

CHAPTER 2010-37

Committee Substitute for Committee Substitute for House Bill No. 1337

An act relating to nursing; amending s. 456.014, F.S.; authorizing the disclosure of certain confidential information required of nursing license applicants to certain persons; amending s. 464.003, F.S.; providing and revising definitions; amending s. 464.008, F.S.; revising requirements for graduation from certain nursing education programs for nursing license applicants seeking to take the licensing examination; amending s. 464.015, F.S.; revising restrictions on nursing graduates who may use certain titles and abbreviations; amending s. 464.019, F.S.; revising requirements for the approval of nursing education programs by the Board of Nursing, including application requirements and procedures for the review and approval or denial of applications; revising requirements for the approval of nursing education programs meeting certain requirements before a specified date; providing for retroactive application; revising requirements for the submission of annual reports by approved programs; revising requirements for the information published on the board's Internet website; revising accountability requirements for an approved program's graduate passage rates on a certain licensing examination; revising procedures for placing programs on, and removing such programs, from probationary status; requiring termination of programs under certain circumstances; requiring certain representatives of programs that fail to submit annual reports to appear before the board; requiring the Department of Health to disclose certain confidential information about a program's graduates to the program director under certain circumstances; requiring program directors to maintain the confidentiality of such information; providing penalties for unlawful disclosure of confidential information; revising requirements for the closure of programs; revising the board's authority to adopt rules; exempting accredited programs from specified requirements; providing requirements for an accredited program that ceases to be accredited; conforming provisions; deleting obsolete provisions; revising requirements for the Florida Center for Nursing's evaluation of the board's implementation of certain accountability provisions; providing for the performance of certain duties of the Florida Center for Nursing by the Office of Program Policy Analysis and Government Accountability under certain circumstances; conforming cross-references; amending s. 464.022, F.S.; conforming provisions; amending ss. 458.348, 459.025, 464.012, and 960.28, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsection (1) of section 456.014, Florida Statutes, is amended to read:

456.014 Public inspection of information required from applicants; exceptions; examination hearing.—

(1) All information required by the department of any applicant shall be a public record and shall be open to public inspection pursuant to s. 119.07, except financial information, medical information, school transcripts, examination questions, answers, papers, grades, and grading keys, which are confidential and exempt from s. 119.07(1) and shall not be discussed with or made accessible to anyone except the program director of an approved program or accredited program as provided in s. 464.019(7), members of the board, the department, and staff thereof, who have a bona fide need to know such information. Any information supplied to the department by any other agency which is exempt from the provisions of chapter 119 or is confidential shall remain exempt or confidential pursuant to applicable law while in the custody of the department or the agency.

Section 2. Section 464.003, Florida Statutes, is reordered and amended to read:

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

(1) “Accredited program” means a program for the prelicensure education of professional or practical nurses that is conducted in the United States at an educational institution, whether in this state, another state, or the District of Columbia, and that is accredited by a specialized nursing accrediting agency that is nationally recognized by the United States Secretary of Education to accredit nursing education programs.

~~(13)~~(4) “Department” means the Department of Health.

~~(5)~~(2) “Board” means the Board of Nursing.

~~(20)~~(3)(a) “Practice of professional nursing” means the performance of those acts requiring substantial specialized knowledge, judgment, and nursing skill based upon applied principles of psychological, biological, physical, and social sciences which shall include, but not be limited to:

(a)1. The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care; health teaching and counseling of the ill, injured, or infirm; and the promotion of wellness, maintenance of health, and prevention of illness of others.

(b)2. The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments.

(c)3. The supervision and teaching of other personnel in the theory and performance of any of the above acts described in this subsection.

A professional nurse is responsible and accountable for making decisions that are based upon the individual’s educational preparation and experience in nursing.

~~(19)(b)~~ “Practice of practical nursing” means the performance of selected acts, including the administration of treatments and medications, in the care of the ill, injured, or infirm and the promotion of wellness, maintenance of health, and prevention of illness of others under the direction of a registered nurse, a licensed physician, a licensed osteopathic physician, a licensed podiatric physician, or a licensed dentist. A ~~The professional nurse and the practical nurse is shall be~~ responsible and accountable for making decisions that are based upon the individual’s educational preparation and experience in nursing.

~~(7)(e)~~ “Clinical nurse specialist practice” means the delivery and management of advanced practice nursing care to individuals or groups, including the ability to:

~~(a)1.~~ Assess the health status of individuals and families using methods appropriate to the population and area of practice.

~~(b)2.~~ Diagnose human responses to actual or potential health problems.

~~(c)3.~~ Plan for health promotion, disease prevention, and therapeutic intervention in collaboration with the patient or client.

~~(d)4.~~ Implement therapeutic interventions based on the nurse specialist’s area of expertise and within the scope of advanced nursing practice, including, but not limited to, direct nursing care, counseling, teaching, and collaboration with other licensed health care providers.

~~(e)5.~~ Coordinate health care as necessary and appropriate and evaluate with the patient or client the effectiveness of care.

~~(2)(d)~~ “Advanced or specialized nursing practice” means, in addition to the practice of professional nursing, the performance of advanced-level nursing acts approved by the board which, by virtue of postbasic specialized education, training, and experience, are appropriately performed by an advanced registered nurse practitioner. Within the context of advanced or specialized nursing practice, the advanced registered nurse practitioner may perform acts of nursing diagnosis and nursing treatment of alterations of the health status. The advanced registered nurse practitioner may also perform acts of medical diagnosis and treatment, prescription, and operation which are identified and approved by a joint committee composed of three members appointed by the Board of Nursing, two of whom must be advanced registered nurse practitioners; three members appointed by the Board of Medicine, two of whom must have had work experience with advanced registered nurse practitioners; and the State Surgeon General or the State Surgeon General’s designee. Each committee member appointed by a board shall be appointed to a term of 4 years unless a shorter term is required to establish or maintain

staggered terms. The Board of Nursing shall adopt rules authorizing the performance of any such acts approved by the joint committee. Unless otherwise specified by the joint committee, such acts must be performed under the general supervision of a practitioner licensed under chapter 458, chapter 459, or chapter 466 within the framework of standing protocols which identify the medical acts to be performed and the conditions for their performance. The department may, by rule, require that a copy of the protocol be filed with the department along with the notice required by s. 458.348.

(17)(e) “Nursing diagnosis” means the observation and evaluation of physical or mental conditions, behaviors, signs and symptoms of illness, and reactions to treatment and the determination as to whether such conditions, signs, symptoms, and reactions represent a deviation from normal.

(18)(f) “Nursing treatment” means the establishment and implementation of a nursing regimen for the care and comfort of individuals, the prevention of illness, and the education, restoration, and maintenance of health.

(22)(4) “Registered nurse” means any person licensed in this state to practice professional nursing.

(16)(5) “Licensed practical nurse” means any person licensed in this state to practice practical nursing.

(6) “Clinical nurse specialist” means any person licensed in this state to practice professional nursing and certified in clinical nurse specialist practice.

(3)(7) “Advanced registered nurse practitioner” means any person licensed in this state to practice professional nursing and certified in advanced or specialized nursing practice, including certified registered nurse anesthetists, certified nurse midwives, and nurse practitioners.

(4)(8) “Approved program” means a nursing program for the prelicensure education of professional or practical nurses that is conducted in the state at an educational institution and that is in a school, college, or university which is approved under s. 464.019 for the education of nurses. The term includes such a program placed on probationary status.

(10)(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.

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

~~(9)~~(11) “Clinical simulation” means a strategy used to replicate clinical practice as closely as possible to teach theory, assessment, technology, pharmacology, and skills.

~~(11)~~(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.

~~(12)~~(13) “Curriculum” means a planned sequence of course offerings and learning experiences that comprise a nursing education program.

~~(21)~~(14) “Probationary status” means the status of an approved a nursing education program that is placed on such status pursuant subject to s. 464.019(2)(a)2. ~~or (5)(a) or (b).~~

(14) “Educational institution” means a school, college, or university.

(15) “Graduate passage rate” means the percentage of a program’s graduates who, as first-time test takers, pass the National Council of State Boards of Nursing Licensure Examination during a calendar year, as calculated by the contract testing service of the National Council of State Boards of Nursing.

(23) “Required passage rate” means the graduate passage rate required for an approved program pursuant to s. 464.019(6)(a)1.

Section 3. Subsection (1) of section 464.008, Florida Statutes, is amended to read:

464.008 Licensure by examination.—

(1) Any person desiring to be licensed as a registered nurse or licensed practical nurse shall apply to the department to take the licensure examination. The department shall examine each applicant who:

(a) Has completed the application form and remitted a fee set by the board not to exceed \$150 and has remitted an examination fee set by the board not to exceed \$75 plus the actual per applicant cost to the department for purchase of the examination from the National Council of State Boards of Nursing or a similar national organization.

(b) Has provided sufficient information on or after October 1, 1989, which must be submitted by the department for a statewide criminal records correspondence check through the Department of Law Enforcement.

(c) Is in good mental and physical health, is a recipient of a high school diploma or the equivalent, and has completed the requirements for:

1. Graduation from an approved program;

2. Graduation from a prelicensure nursing education program that the board determines is, or its equivalent to an approved program;

3. Graduation on or after July 1, 2009, from an accredited program; or

4. Graduation before July 1, 2009, from a prelicensure nursing education program whose graduates at that time were eligible for examination as determined by the board, for the preparation of registered nurses or licensed practical nurses, whichever is applicable.

Courses successfully completed in a professional nursing education program ~~that which~~ are at least equivalent to a practical nursing education program may be used to satisfy the education requirements for licensure as a licensed practical nurse.

(d) Has the ability to communicate in the English language, which may be determined by an examination given by the department.

Section 4. Subsections (3) and (4) of section 464.015, Florida Statutes, are amended to read:

464.015 Titles and abbreviations; restrictions; penalty.—

(3) Only persons who are graduates of prelicensure nursing education approved programs listed in s. 464.008(1)(c) or the equivalent may use the term “Graduate Nurse” and the abbreviation “G.N.,” pending the results of the first licensure examination for which they are eligible.

(4) Only persons who are graduates of prelicensure nursing education approved programs listed in s. 464.008(1)(c) or the equivalent may use the term “Graduate Practical Nurse” and the abbreviation “G.P.N.,” pending the results of the first licensure examination for which they are eligible.

Section 5. Section 464.019, Florida Statutes, is reordered and amended to read:

464.019 Approval of nursing education programs.—

(1) PROGRAM APPLICATIONS.—An educational institution that wishes to conduct a program in this state for the prelicensure education of professional or practical nurses must shall submit to the department a program application and a program review fee of \$1,000 for each prelicensure nursing education program to be offered at the institution’s main campus, branch campus, or other instructional site 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 include the legal name of the educational institution, the legal name of the nursing education program, and, if such program is accredited by an accrediting

agency other than an accrediting agency described in s. 464.003(1), the name of the accrediting agency. The application must also document that:

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

2.(b) For a practical nursing education 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 or higher degree in nursing.

The educational degree requirements of this paragraph may be documented by an official transcript or by a written statement from the educational institution verifying that the institution conferred the degree.

(b)(e) The program’s nursing major curriculum consists of at least:

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

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

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

(d)(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.

(e)(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.

A program's policies established under this paragraph must require a clinical preceptor, if supervising students in a professional nursing education program, to be a registered nurse or, if supervising students in a practical nursing education program, to be a registered nurse or licensed practical nurse.

~~(f)(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.

~~(g)(h)~~ The professional or practical nursing education 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 education 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.~~

(3)(2) STATUS OF CERTAIN PROGRAMS.—

~~(a)~~ A professional or practical nursing education program becomes an approved program if that, as of June 30, 2009, the program:

~~(a)1.~~ Has full or provisional approval from the board or, except as provided in paragraph (b), 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.

~~(b)2.~~ Is on probationary status because the program did not meet the board's requirement for program graduate passage rates. Such program on the National Council of State Boards of Nursing Licensing Examination, shall remain on probationary status until it the program achieves a graduate passage rate for calendar year 2009 or 2010 that equals or exceeds the

~~required passage rate for the respective calendar year and compliance with the program graduate passage rate requirement in paragraph (5)(a). A program that is subject to this subparagraph must disclose its probationary status in writing to the program's students and applicants submit the report required under paragraph (e) to the board by November 1, 2009, and annually thereafter and must comply with paragraph (5)(c). If the program does not achieve the required passage rate compliance by July 1, 2011, the board shall terminate the program pursuant to chapter 120 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 (e) to the board by November 1 of each year following initial approval of its application.~~

~~(4) ANNUAL REPORT.—By November 1 of each year, each approved program shall submit to the board an~~

~~(e) The annual report comprised of required by this subsection must include an affidavit certifying continued compliance with paragraphs (1)(a)-(g) subsection (1), must provide a summary description of the program's compliance with paragraphs (1)(a)-(g) with subsection (1), and documentation must document for the previous academic year that, to the extent applicable, sets forth for each professional and practical nursing program:~~

~~(a)1. The number of student applications received, the number of qualified applicants, applicants and the number of students accepted, accepted applicants who enroll in the program, students enrolled in the program, and-~~

~~2.— the number of program graduates.~~

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

~~(b)4. The program's retention rates for students tracked from program entry to graduation.~~

~~(c)5. The program's accreditation status, including identification of the accrediting agency if such agency is not an accrediting agency described in s. 464.003(1) body.~~

~~(2)(3) PROGRAM APPROVAL.—~~

~~(a) Upon receipt of a If an institution's program application and review fee, the department shall examine the application to determine whether it is complete. If a program application is not complete incomplete, the department board shall notify the educational institution in writing of any apparent errors or omissions within 30 days after the department's receipt of the application and follow the procedures in s. 120.60. A program application is deemed complete upon the department's receipt of:~~

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

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

(b) Within 90 days after the department's receipt of a complete program application, the board shall:

1. Approve the ~~If an institution's program application if it documents does not document compliance with paragraphs (1)(a)-(g); or the standards in subsection (1), within 90 days after the board's receipt of the program application, the board shall~~

2. Provide the educational institution with a notice of intent to deny the program application if it does not document compliance with paragraphs (1)(a)-(g) that sets forth written reasons for the denial. The notice must set forth written reasons for the board's denial of the application. The board may not deny a program application because of an educational institution's failure to correct any error or omission of which the department does not notify the institution within the 30-day notice period under paragraph (a). The educational institution may request a hearing on the notice of intent to deny the program application pursuant to chapter 120.

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

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

(5)(4) INTERNET WEBSITE.—By October 1, 2010, the board shall publish the following information on its Internet website:

(a) A list of each accredited program conducted in the state and the program's graduate passage rates for the most recent 2 calendar years, which the department shall determine through the following sources:

1. For a program's accreditation status, the specialized accrediting agencies that are nationally recognized by the United States Secretary of Education to accredit nursing education programs.

2. For a program's graduate passage rates, the contract testing service of the National Council of State Boards of Nursing.

(b) The following data for each approved program, which ~~on~~ nursing programs located in the state. The data shall include, to the extent applicable:

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

~~2.(b) The summary description of the each program's compliance as submitted under subsection (4) paragraph (2)(e).~~

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

~~3.(d) The program's accreditation status for each program, including identification of the accrediting agency if such agency is not an accrediting agency described in s. 464.003(1) body.~~

~~4.(e) The Each program's approval or probationary status.~~

~~5.(f) The Each program's graduate passage rates for the most recent 2 calendar years 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.~~

~~6.(h) Each program's retention rates for students tracked from program entry to graduation.~~

~~(c) The average passage rates for United States educated first-time test takers on the National Council of State Boards of Nursing Licensing Examination for the most recent 2 calendar years, as calculated by the contract testing service of the National Council of State Boards of Nursing. The average passage rates shall be published separately for each type of comparable degree program listed in sub-subparagraphs (6)(a)1.a.-d.~~

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

~~(6)(5) ACCOUNTABILITY.—~~

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

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

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

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

d. Practical nursing education programs.

2. Beginning with graduate passage rates for calendar year 2010, if an approved a professional or practical nursing program's average graduate passage rates do not equal or exceed the required passage rates 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 probationary status pursuant to chapter 120 probation and the program director must shall be required to appear before the board to present a plan for remediation. The program shall remain on probationary status until it achieves a compliance with the graduate passage rate that equals or exceeds the required passage rate for any one calendar year.

3. Upon the program's achievement of a graduate passage rate that equals or exceeds the required passage rate, requirement and shall be terminated by the board, at its next regularly scheduled meeting following release of the program's graduate passage rate by the National Council of State Boards of Nursing, shall remove the program's probationary status. However, under paragraph (d) if the program, during the 2 calendar years following its placement on probationary status, does not achieve the required passage rate for any one compliance within 2 calendar year, the board shall terminate the program pursuant to chapter 120 years.

(b) If an approved a program fails to submit the annual report required in subsection (4) (2), the board shall notify the program director and president or chief executive officer of the educational institution in writing within 15 days after the due date of the annual report. The program director must appear before the board at the board's next regularly scheduled meeting to explain the reason for the delay place the program on probation. The board program shall terminate the program pursuant to chapter 120 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) An approved 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.

(7) DISCLOSURE OF GRADUATE PASSAGE RATE DATA.—

(a) For each of an approved program's or accredited program's graduates included in the calculation of the program's graduate passage rate, the department shall disclose to the program director, upon his or her written request, the name, examination date, and determination of whether each graduate passed or failed the National Council for State Boards of Nursing Licensing Examination, to the extent that such information is provided to the department by the contract testing service of the National Council for State Boards of Nursing. The written request must specify the calendar years for which the information is requested.

(b) A program director to whom confidential information exempt from public disclosure pursuant to s. 456.014 is disclosed under this subsection must maintain the confidentiality of the information and is subject to the same penalties provided in s. 456.082 for department employees who unlawfully disclose confidential information.

(8)(6) PROGRAM CLOSURE.—

(a) An educational institution conducting an approved program or accredited a nursing program in this state, at least 30 days before voluntarily closing the program, that closes shall notify the board in writing of the institution's reason for closing the program, the intended closure date, the institution's plan to provide for or assist in the completion of training by the program's students, and advise the board of the arrangements for storage of the program's permanent records.

(b) An educational institution conducting a nursing education program that is terminated under subsection (6) or closed under subparagraph (10)(b) 3.:

1. May not accept or enroll new students.

2. Must submit to the board within 30 days after the program is terminated or closed a written description of how the institution will assist in the completion of training by the program's students and the institution's arrangements for storage of the program's permanent records.

(c) If an educational institution does not comply with paragraph (a) or paragraph (b), the board shall provide a written notice explaining the institution's noncompliance to the following persons and entities:

1. The president or chief executive officer of the educational institution.

2. The Board of Governors, if the program is conducted by a state university.

3. The district school board, if the program is conducted by an educational institution operated by a school district.

4. The Commission for Independent Education, if the program is conducted by an educational institution licensed under chapter 1005.

5. The State Board of Education, if the program is conducted by an educational institution in the Florida College System or by an educational institution that is not subject to subparagraphs 2.-4.

(9)(7) RULEMAKING.—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 annual reports submitting summary descriptions of program compliance under subsection (4) paragraph (2)(c). The board may not impose any condition or requirement on an educational institution submitting a program application, an approved program, or an accredited program, 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.

(10) APPLICABILITY TO ACCREDITED PROGRAMS.—

(a) Subsections (1)-(4), paragraph (5)(b), and subsection (6) do not apply to an accredited program. An accredited program on probationary status before July 1, 2010, ceases to be subject to the probationary status.

(b) If an accredited program ceases to be accredited, the educational institution conducting the program:

1. Within 10 business days after the program ceases to be accredited, must provide written notice of the date that the program ceased to be accredited to the board, the program's students and applicants, and each entity providing clinical training sites or community-based clinical experience sites for the program. The educational institution must continue to provide the written notice to new students, applicants, and entities providing clinical training sites or community-based clinical experience sites for the program until the program becomes an approved program or is closed under subparagraph 3.

2. Within 30 days after the program ceases to be accredited, must submit an affidavit to the board, signed by the educational institution's president or chief executive officer, that certifies the institution's compliance with subparagraph 1. The board shall notify the persons listed in subparagraph (8)(c)1. and the applicable entities listed in subparagraphs (8)(c)2.-5. if an educational institution does not submit the affidavit required by this subparagraph.

3. May apply to become an approved program under this section. If the educational institution:

a. Within 30 days after the program ceases to be accredited, submits a program application and review fee to the department under subsection (1) and the affidavit required under subparagraph 2., the program shall be deemed an approved program from the date that the program ceased to be accredited until the date that the board approves or denies the program

application. The program application must be denied by the board pursuant to chapter 120 if it does not contain the affidavit. If the board denies the program application under subsection (2) or because the program application does not contain the affidavit, the program shall be closed and the educational institution conducting the program must comply with paragraph (8)(b).

b. Does not apply to become an approved program pursuant to subparagraph a., the program shall be deemed an approved program from the date that the program ceased to be accredited until the 31st day after that date. On the 31st day after the program ceased to be accredited, the program shall be closed and the educational institution conducting the program must comply with paragraph (8)(b).

~~(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.~~

~~(11)(9) IMPLEMENTATION STUDY.—~~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 education programs and the production of quality nurses. The department and each approved program or accredited program shall comply with requests for data from the Florida Center for Nursing and the education policy area of the Office of Program Policy Analysis and Government Accountability.

(a) The education policy area of the Office of Program Policy Analysis and Government Accountability shall evaluate program-specific data for each approved program and accredited program conducted in the state, 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 subsection (2) 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. Accountability ~~Probation and termination~~ processes, including, but not limited to, the number of programs placed on probationary status, the number of approved programs for which the program director is required to appear before the board under subsection (6), the number of approved 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.

(c) For any state fiscal year in which the Florida Center for Nursing does not receive legislative appropriations, the education policy area of the Office of Program Policy Analysis and Government Accountability shall perform the duties assigned by this subsection to the Florida Center for Nursing.

Section 6. Subsection (4) of section 464.022, Florida Statutes, is amended to read:

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

(4) The practice of nursing by graduates of prelicensure nursing education approved programs listed in s. 464.008(1)(c) or the equivalent, pending the result of the first licensing examination for which they are eligible following graduation, provided they practice under direct supervision of a registered professional nurse. The board shall by rule define what constitutes direct supervision.

Section 7. Paragraph (a) of subsection (1) and subsection (2) of section 458.348, Florida Statutes, are amended to read:

458.348 Formal supervisory relationships, standing orders, and established protocols; notice; standards.—

(1) NOTICE.—

(a) When a physician enters into a formal supervisory relationship or standing orders with an emergency medical technician or paramedic licensed pursuant to s. 401.27, which relationship or orders contemplate the performance of medical acts, or when a physician enters into an established protocol with an advanced registered nurse practitioner, which protocol contemplates the performance of medical acts identified and approved by the joint committee pursuant to s. 464.003~~(2)(3)(d)~~ or acts set forth in s. 464.012(3) and (4), the physician shall submit notice to the board. The notice shall contain a statement in substantially the following form:

I, ...(name and professional license number of physician)..., of ...(address of physician)... have hereby entered into a formal supervisory relationship, standing orders, or an established protocol with ...(number of persons)... emergency medical technician(s), ...(number of persons)... paramedic(s), or ...(number of persons)... advanced registered nurse practitioner(s).

(2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.— The joint committee created under s. 464.003~~(2)(3)(d)~~ shall determine minimum standards for the content of established protocols pursuant to which an advanced registered nurse practitioner may perform medical acts identified and approved by the joint committee pursuant to s. 464.003~~(2)(3)(d)~~ or acts set forth in s. 464.012(3) and (4) and shall determine minimum standards for supervision of such acts by the physician, unless the joint committee determines that any act set forth in s. 464.012(3) or (4) is not a medical act. Such standards shall be based on risk to the patient and acceptable standards of medical care and shall take into account the special problems of medically underserved areas. The standards developed by the joint committee shall be adopted as rules by the Board of Nursing and the Board of Medicine for purposes of carrying out their responsibilities pursuant to part I of chapter 464 and this chapter, respectively, but neither board shall have disciplinary powers over the licensees of the other board.

Section 8. Paragraph (a) of subsection (1) of section 459.025, Florida Statutes, is amended to read:

459.025 Formal supervisory relationships, standing orders, and established protocols; notice; standards.—

(1) NOTICE.—

(a) When an osteopathic physician enters into a formal supervisory relationship or standing orders with an emergency medical technician or paramedic licensed pursuant to s. 401.27, which relationship or orders

contemplate the performance of medical acts, or when an osteopathic physician enters into an established protocol with an advanced registered nurse practitioner, which protocol contemplates the performance of medical acts identified and approved by the joint committee pursuant to s. 464.003(2)(3)(d) or acts set forth in s. 464.012(3) and (4), the osteopathic physician shall submit notice to the board. The notice must contain a statement in substantially the following form:

I, ...(name and professional license number of osteopathic physician)..., of ...(address of osteopathic physician)... have hereby entered into a formal supervisory relationship, standing orders, or an established protocol with ... (number of persons)... emergency medical technician(s), ...(number of persons)... paramedic(s), or ...(number of persons)... advanced registered nurse practitioner(s).

Section 9. Paragraph (c) of subsection (3) of section 464.012, Florida Statutes, is amended to read:

464.012 Certification of advanced registered nurse practitioners; fees.

(3) An advanced registered nurse practitioner shall perform those functions authorized in this section within the framework of an established protocol that is filed with the board upon biennial license renewal and within 30 days after entering into a supervisory relationship with a physician or changes to the protocol. The board shall review the protocol to ensure compliance with applicable regulatory standards for protocols. The board shall refer to the department licensees submitting protocols that are not compliant with the regulatory standards for protocols. A practitioner currently licensed under chapter 458, chapter 459, or chapter 466 shall maintain supervision for directing the specific course of medical treatment. Within the established framework, an advanced registered nurse practitioner may:

(c) Perform additional functions as may be determined by rule in accordance with s. 464.003(2)(3)(d).

Section 10. Subsection (2) of section 960.28, Florida Statutes, is amended to read:

960.28 Payment for victims' initial forensic physical examinations.—

(2) The Crime Victims' Services Office of the department shall pay for medical expenses connected with an initial forensic physical examination of a victim of sexual battery as defined in chapter 794 or a lewd or lascivious offense as defined in chapter 800. Such payment shall be made regardless of whether the victim is covered by health or disability insurance and whether the victim participates in the criminal justice system or cooperates with law enforcement. The payment shall be made only out of moneys allocated to the Crime Victims' Services Office for the purposes of this section, and the payment may not exceed \$500 with respect to any violation. The department

shall develop and maintain separate protocols for the initial forensic physical examination of adults and children. Payment under this section is limited to medical expenses connected with the initial forensic physical examination, and payment may be made to a medical provider using an examiner qualified under part I of chapter 464, excluding s. 464.003(16)(5); chapter 458; or chapter 459. Payment made to the medical provider by the department shall be considered by the provider as payment in full for the initial forensic physical examination associated with the collection of evidence. The victim may not be required to pay, directly or indirectly, the cost of an initial forensic physical examination performed in accordance with this section.

Section 11. This act shall take effect July 1, 2010.

Approved by the Governor May 7, 2010.

Filed in Office Secretary of State May 7, 2010.