



January 2011

Report No. 11-06

Board of Nursing Addressed Statutory Changes; Nursing Program Capacity Expanded in 2009-10

at a glance

To address the nursing shortage in Florida, the 2009 Legislature modified how the Board of Nursing oversees nursing education programs. Our prior report identified several issues with the board's implementation of program approval and monitoring processes required by the new law. The 2010 Legislature amended the statutes to clarify these processes. The board has implemented the revised processes and addressed other issues we identified.

The intent of the legislative changes was to increase the number of nursing programs and qualified nurses in Florida. Since the 2009 law took effect, the board has approved 64 new nursing programs. As a result, capacity and student enrollment in nursing programs has increased in the past year. However, data is not yet available to evaluate how the new law has affected student graduation and retention rates or employment outcomes.

Scope

As directed by Ch. 2010-37, *Laws of Florida*, this report reviews the Board of Nursing's administration of the program approval and accountability processes for nursing programs. The report answers two questions.

- Has the board made changes required in statute and addressed issues raised in OPPAGA's prior report?¹
- How have nursing programs' capacity, enrollment, and student outcomes changed since the 2009 law took effect?

Due to the recent implementation of Ch. 2009-168, *Laws of Florida*, and Ch. 2010-37, *Laws of Florida*, insufficient time has elapsed to evaluate the effectiveness of the new approval process in producing quality nursing programs and increasing the quality of nursing graduates. OPPAGA will issue subsequent reports on the program approval process and outcomes annually through 2015.²

Background

To ensure quality nursing practice, Ch. 464, *Florida Statutes*, establishes the Florida Board of Nursing and grants the board authority to adopt rules, discipline nurses who violate regulations, and approve and monitor nursing education programs.³ In 2009, the Legislature modified the process for approving new nursing education programs by removing rulemaking

¹ *Since Implementing Statutory Changes, the State Board of Nursing Has Approved More Nursing Programs; the Legislature Should Address Implementation Issues*, OPPAGA [Report No. 10-14](#), January 2010.

² OPPAGA's related technical report provides data that nursing programs have reported on their capacity, enrollment, graduation, retention, and examination passage rates.

³ New programs submit an application, fees, and supporting documents to the board office, which then reviews the application for any errors or deficiencies. Upon the receipt of a complete application, board staff places the program's application on the Board of Nursing's agenda for approval. The board monitors approved nursing programs by reviewing their students' scores on the National Council Licensure Examination (NCLEX).

authority from the Board of Nursing and specifying the nursing education program approval process in statute.⁴ Our prior report identified several issues with the board’s implementation of the 2009 law and made recommendations to the Legislature and the Board of Nursing.⁵ The 2010 Legislature modified statutes to address issues raised by our report and stakeholders.

During the 2009-10 academic year, 185 nursing education programs in Florida had students enrolled, as shown in Exhibit 1. These included 96 programs that offered a licensed practical nursing certificate, 64 programs that offered an associate degree in nursing, and 25 programs that offered a bachelor’s degree in nursing.

Many of these programs offered both a generic curriculum (also called a track) for students with no medical experience and a bridge curriculum, which is an expedited program for students with nursing licenses or previous medical experience.

Public school districts, Florida colleges, state universities, private institutions licensed by the Commission for Independent Education, and private institutions that are members of the Independent Colleges and Universities of Florida offer nursing programs. In addition, state law authorizes Pensacola Christian College to offer a bachelor of science in nursing degree.⁶

⁴ Section 464.019, *F. S.*

⁵ *Since Implementing Statutory Changes, the State Board of Nursing Has Approved More Nursing Programs; The Legislature Should Address Implementation Issues*, OPPAGA [Report No. 10-14](#), January 2010.

⁶ An institution in another state offers one of Florida’s nursing education programs. Indiana State University has a distance learning nursing program that awards a bachelor of science in nursing degree. For purposes of this report, this program is categorized as a Bachelor of Science 2nd Degree track. Students must have a practical nursing certificate to be admitted.

Exhibit 1
During 2009-10, 185 Nursing Education Programs Operated in Florida¹



¹ The total includes all curriculum tracks for programs, including 46 programs with multiple tracks.

² Two Licensed Practical Nurse programs have both a generic curriculum track and a bridge curriculum track.

³ Thirty-four associate degree programs have both a generic and a bridge curriculum track.

⁴ Ten bachelor’s degree programs have both a generic and a 2nd degree curriculum track.

Source: OPPAGA survey and analysis.

Questions & Answers —

Has the board made changes required in statute and addressed issues raised in OPPAGA's prior report?

As required by state law, the Board of Nursing has changed its program approval and monitoring processes and made other administrative modifications. The board also addressed several other issues identified in OPPAGA's prior report.

The board has made required changes in its nursing program approval and monitoring process

The Board of Nursing has modified its application timeframe, program application and annual report requirements, and monitoring process. As a result, the program approval and monitoring processes now comply with state law.

The board is following an application timeframe consistent with the Administrative Procedure Act. Our prior report found that the board's timeframe for considering new program applications was inconsistent with the period outlined by the Administrative Procedure Act (s. 120.60, *Florida Statutes*). As we recommended, the Legislature modified statutes to ensure that the board's application review timeframe was aligned with the Act. When the board receives a program's initial application and fee, it must notify the program of any errors or omissions within 30 days. Upon receiving a completed application, the board must make a decision to approve or deny the application within 90 days. Since July 2010, the board has met this timeframe for all applications.

Although the board has considered some incomplete program applications, it only did so when the applicant requested consideration despite board staff advising them that the application had errors or omissions. For example, the Florida Education Training Institute submitted an application for

consideration at the October 2010 board meeting, but did not provide sufficient documentation of its faculty credentials. The program had been informed of this deficiency but still wanted its application considered at the meeting. The board denied the program's application because of the insufficient documentation.

The board has approved forms related to the nursing program application and annual report. As noted in our prior report, the board had not finalized a revised format for nursing program applications and was requiring items not authorized in statute. The Joint Administrative Procedures Committee and stakeholders had several concerns about this issue, including that the application required curriculum vitae of faculty members.⁷ To address this concern, the Legislature revised statutes to state that programs must document faculty credentials via official transcripts or written statements. The board has revised and approved a new application format consistent with the revised statute and addressed all of the Joint Administrative Procedures Committee's concerns.

Our prior report also found that the board's 2009 annual report format required programs to submit additional items beyond those in statute and did not specify the items programs were required to complete to remain in compliance with the law. Since our report, the board has adopted an annual report format consistent with statutes. Board rules related to the application and annual report were amended in October 2010.⁸

The Legislature clarified the board's program monitoring criteria, and the board has implemented these changes. The 2009 law specified the criteria the board must use to place nursing programs on probation, including if programs' graduation passage

⁷ Items required by the application but not authorized in statute included course descriptions, Department of Education approval dates, nursing program lengths, the number of students admitted, the target date of admission, and evidence that the program uses Department of Education curriculum frameworks.

⁸ Rule 64B9-2.016, *F.A.C.*

rates on the National Council Licensure Examination fall 10 percentage points below the national average for two consecutive calendar years. Our prior report found that the board was using exam scores from calendar years 2009 and 2010 to determine compliance with this provision, because the law did not specify which years to use. Program administrators were concerned that this timeframe included months that preceded the law's effective date. The Legislature addressed this issue by clarifying in statute that the board should use exam scores for calendar years 2010 and 2011. The board is following this requirement, and programs will not be eligible for probation until after 2011 calendar year scores are finalized.

Our previous report also found that the board had not established procedures for placing programs on probation for failing to achieve required exam passage rates or timely submit an annual report; the board also had not established criteria that programs must meet to be removed from probationary status. The 2010 Legislature revised statutes to specify that programs shall be removed from probation after attaining the required exam passage rate for one calendar year and to no longer require programs to be placed on probation for failing to timely submit an annual report. Instead, program directors must appear before the board to explain the delay in submitting an annual report; programs are to be terminated if the report is not submitted within six months of the due date. The board has implemented these revisions and removed four programs from probation based on adequate 2009 exam scores or because the programs received accreditation and thus monitoring is no longer applicable.⁹ Three programs remain on probation, and if calendar year 2010 test scores are not sufficient for them to be removed from probation, the board must close the programs.¹⁰ The board has not placed any programs on probation for failing to submit an annual report.

⁹ Broward County School District (Blanche Ely High School); Keiser University (New Port Richey); Keiser University (Tallahassee); and Saber School (Miami).

¹⁰ Gadsden Technical Institute; Immokalee Technical Center; and Inlet Grove Community High School.

The board has implemented website and data request requirements

Statutory changes required the board to update its website listing for all approved and accredited nursing programs and release student examination scores to nursing program directors. The board has implemented both of these changes.

The board has updated the nursing program website to include a comparability feature and all required data elements. The 2009 law required the board to create an interactive website with information for all nursing education programs in Florida, including exam passage and program retention rates, accreditation status, and application and annual report documents.¹¹ Our prior report found that the board's website did not include the comparability feature, had incomplete retention and accreditation items, and displayed the data elements in different locations, making them difficult to compare.

In June 2010, the Department of Health conducted focus groups with nursing program directors, students, and members of the public to determine the best methods for presenting the required data elements and the website's search features. In July 2010, the nursing program launched the comparability feature, allowing users to select different criteria for comparing nursing programs such as type of program, location, and accreditation. The website also includes the two data elements (program retention and accreditation status) that were incomplete at the time of our prior report, although the board has not updated the program retention field to include information from programs' 2010 annual reports.¹² In addition, the website links the program application documents, affidavits, and program

¹¹ The board is required to publish applications for programs approved after July 1, 2009. The annual report includes an affidavit certifying continued compliance with the program requirements in statute.

¹² The board has a placeholder for this information on their website and plans to use program reported retention rates from the 2010 annual report.

status to the interactive database, which helps users find specific items.¹³

However, the board is still resolving one problem with the website. The board is having difficulties uploading large document files that are part of the program applications. As a result, a complete application is available for some, but not all, new nursing programs. Board staff is working to resolve this issue.

Nursing program directors are receiving student-level exam data. The 2010 statutory revisions also authorized all nursing program directors from accredited and approved programs to request and receive information from the board on their graduates' National Council Licensure Examination dates and pass/fail scores. As of October 2010, the board had received requests from six programs for exam information, which it sent as required. Board staff can fulfill requests within one day to several days, depending on the amount of information requested.¹⁴

How have nursing programs' capacity, enrollment, and student outcomes changed since the 2009 law took effect?

Legislative changes to nursing program approval and monitoring processes were intended to increase the number and quality of nursing graduates in Florida by expanding the capacity of existing programs and creating new programs. The number of new nursing programs has more than tripled since the law's inception, increasing the number of student seats by 20% and enrollment by 13%. However, insufficient time has elapsed to evaluate success in improving student graduation and retention rates and employment outcomes.

¹³ The board added program retention information based on individual programs' 2010 annual reports.

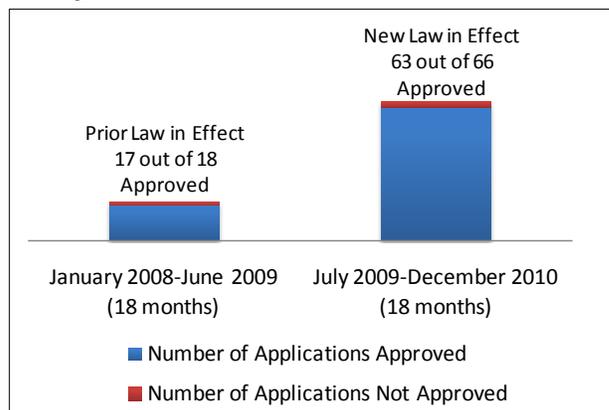
¹⁴ Some programs have requested examination data for multiple years and this type of request takes longer to fulfill.

The number of nursing education programs, program capacity, and enrollment has increased

The state has significantly increased the number of new nursing programs. Programs have more capacity for new students and higher enrollment.

The number of new nursing programs has more than tripled in the past 18 months. The board has considered 66 applications for new nursing programs and approved 63 of these programs since statutory changes took effect in July 2009.¹⁵ As shown in Exhibit 2, this amount is more than triple the number of new programs approved during the prior 18 months.

Exhibit 2
The Board Has Approved Three Times as Many Nursing Programs Since July 2009 as It Approved During the Prior 18 Months

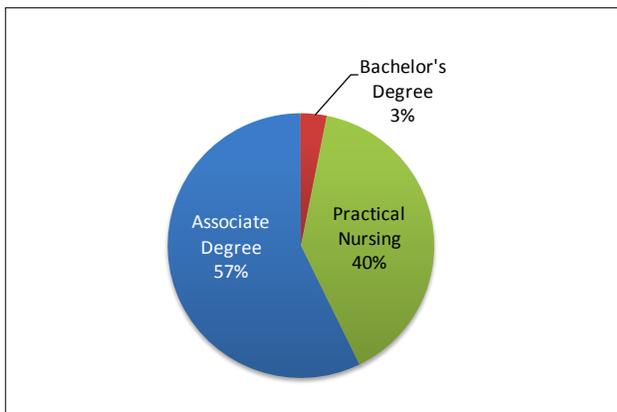


Source: Florida Board of Nursing.

As shown in Exhibit 3, over half of the new programs award associate degrees (36 of 63, or 57%), but the board has also approved several new practical nursing programs (25 of 63, or 40%). The remaining two programs (3%) award bachelor's degrees.

¹⁵ This is an unduplicated count of program applications and board approval from July 2009 through December 2010. Five programs were denied initially but reapplied and have since been approved. OPPAGA's technical report provides a list of program applicants, the date the board considered applications, and the board's approval decisions.

Exhibit 3
Most of the Nursing Programs Approved Since July 2009 Offer Associate Degrees



Source: Florida Board of Nursing.

Capacity and enrollment in nursing education programs has increased. Nursing programs increased their capacity for new students, received more applications and qualified applicants, and admitted (approved applications) for more students in 2009-10 than in 2008-09. For example, the number of new seats available for qualified students increased by 3,500 in 2009-10, a 21% increase, as shown in Exhibit 4. In addition, a higher number of new students with approved applications enrolled during the 2009-10 academic year. These capacity increases are the result of adding new programs and expanding existing programs. The revised law allows existing programs to increase capacity without board approval. During 2009-10, 69 of the 157 existing programs expanded the number of seats available to new students.

Exhibit 4
Capacity of Nursing Programs Has Expanded Under the New Law

| Capacity Measure | 2008-09 | 2009-10 | Percentage Increase/Decrease |
|--|---------|---------|------------------------------|
| New Seats | 16,430 | 19,898 | 21.1% |
| Applications Received | 46,997 | 70,464 | 49.9% |
| Qualified Applicants | 30,685 | 41,284 | 34.5% |
| Students Admitted (Approved for Admission) | 17,264 | 19,708 | 14.2% |
| Students Approved for Admission Who Enrolled | 15,616 | 18,316 | 17.3% |

Source: OPPAGA survey of nursing education programs.

Overall, student enrollment in nursing programs grew by 12% from 2008-09 to 2009-10. Enrollment increased by 6.4% or more in all types of curriculum during this period. As shown in Exhibit 5, the greatest increase was in LPN (generic curriculum) programs, including 14 new and 41 existing programs that expanded enrollment. Associate degree programs have also experienced a large increase in enrollment due to the addition of 11 new programs and the expansion of 28 existing programs.

Exhibit 5
Student Enrollment Increased by 12% Statewide Across All Types of Nursing Programs

| Curriculum Type | 2008-09 | 2009-10 | Percentage Increase/Decrease |
|--|---------------|---------------|------------------------------|
| Practical Nursing (LPN)- Generic | 6,454 | 7,730 | 19.8% |
| Associate Degree in Nursing- Generic | 9,825 | 10,676 | 8.7% |
| Associate Degree in Nursing- Bridge | 1,935 | 2,212 | 14.3% |
| Bachelor's Degree in Nursing- Generic | 4,081 | 4,342 | 6.4% |
| Bachelor's Degree in Nursing- 2nd Degree | 1,142 | 1,228 | 7.5% |
| Total | 23,437 | 26,188 | 11.7% |

Source: OPPAGA survey of nursing education programs.

Insufficient time has elapsed to evaluate student outcomes

As the new legislation took effect in July 2009, it is too soon to evaluate whether these changes have improved student graduation and retention rates and employment outcomes. However, according to the most recent available data, graduation and retention rates for student populations affected by prior statutory requirements were relatively stable from 2007 to 2008, and during this period, most licensed nursing program graduates worked in health-related fields.

The number of students graduating from nursing programs was relatively stable for student populations affected by prior statutes. Since nursing programs range in length from one to four years, depending on curriculum, it is too soon to determine if the new law has affected the number of students graduating

from different types of programs. Most current students were enrolled in programs prior to the new law taking affect, and the new programs included in capacity and enrollment counts did not produce any graduates during 2009-10. These students should begin to graduate in the 2010-11 academic year.

The total number of students graduating from nursing education programs increased slightly (less than 1%) from 2008-09 to 2009-10, but there were some differences in graduation rates among the types of programs. For example, as shown in Exhibit 6, practical nursing generic programs and associate degree generic programs both experienced a slight decrease in students graduating due to changes such as admission dates, enrollment, and faculty.

Exhibit 6
The Number of Students Graduating from Nursing Programs Remained About the Same from 2008-09 to 2009-10

| Curriculum Type | 2008-09 | 2009-10 | Percentage Increase/Decrease |
|--|---------------|---------------|------------------------------|
| Practical Nursing (LPN)- Generic | 3,910 | 3,805 | -2.7% |
| Associate Degree in Nursing- Generic | 4,774 | 4,685 | -1.9% |
| Associate Degree in Nursing- Bridge | 873 | 1,016 | 16.4% |
| Bachelor's Degree in Nursing- Generic | 1,623 | 1,757 | 8.3% |
| Bachelor's Degree in Nursing- 2nd Degree | 408 | 432 | 5.9% |
| Total | 11,588 | 11,695 | 0.9% |

Source: OPPAGA survey of nursing education programs.

The percentage of students retained in nursing programs in 2009-10 is similar to prior years. We assessed retention in each type of nursing program using two student cohorts—one group entered the programs in 2008 and the other entered in 2009. To calculate retention, we added the number of graduates and the number of students still enrolled and divided by the number of newly enrolled students.¹⁶

The resulting retention rates varied slightly by program type. For example, as shown in Exhibit 7, bachelor's degree programs typically had one-year retention rates above 90%, while LPN programs retained between 74% and 78% of their students in the first year. These differences are due to varying admissions criteria and program lengths. Overall, there was little change in retention rates between students who entered in 2008 and those who entered in 2009. Using this information as a baseline, we will perform a similar analysis for our 2011 report.

¹⁶ Nursing programs admit students throughout the year, with several programs admitting students multiple times per year. We requested each nursing program to select a cohort of students for 2008 and 2009 and report to us the outcomes of these students over one year and over two years.

Exhibit 7
The Number of Students Retained in Nursing Programs Was Similar in 2009 and 2010

| Curriculum Type | Students Entering in 2008 (Status as of 2009) | | | Students Entering in 2009 (Status as of 2010) | | |
|--|---|-----------------------------|---------------------|---|-----------------------------|---------------------|
| | Students Retained (Includes graduates and students enrolled) | Total New Students Enrolled | Percentage Retained | Students Retained (Includes graduates and students enrolled) | Total New Students Enrolled | Percentage Retained |
| Practical Nursing (LPN)- Generic | 1,725 | 2,342 | 74% | 1,911 | 2,437 | 78% |
| Associate Degree in Nursing- Generic | 2,535 | 3,125 | 81% | 2,670 | 3,265 | 82% |
| Associate Degree in Nursing- Bridge | 615 | 744 | 83% | 682 | 839 | 81% |
| Bachelor's Degree in Nursing- Generic | 1,249 | 1,377 | 91% | 1,381 | 1,519 | 91% |
| Bachelor's Degree in Nursing- 2nd Degree | 354 | 372 | 95% | 408 | 448 | 91% |
| Total | 6,478 | 7,960 | 81% | 7,052 | 8,508 | 83% |

Source: OPPAGA survey of nursing education programs.

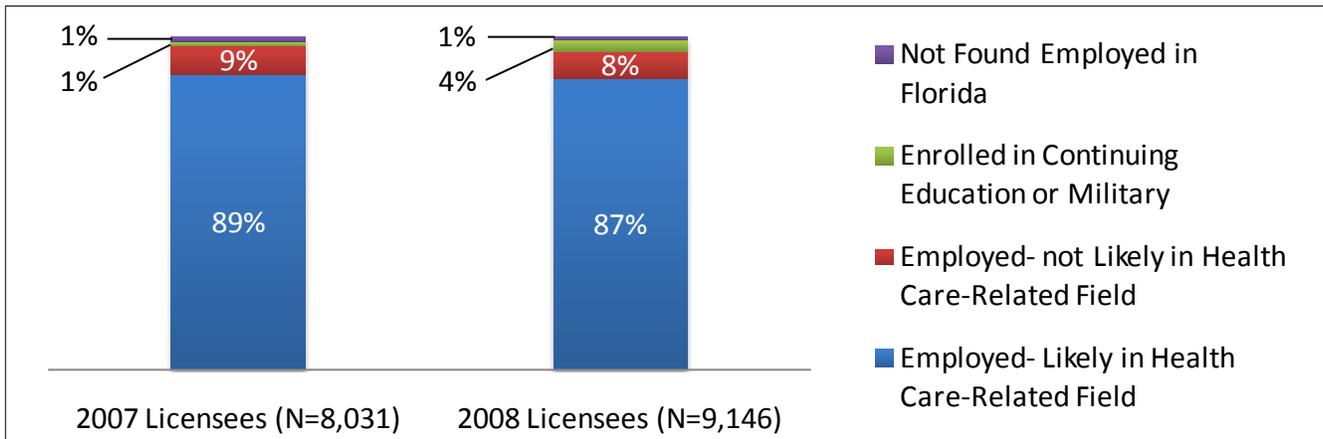
Data is not yet available to evaluate employment outcomes for nursing program graduates affected by the 2009 law changes. With the capacity of nursing programs expanding to accommodate higher student enrollment, a key issue is whether graduates are remaining in the state and are employed in nursing-related fields. However, the most recent data available for evaluating student employment outcomes is for 2007 and 2008. This information shows that most individuals who graduated from a Florida nursing program and received a license to practice nursing were employed in health care-related fields in Florida.¹⁷ For example, 89% of 2007 licensees and

87% of 2008 licensees were employed in a health care-related field in Florida, as shown in Exhibit 8. Nursing-related industries include hospitals, doctors' offices, assisted living facilities, and other patient care facilities.

¹⁷ To determine how many graduates were employed in nursing

fields in Florida, we obtained data on individuals who were approved for a nursing license (practical nursing or professional nursing) in 2007 and 2008 and selected those individuals who reported graduating from a Florida nursing school. In 2007, 8,031 graduates of Florida nursing programs received nursing licenses. In 2008, 9,146 nursing program graduates received nursing licenses. We matched these individuals to the Florida Education and Training Placement Information Program (FETPIP) unemployment insurance database to determine if they were employed in Florida and where they were employed. The 2007 and 2008 calendar years were the most recent years available for this analysis, as the unemployment insurance database runs a year behind.

Exhibit 8
Most Graduates of Florida Nursing Programs Who Received Nursing Licenses in 2007 and 2008 Were Employed in Health Care-Related Fields



Source: OPPAGA analysis of licensure data from the Department of Health and unemployment insurance data from the Florida Education and Training Placement Information Program (FETPIP).

OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021 or 800/531-2477), by FAX (850/487-3804), in person, or by mail (OPPAGA Report Production, Claude Pepper Building, Room 312, 111 W. Madison St., Tallahassee, FL 32399-1475). Cover photo by Mark Foley.

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