

Council Substitute for  
Committee Substitute for House Bill No. 1209

An act relating to nursing programs; amending s. 464.003, F.S.; revising the definition of the term “approved program” and defining terms for purposes of the Nurse Practice Act; amending s. 464.019, F.S.; revising provisions for the approval of nursing programs by the Board of Nursing; requiring institutions wishing to conduct certain nursing programs to submit a program application and pay a program review fee to the Department of Health; specifying that a program application is deemed approved if the board does not act within specified timeframes; providing application requirements and procedures; providing standards for the approval of nursing programs; specifying that, upon the board’s approval of a program application, the program becomes an approved program; providing that programs provisionally approved by the board, and certain programs on probationary status, as of a specified date are approved programs under the act; providing that certain programs on probationary status as of a specified date remain on probationary status; requiring such programs on probationary status to comply within a specified period with a requirement related to program graduate passage rates; requiring the board to terminate programs that do not comply; requiring approved programs to annually submit a report; specifying contents of annual reports; providing for denial of program applications; providing procedures for processing incomplete program applications; requiring the board to provide a notice of intent to deny a program application that does not document compliance with certain standards; authorizing an administrative hearing for review of a notice of intent to deny an application; requiring the board to publish on its Internet website certain data about nursing programs; requiring that a nursing program be placed on probation under certain circumstances; requiring programs placed on probation to disclose certain information to students and applicants; requiring the board to terminate a nursing program under certain circumstances; requiring a nursing program that closes to notify the board of certain information; specifying that the board, with certain exceptions, does not have rulemaking authority to administer the act; specifying that the board may not impose any condition or requirement on program approval or retention except as expressly provided in the act; requiring the board to repeal certain rules in existence as of a specified date; requiring the Florida Center for Nursing and the Office of Program Policy Analysis and Government Accountability to conduct studies and submit reports to the Governor and Legislature; providing an effective date.

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

Section 1. Subsection (8) of section 464.003, Florida Statutes, is amended, and subsections (9) through (14) are added to that section, to read:

464.003 Definitions.—As used in this part, the term:

(8) “Approved program” means a nursing program conducted in a school, college, or university which is approved under by the board pursuant to s. 464.019 for the education of nurses.

(9) “Clinical training” means direct nursing care experiences with patients or clients which offer the student the opportunity to integrate, apply, and refine specific skills and abilities based on theoretical concepts and scientific principles.

(10) “Clinical preceptor” means a registered nurse employed by a clinical training facility who serves as a role model and clinical resource person for a specified period to an individual enrolled in an approved program.

(11) “Clinical simulation” means a strategy used to replicate clinical practice as closely as possible to teach theory, assessment, technology, pharmacology, and skills.

(12) “Community-based clinical experience” means activities consistent with the curriculum and involving individuals, families, and groups with the intent of promoting wellness, maintaining health, and preventing illness.

(13) “Curriculum” means a planned sequence of course offerings and learning experiences that comprise a nursing education program.

(14) “Probationary status” means the status of a nursing education program that is subject to s. 464.019(2)(a)2. or (5)(a) or (b).

Section 2. Section 464.019, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 464.019, F.S., for present text.)

464.019 Approval of nursing programs.—

(1) An institution that wishes to conduct a program for the prelicensure education of professional or practical nurses shall submit a program application and a program review fee of \$1,000 to the department. Within 90 days after receipt of a program application and program review fee, the board shall approve the program application if it documents compliance with the standards in paragraphs (a)-(h). If the program application is incomplete or does not document compliance, the board shall follow the procedures in subsection (3). A program application is deemed approved by the board if the board does not act on the application within the timeframes specified in subsection (3) or this subsection. Each program application must document that:

(a) For a professional nursing program, the program director and at least 50 percent of the program’s faculty members are registered nurses who have, at a minimum, a bachelor’s degree in nursing and a master’s degree in nursing or a related field.

(b) For a practical nursing program, the program director and at least 50 percent of the program's faculty members are registered nurses who have, at a minimum, a bachelor's degree in nursing.

(c) The program's nursing major curriculum consists of at least:

1. Fifty percent clinical training for a practical nursing program, an associate degree professional nursing program, or a professional diploma nursing program.

2. Forty percent clinical training for a bachelor's degree professional nursing program.

(d) No more than 25 percent of the program's clinical training consists of clinical simulation.

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

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

1. The number of program faculty members equals 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 students, to be directly supervised by one program faculty member.

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

3. 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.

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

(g) The professional or practical nursing curriculum plan documents clinical experience and theoretical instruction in medical, surgical, obstetric, pediatric, and geriatric nursing. A professional nursing curriculum plan shall 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.

(h) The professional or practical nursing program provides theoretical instruction and clinical application in personal, family, and community

health concepts; nutrition; human growth and development throughout the life span; body structure and function; interpersonal relationship skills; mental health concepts; pharmacology and administration of medications; and legal aspects of practice. A professional nursing program shall also provide theoretical instruction and clinical application in interpersonal relationships and leadership skills; professional role and function; and health teaching and counseling skills.

Upon the board's approval of a program application, the program becomes an approved program under this section.

(2)(a) A professional or practical nursing program that, as of June 30, 2009:

1. Has full or provisional approval from the board or is on probationary status, except as provided in subparagraph 2., becomes an approved program under this section. In order to retain approved program status, such program shall submit the report required under paragraph (c) to the board by November 1, 2009, and annually thereafter.

2. Is on probationary status because the program did not meet the board's requirement for program graduate passage rates on the National Council of State Boards of Nursing Licensing Examination, shall remain on probationary status until the program achieves compliance with the program graduate passage rate requirement in paragraph (5)(a). A program that is subject to this subparagraph must submit the report required under paragraph (c) to the board by November 1, 2009, and annually thereafter and must comply with paragraph (5)(c). If the program does not achieve compliance by July 1, 2011, the board shall terminate the program as provided in paragraph (5)(d).

(b) Each professional or practical nursing program that has its application approved by the board under subsection (1) on or after July 1, 2009, shall annually submit the report required under paragraph (c) to the board by November 1 of each year following initial approval of its application.

(c) The annual report required by this subsection must include an affidavit certifying continued compliance with subsection (1), must provide a summary description of the program's compliance with subsection (1), and must document for the previous academic year for each professional and practical nursing program:

1. The number of student applications received, the number of qualified applicants, and the number of students accepted.

2. The number of program graduates.

3. The program's graduate passage rate on the National Council of State Boards of Nursing Licensing Examination.

4. The program's retention rates for students tracked from program entry to graduation.

5. The program's accreditation status, including identification of the accrediting body.

(3)(a) If an institution's program application is incomplete, the board shall notify the institution of any apparent errors or omissions within 30 days after receipt of the application and follow the procedures in s. 120.60.

(b) If an institution's program application does not document compliance with the standards in subsection (1), within 90 days after the board's receipt of the program application, the board shall provide the institution with a notice of intent to deny the program application that sets forth written reasons for the denial. The institution may request a hearing on the notice of intent to deny the program application pursuant to chapter 120.

(4) The board shall publish on its Internet website data on nursing programs located in the state. The data shall include:

(a) All documentation provided by the applicant for each approved nursing program application submitted on or after July 1, 2009.

(b) The summary description of each program's compliance as submitted under paragraph (2)(c).

(c) A comprehensive list of each practical and professional nursing program in the state.

(d) The accreditation status for each program, including identification of the accrediting body.

(e) Each program's approval or probationary status.

(f) Each program's graduate passage rate on the National Council of State Boards of Nursing Licensing Examination.

(g) The national average for passage rates on the National Council of State Boards of Nursing Licensing Examination.

(h) Each program's retention rates for students tracked from program entry to graduation.

The data required to be published under this subsection shall be made available in a manner that allows interactive searches and comparisons of specific nursing education programs. The board shall publish the data by December 31, 2009, and update the Internet website at least quarterly with the available data.

(5)(a) If a professional or practical nursing program's average graduate passage rate for first-time test takers on the National Council of State Boards of Nursing Licensing Examination falls 10 percent or more below the national average passage rate for first-time test takers educated in the United States, as annually published by the contract testing service of the National Council of State Boards of Nursing, for 2 consecutive calendar years, the board shall place the program on probation and the program

director shall be required to appear before the board to present a plan for remediation. The program shall remain on probationary status until it achieves compliance with the graduate passage rate requirement and shall be terminated by the board under paragraph (d) if the program does not achieve compliance within 2 calendar years.

(b) If a program fails to submit the annual report required in subsection (2), the board shall place the program on probation. The program shall remain on probationary status until it submits the annual report and shall be terminated by the board under paragraph (d) if it does not submit the annual report within 6 months after the report's due date.

(c) A program placed on probationary status shall disclose its probationary status in writing to the program's students and applicants.

(d) The board shall terminate a program that fails to comply with subparagraph (2)(a)2., paragraph (a), or paragraph (b) pursuant to chapter 120.

(6) A nursing program that closes shall notify the board in writing and advise the board of the arrangements for storage of permanent records.

(7) The board does not have any rulemaking authority to administer this section, except that the board shall adopt a rule that prescribes the format for submitting program applications under subsection (1) and submitting summary descriptions of program compliance under paragraph (2)(c). The board may not impose any condition or requirement on an institution submitting a program application, an approved program, or a program on probationary status except as expressly provided in this section. The board shall repeal all rules, or portions thereof, in existence on July 1, 2009, that are inconsistent with this subsection.

(8) The Florida Center for Nursing and the Office of Program Policy Analysis and Government Accountability shall each:

(a) Monitor the administration of this section and evaluate the effectiveness of this section in achieving quality nursing programs with a higher production of quality nursing graduates.

(b) Report its findings and make recommendations, if warranted, to improve the effectiveness of this section to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2010.

(9) The Florida Center for Nursing and the education policy area of the Office of Program Policy Analysis and Government Accountability shall study the 5-year administration of this section and submit reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 30, 2011, and annually thereafter through January 30, 2015. The annual reports shall address the previous academic year; set forth data on the measures specified in paragraphs (a) and (b) for each prelicensure practical and professional nursing program in the state, as such data becomes available; and include an evaluation of such data for purposes of determining whether this section is increasing the availability of nursing programs and the production of quality nurses.

(a) The education policy area of the Office of Program Policy Analysis and Government Accountability shall evaluate program-specific data including, but not limited to:

1. The number of nursing education programs and student slots available.

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

3. The number of program graduates.

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

5. Graduate passage rates on the National Council of State Boards of Nursing Licensing Examination.

6. The number of graduates who become employed as practical or professional nurses in the state.

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

1. Program application approval process, including, but not limited to, the number of program applications submitted under subsection (1); the number of program applications approved and denied by the board under subsections (1) and (3); the number of denials of program applications reviewed under chapter 120; and a description of the outcomes of those reviews.

2. Probation and termination processes, including, but not limited to, the number of programs placed on probationary status, the number of programs terminated by the board under paragraph (5)(d), the number of terminations reviewed under chapter 120, and a description of the outcomes of those reviews.

Section 3. This act shall take effect July 1, 2009.

Approved by the Governor June 11, 2009.

Filed in Office Secretary of State June 11, 2009.