 464.009, F.S.; revising provisions relating to eligibility for licensure by endorsement to practice professional or practical nursing; providing for future repeal; amending s. 464.018, F.S.; revising grounds for disciplinary actions against nurses; amending s. 464.019, F.S.; revising rulemaking authority of the Board of Nursing relating to approval of nursing programs; exempting certain nursing programs from certain board rules under certain circumstances; requiring board review of a nursing program under certain circumstances; amending s. 464.022, F.S.; providing an exemption from licensure for a nurse licensed in a territory of the United States; creating s. 381.00593, F.S.; creating a public school volunteer health care practitioner program; providing a short title; providing purpose; providing a definition; providing for waiver of biennial active license renewal fees and fulfillment of a portion of continuing education hours for specified health care practitioners who provide their services, without compensation, in the public schools; providing program and eligibility requirements; providing for payment of any resulting increase in liability insurance premiums; providing administrative responsibilities; providing a limitation on implementation; providing rulemaking authority; providing for implementation; providing an effective date.

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

Section 1. This act may be cited as the “Nursing Shortage Solution Act.”

Section 2. Subsections (5) through (11) of section 240.4075, Florida Statutes, are renumbered as subsections (6) through (12), respectively, subsection (4) is amended, and a new subsection (5) is added to said section, to read:

240.4075 Nursing Student Loan Forgiveness Program.—

(4) From the funds available, the Department of Health may make loan principal repayments of up to \$4,000 a year for up to 4 years on behalf of selected graduates of an accredited or approved nursing program. All repayments shall be contingent upon continued proof of employment in the desig-

~~nated facilities in this state and shall be made directly to the holder of the loan. The state shall bear no responsibility for the collection of any interest charges or other remaining balance. In the event that the designated facilities are changed, a nurse shall continue to be eligible for loan forgiveness as long as he or she continues to work in the facility for which the original loan repayment was made and otherwise meets all conditions of eligibility. Receipt of funds pursuant to this program shall be contingent upon continued proof of employment in the designated facilities in this state. Loan principal payments shall be made by the Department of Health directly to the federal or state programs or commercial lending institutions holding the loan as follows:~~

~~(a) Twenty five percent of the loan principal and accrued interest shall be retired after the first year of nursing;~~

~~(b) Fifty percent of the loan principal and accrued interest shall be retired after the second year of nursing;~~

~~(c) Seventy five percent of the loan principal and accrued interest shall be retired after the third year of nursing; and~~

~~(d) The remaining loan principal and accrued interest shall be retired after the fourth year of nursing.~~

~~In no case may payment for any nurse exceed \$4,000 in any 12-month period.~~

~~(5) Students receiving a nursing scholarship pursuant to s. 240.4076 are not eligible to participate in the Nursing Student Loan Forgiveness Program.~~

Section 3. Subsections (2), (3), and (6) and paragraphs (c) and (d) of subsection (4) of section 240.4076, Florida Statutes, are amended to read:

240.4076 Nursing scholarship program.—

(2) A scholarship applicant shall be enrolled ~~as a full-time or part-time student in the upper division of an approved nursing program leading to the award of an associate degree, a baccalaureate degree, or a graduate degree to qualify for a nursing faculty position or as an advanced registered nurse practitioner or be enrolled as a full-time or part-time student in an approved program leading to the award of an associate degree in nursing.~~

(3) A scholarship may be awarded for no more than 2 years, in an amount not to exceed \$8,000 per year. However, registered nurses pursuing a graduate degree for a faculty position or to practice as an advanced registered nurse practitioner may receive up to \$12,000 per year. ~~Beginning July 1, 1998,~~ These amounts shall be adjusted by the amount of increase or decrease in the consumer price index for urban consumers published by the United States Department of Commerce.

(4) Credit for repayment of a scholarship shall be as follows:

(c) Any recipient who does not complete an appropriate program of studies, ~~or who does not become licensed, who does not accept employment as a nurse at an approved health care facility, or who does not complete 12 months of approved employment for each year of scholarship assistance received~~ shall repay to the Department of Health, on a schedule to be determined by the department, the entire amount of the scholarship plus 18 percent interest accruing from the date of the scholarship payment. Moneys repaid shall be deposited into the Nursing Student Loan Forgiveness Trust Fund established in s. 240.4075. However, the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to the default.

~~(d) Any recipient who does not accept employment as a nurse at an approved health care facility or who does not complete 12 months of approved employment for each year of scholarship assistance received shall repay to the Department of Health an amount equal to two times the entire amount of the scholarship plus interest accruing from the date of the scholarship payment at the maximum allowable interest rate permitted by law. Repayment shall be made within 1 year of notice that the recipient is considered to be in default. However, the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to the default.~~

(6) The Department of Health shall adopt rules, including rules to address extraordinary circumstances that may cause a recipient to default on either the school enrollment or employment contractual agreement, to implement this section and may solicit technical assistance relating to the conduct of this program from the Department of Health.

#### Section 4. Sunshine Workforce Solutions Grant Program.—

(1) The Legislature recognizes the need for school districts to be able to respond to critical workforce shortages in nursing. The Sunshine Workforce Solutions Grant Program is created to provide grants to school districts on a competitive basis to fund all or some of the costs associated with establishing an exploratory program in nursing at the middle school level or a comprehensive career and technical education program within a high school that provides a program of study in nursing that will provide a seamless transition to appropriate postsecondary education or employment.

(a) A comprehensive career and technical education program within a high school that provides a program of study in nursing must be certified or endorsed by the Florida Board of Nursing to ensure that all components of the program are relevant and appropriate to prepare the student for further education and employment in nursing.

(b) For career and technical education programs in which high school credit is articulated to a related postsecondary education program, there must be an articulation agreement that ensures seamless transition from one level to the next without a loss of credit for the student.

(c) Participation in work-based learning experiences, as defined in rule by the Department of Education, shall be required in career and technical education programs at the high school level.

(2) Funds awarded for a Sunshine Workforce Solutions Grant may be used for instructional equipment, laboratory equipment, supplies, personnel, student services, or other expenses associated with the development of a program in nursing.

(3) The Department of Education shall accept applications from middle schools and high schools for grants under the Sunshine Workforce Solutions Grant Program.

(a) Applications shall contain projected enrollments and projected costs for the Sunshine Workforce Solutions Grants.

(b) Schools shall be selected based on existing infrastructure that would ensure success of the program. The department shall consider statewide geographic disbursement of grant funds in ranking the applications.

(c) Methods for evaluating the success of the grant program, including student recruitment, retention, and program completion, must be included in the application.

Section 5. Subsections (1), (2), and (4) of section 464.009, Florida Statutes, are amended to read:

464.009 Licensure by endorsement.—

(1) The department shall issue the appropriate license by endorsement to practice professional or practical nursing to an applicant who, upon applying to the department and remitting a fee set by the board not to exceed \$100, demonstrates to the board that he or she:

(a) Holds a valid license to practice professional or practical nursing in another state or territory of the United States, provided that, when the applicant secured his or her original license, the requirements for licensure were substantially equivalent to or more stringent than those existing in Florida at that time; ~~or~~

(b) Meets the qualifications for licensure in s. 464.008 and has successfully completed a state, regional, or national examination which is substantially equivalent to or more stringent than the examination given by the department; or

(c) Has actively practiced nursing in another state, jurisdiction, or territory of the United States for 2 of the preceding 3 years without having his or her license acted against by the licensing authority of any jurisdiction. Applicants who become licensed pursuant to this paragraph must complete within 6 months after licensure a Florida laws and rules course that is approved by the board. Once the department has received the results of the national criminal history check and has determined that the applicant has no criminal history, the appropriate license by endorsement shall be issued to the applicant. This paragraph is repealed July 1, 2004, unless reenacted by the Legislature.

(2) Such examinations and requirements from other states and territories of the United States shall be presumed to be substantially equivalent

to or more stringent than those in this state. Such presumption shall not arise until January 1, 1980. However, the board may, by rule, specify states and territories the examinations and requirements of which shall not be presumed to be substantially equivalent to those of this state.

(4) The department shall not issue a license by endorsement to any applicant who is under investigation in another state, jurisdiction, or territory of the United States for an act which would constitute a violation of this part or chapter 456 until such time as the investigation is complete, at which time the provisions of s. 464.018 shall apply.

Section 6. Paragraph (h) of subsection (1) of section 464.018, Florida Statutes, is amended, present paragraph (n) of that subsection is redesignated as paragraph (o), and a new paragraph (n) is added to that subsection, to read:

464.018 Disciplinary actions.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(h) Unprofessional conduct, ~~as defined by board rule which shall include, but not be limited to, any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing nursing practice, in which case actual injury need not be established.~~

(n) Failing to meet minimal standards of acceptable and prevailing nursing practice, including engaging in acts for which the licensee is not qualified by training or experience.

Section 7. Subsection (2) of section 464.019, Florida Statutes, is amended, and subsections (6) and (7) are added to said section, to read:

464.019 Approval of nursing programs.—

(2)(a) The board shall adopt rules, applicable to initial review and conditional approval of a program, regarding educational objectives, faculty qualifications, curriculum guidelines, administrative procedures, and clinical training. An applicant institution shall comply with such rules in order to obtain conditional program approval. No program shall be considered fully approved, nor shall any program be exempted from such rules, prior to the graduation of the program's first class.

(b) The board shall adopt rules regarding educational objectives and curriculum guidelines as are necessary to grant full approval to a program and to ensure that fully approved programs graduate nurses capable of competent practice under this part. Rules regarding educational objectives shall consider student attrition rate standards, availability of qualified faculty, and appropriate clinical training facilities. However, the board shall adopt no rule that prohibits a qualified institution from placing a student in a facility for clinical experience, regardless of whether more than one nursing program is using the same facility for clinical experience.

(c) The board shall adopt rules governing probation, suspension, and termination status of programs that fail to comply with the standards of this part.

(d) The board shall not adopt any rule limiting the number of students admitted to a nursing program, provided appropriate faculty-to-student ratios are maintained, and provided the board shall not enact any changes to faculty-to-student ratios prior to 2004.

(6) Any nursing program that maintains accreditation through a nursing accrediting body recognized by the United States Department of Education shall be exempt from the rules of the board except as provided in paragraph (2)(b), provided such exemption shall apply only to the extent the program maintains a student pass rate on the National Clinical Licensure Examination of not less than 10 percentage points below the national average pass rate as reported annually by the National Council of State Boards of Nursing.

(7) If an institution's passing rate on the National Clinical Licensure Examination drops below the standard established in subsection (6) for 2 consecutive years, the program must be reviewed by the board. The board may take action to assist the program to return to compliance. Any program having its approval rescinded shall have the right to reapply.

Section 8. Subsection (8) of section 464.022, Florida Statutes, is amended to read:

464.022 Exceptions.—No provision of this part shall be construed to prohibit:

(8) Any nurse currently licensed in another state or territory of the United States from performing nursing services in this state for a period of 60 days after furnishing to the employer satisfactory evidence of current licensure in another state or territory and having submitted proper application and fees to the board for licensure prior to employment. The board may extend this time for administrative purposes when necessary.

Section 9. Section 381.00593, Florida Statutes, is created to read:

381.00593 Public school volunteer health care practitioner program.—

(1) This section may be cited as the "Public School Volunteer Health Care Practitioner Act."

(2) The purpose of this section is to establish a public school volunteer health care practitioner program with incentives and coordinate the program with the "School Health Services Act," pursuant to s. 381.0056, in order to encourage health care practitioners to provide their services, without compensation, in the public schools; and such program is intended to complement other programs designed to provide health services or increase the level of health care in the public schools.

(3) For purposes of this section, the term "health care practitioner" means a physician licensed under chapter 458; an osteopathic physician

licensed under chapter 459; a chiropractic physician licensed under chapter 460; a podiatric physician licensed under chapter 461; an optometrist licensed under chapter 463; an advanced registered nurse practitioner, registered nurse, or licensed practical nurse licensed under part I of chapter 464; a pharmacist licensed under chapter 465; a dentist or dental hygienist licensed under chapter 466; a midwife licensed under chapter 467; a speech-language pathologist or audiologist licensed under part I of chapter 468; or a physical therapist licensed under chapter 486.

(4)(a) Notwithstanding any provision of chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, part I of chapter 464, chapter 465, chapter 466, chapter 467, part I of chapter 468, or chapter 486 to the contrary, any health care practitioner who participates in the program established in this section and thereby agrees to provide his or her services, without compensation, in a public school for at least 80 hours a year for each school year during the biennial licensure period, or, if the health care practitioner is retired, for at least 400 hours a year for each school year during the licensure period, upon providing sufficient proof from the applicable school district that the health care practitioner has completed such hours at the time of license renewal under procedures specified by the Department of Health, shall be eligible for the following:

1. Waiver of the biennial license renewal fee for an active license; and
2. Fulfillment of a maximum of 25 percent of the continuing education hours required for license renewal, pursuant to s. 456.013(9).

The school district may establish a schedule for health care practitioners who participate in the program.

(b) A health care practitioner must complete all forms and procedures for participation in the program prior to the applicable license renewal date.

(5) To participate in the program, a health care practitioner must:

(a) Have a valid, active license to practice his or her profession in this state.

(b) Submit fingerprints and have a background screening in accordance with the requirements of s. 381.0059, unless already provided and completed for practitioner licensing, profiling, or credentialing purposes.

(6) The school district, through its self-insurance program, shall bear the cost of any increase in premiums for liability protection for health care practitioners participating in the program other than those employed by the school or school district.

(7)(a) The Department of Health shall have the responsibility to supervise the program and perform periodic program reviews as provided in s. 381.0056(4).

(b) The Department of Health, in cooperation with the Department of Education, shall publicize the availability of the program and its benefits.

(8) The Department of Health, in cooperation with the Department of Education, may adopt rules necessary to implement this section. The rules shall include the forms to be completed and procedures to be followed by applicants and school personnel under the program.

(9) The provisions of this section shall be implemented to the extent of specific appropriations contained in the annual General Appropriations Act for such purpose.

Section 10. Implementation of the public school volunteer health care practitioner program under s. 381.00593, Florida Statutes, as created by this act, shall be according to the following schedule:

(1) The forms and procedures required by s. 381.00593(8), Florida Statutes, must be completed and distributed to the school districts by November 30, 2002.

(2) Each school district must make the application forms and any other materials required by s. 381.00593(8), Florida Statutes, available to all public schools in the district within 1 month after the forms and procedures are completed and distributed to the school district.

(3) Publication of the program, as required by s. 381.00593(7)(b), Florida Statutes, must begin within 1 month after the forms and procedures are completed and distributed to the school district.

Section 11. This act shall take effect upon becoming a law.

Approved by the Governor May 3, 2002.

Filed in Office Secretary of State May 3, 2002.