FLORIDA NURSING LAWS AND RULES

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ABSTRACT

The Florida Nurse Practice Act sets standards for nursing scope of practice within a wide spectrum of care. The expected levels of professional standards and continuing competency, and the requirements of continuing education necessary to maintain a nursing license in the state of Florida are discussed. Additionally, licensing requirements and regulatory processes are outlined for nurses at various levels of training and skills.
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Statement of Need:
Nurses at all levels of training are required to know changes to the Florida nurse practice act that regulates nursing practice and everyday practice.

Course Purpose:
To inform nurses to practice within the scope of nursing as outlined in the Florida Nurse Practice Act.
Learning Objectives:
1. Describe the legislative purpose of the Nurse Practice Act.
2. Describe laws, rules, and standards relating to the practice of nurses and nursing assistants.
3. Identify the different levels of nursing practice in Florida.
4. Identify the general scope of practice of the different levels of nursing practice in Florida.
5. Describe the requirements for nursing licensure in Florida.
6. Differentiate between ethical and legal practice.
7. Describe basic information about the discipline process for nurses is applied in Florida.
8. Create a professional plan for career maintenance and development within the limits of the law.

Target Audience:
Advanced Practice Registered Nurses, Registered Nurses, Licensed Practical Nurses, and Associates

Course Author & Director Disclosures:
Dana Bartlett, RN, BSN, MSN, MA, William S. Cook, PhD,
Douglas Lawrence, MS, Susan DePasquale, CGRN, MSN, FPMHNP-BC – all have no disclosures.

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Please take time to complete the self-assessment Knowledge Questions before reading the article. Opportunity to complete a self-assessment of knowledge learned will be provided at the end of the course.
1. **The Florida Nurse Practice Act provide definitions about:**
   a. the practice of nursing
   b. the nursing licensure process
   c. how nurses should be educated
   d. all of the above

2. **True or False. Nursing behavior or actions are covered in the Florida Nurse Practice Act in terms of:**
   a. What is considered unethical, unprofessional, and illegal
   b. How the discipline process is applied
   c. Legal advise for nurses
   d. Answers a and b above.

3. **Administrative codes in the Florida Nurse Practice Act are:**
   a. rules and regulations formulated by government agencies
   b. professional guidelines outlined by nursing agencies
   c. not applicable nursing education standards
   d. none of the above

4. **True or False. Denial and/or suspension of a nursing license because of impairment involves professional discipline but does not involve criminal penalties.**
   a. True
   b. False

5. **A licensed nurse is required to participate in ________ hours of continuing education during the two-year period prior to license renewal application.**
   a. 15 hours
   b. 24 hours
   c. 30 hours
   d. 36 hours
INTRODUCTION

The profession of nursing in the state of Florida is governed by specific laws, rules, and regulations. Some of these are particular to the profession of nursing; others are more general in nature and pertain to nursing and as well as to other professions and/or occupations. But in either case, whether a particular regulation is only concerned with the profession of nursing or it is more general in scope, nurses practicing in the state of Florida must comply with the requirements and restrictions that have been developed by the state and by the Nursing Board.

These administrative, ethical, and legal requirements and restrictions are not intended to be technical guidelines. They are not specific standards of care. They provide definitions about what nursing is, what nurses may do and what they may not do, how they should be educated, the licensure process, and what behavior/actions are considered unethical, unprofessional, and illegal and the discipline process that is applied to nurses who violate ethical and professional standards.

The information in this module has been developed from two sources: 1) Florida State Statutes. Title XXXII: Regulation of the Professions and Occupations. Chapter 464: Nursing. Part I Nurse Practice Act; Part II Certified Nursing Assistants, and; 2) the rules of The Board of Nursing, Chapter 64B9 of the Florida Administrative Code. There is considerable overlap between the two, but they are not identical.
THE NURSE PRACTICE ACT

The Nurse Practice Act is Part I of Chapter 464: Nursing, of Title XXXII: Regulation of Occupations and Professions. The Nurse Practice Act states: “The sole legislative purpose of enacting this part is to ensure that every nurse practicing in this state meets minimum requirements for safe practice.” The Nurse Practice Act provides basic information, relevant to the state of Florida, on the state’s definition of what nursing is, the basic duties and responsibilities of each type of nursing professional, how nurses should be educated and trained, how they should be licensed, how they should be certified, continuing education requirements, and the disciplinary process as it pertains to nurses. The Nurse Practice act also states: “It is the legislative intent that nurses who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state.”

The Nurse Practice Act is not a technical document that provides instructions and standards for performing specific nursing actions. The Nurse Practice Act offers a general overview of the laws, rules, and regulations that pertain to nursing and nursing practice in the state of Florida in the following areas:

- The nature and scope of nursing practice
- Nursing education
- Definitions, i.e., approved program, nursing diagnosis, nursing treatment
• Licensing and certification information

• Legal and disciplinary issues: The Nurse Practice Act lists specific violations and laws that pertain to nursing and nurses in the state of Florida.

• Sexual misconduct

• Certified Nursing Assistants.

• Administrative Policies

There are specifics regarding the nature and scope of nursing practices for each of the recognized areas of practice (i.e., A.P.R.N, graduate). But the Nurse Practice Act only provides, for the most part, broad definitions of what nursing professionals can and cannot do. The Nurse Practice Act also notes that an individual nurse is allowed to practice within the constraints of the Nurse Practice Act, but also within the constraints of that individual’s education, experience, and the rules and regulations of a specific health care facility. Two examples of how nursing is defined in the Nurse Practice Act are provided here.

“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) 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) 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) The supervision and teaching of other personnel in the theory and performance of any of the acts described in this subsection."

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

The Nurse Practice Act is available online at several links, i.e., http://www.doh.state.fl.us/mqa/nursing/info_PracticeAct.pdf.
FLORIDA ADMINISTRATIVE CODE 64B9: THE RULES OF THE BOARD OF NURSING

Administrative codes are rules and regulations formulated by government agencies - in this instance, the Florida state Department of Health. The Florida Administrative Code 64B9, administered by the Department of Health, contains rules and regulations that apply to the profession of nursing. There are 16 sections in Administrative Code 64B9. Some of the information in sections 1-9 and 11-17 (there is no section 10) is duplicated in the Florida state Nurse Practice Act, but some of the sections and some of the information contained in Administrative Code 64B9 are not. The 17 sections are;

- Organization
- Nursing Programs
- Requirements for Licensure
- Administrative Policies Pertaining to Certification of Advanced Practice
- Registered Nurses
- Continuing Education Requirements
- Inactive Status and Reactivation of Inactive License
- Fees
- Hearings, Proceedings, Conferences, Discipline
- Impaired Nurse Program
- Maintenance of Medical Records
- Administration of Intravenous Therapy by Licensed Practical Nurses
- Home Hemodialysis Treatments
- Delegation to Unlicensed Assistive Personnel
Certified Nursing Assistants

LPN Supervision in Nursing Home Facilities

Role of the Registered Nurse in Conscious Sedation

The information contained in the different sections of Code 64B9 is relatively specific. For example:

**64B9-12.004: Authority for the LPN to Administer Limited Forms of Intravenous Therapy.**

“(1) With the exception of those aspects of intravenous therapy deemed outside the scope of practice of the licensed practical nurse by Rule 64B9-12.003, F.A.C., above, and subject to the approval of the institution at which the licensed practical nurse is employed, any licensed practical nurse who meets the competency knowledge requirements of Rule 64B9-12.005, F.A.C., below, is authorized to administer intravenous therapy under the direction of a registered professional nurse.

(2) Individuals who have completed a Board approved prelicensure practical nursing education program, professional nursing students who qualify as graduate practical nurses, or licensed practical nurses who have not completed the specified course under Rule 64B9-12.005, F.A.C., may engage in a limited scope of intravenous therapy under the direction of a registered nurse, physician or dentist. This scope includes:
(a) Perform calculation and adjust flow rate;
(b) Observe and report subjective and objective signs of adverse reactions to IV administration;
(c) Inspect insertion site, change dressing, and remove intravenous needle or catheter from peripheral veins.
(d) Hanging bags or bottles of hydrating fluid”.

Administrative Code 64B9 can be viewed online at https://www.flrules.org/gateway/Organization.asp?OrgNo=64B9.

WHO’S WHO IN FLORIDA NURSING: DEFINITIONS AND SCOPE OF PRACTICE

The state of Florida recognizes and defines the following types of nursing professionals/nursing ancillary personnel and defines their scopes of practice.

Advanced Registered Nurse Practitioners

An Advanced Practice Registered Nurse is defined as any person who is licensed in the state to practice professional nursing and certified in advanced or specialized nursing practice including certified registered nurse anesthetists, certified nurse midwives, certified nurse practitioner, or clinical nurse specialist. The proper abbreviations for these titles are A.R.N.P., C.R.N.A., C.N.M., C.N.P., and C.N.S.

- A.R.N.P:
  To practice as an A.R.N.P., a nurse must complete a post-basic education program of at least one year duration that will lead to a master’s degree with preparation in specialized skills, and
posses a certification that has been granted by a specialty certification board.

- An A.P.R.N. in Florida can practice as a C.R.N.A., a C.N.M., a C.N.P., or a C.N.S.

- When the requirements have been fulfilled, the A.R.N.P. is allowed to: 1) monitor and alter drug therapies; 2) order diagnostic tests, occupational therapy, and physical therapy; 3) initiate appropriate therapies for certain conditions; 4) manage selected medical problems; 5) initiate, monitor, or alter therapies for certain uncomplicated acute illnesses; 6) monitor and manage patients with stable, chronic diseases; 7) establish behavioral problems and diagnosis and make treatment recommendations, 8) perform acts of medical diagnosis, treatment, prescription, and operation if these are identified and approved by a special committee of the Board of Nursing; 9) perform additional functions if they are identified by rule, and; 10 a minimum of 500 clinical hours, supervised, in the specialized procedures that are essential to the practice of that specialty area.

**Learning Break:** A Florida A.R.P.N. may only perform medical acts of diagnosis, treatment, and operation pursuant to a protocol between the A.R.P.N and a Florida-licensed medical doctor, osteopathic physician, or dentist. Appropriate arrangements for supervision of the A.R.P.N. must be made: specifics on these arrangements can be found in **64B9-4.010 Standards for Protocols**.
- **C.R.N.A.**: The requirements for certification as a C.R.N.A and the basic scope of practice are identical to those of the basic scope of practice of the A.P.R.N. C.R.N.A.s must be certified by the NBCRNA (National Board of Certification & Recertification of Nurse Anesthetists)

- **C.N.M.**: The requirements for certification as a C.N.M and the basic scope of practice are identical to those of the basic scope of practice of the A.P.R.N. C.N.M.s must be certified by the AMCB (American Midwifery Certification Board).

- **C.N.S.**: The requirements for certification as a C.N.S. and the basic scope of practice are identical to those of the basic scope of practice of the A.P.R.N. The certification boards that are considered acceptable are for a C.N.S. are: 1) the Oncology Nursing Certification Corporation; 2) American Association of Critical Care Nurses, and; 3) American Nurses Credentialing Center

- **C.N.P.**: The requirements for certification as C.N.P. and the basic scope of practice of a C.N.P. are identical to those of the A.P.R.N. The C.N.P. must obtain certification through one of the following: 1) American Nurse Credentialing Center if the C.N.P. will be practicing as an Adult Nurse Practitioner, Family Nurse Practitioners, Gerontological Nurse Practitioner, Pediatric Nurse Acute Care Nurse Practitioner, or Psychiatric Mental Health Nurse Practitioner (Adult or Family; 2) American Academy of Nurse Practitioners if the C.N.P. will be practicing as an Adult-Gerontology Primary Care NP; 3) National Certification Corporation if he C.N.P. will be practicing as a Neonatal Nurse.
Practitioner or a Women’s health Nurse practitioner, and; 4) Pediatric Nurse Certification Board if the C.N.P. will be practicing as a Pediatric Nurse practitioner, Acute or Primary.

**Learning Break:** Practitioners who are allowed to dispense medications must apply to state Board of Nursing, and practitioners who dispense must comply with all state and federal laws and regulations as they apply to dispensing practitioners.

**Graduate Nurse/Graduate Practical Nurse**

A Graduate Nurse is defined as someone who is a graduate of an approved nursing program or nursing or an equivalent who has not yet taken and passed the licensure examination for which that person is eligible. The title may be abbreviated as G.N.

A Graduate Practical nurse is defined as someone who is a graduate of an approved nursing program of an equivalent who has not yet taken the licensure examination for which that person is eligible. The title may be abbreviated as G.P.N.

A Graduate Nurse/Graduate Practical Nurse can practice nursing only if: 1) she/he has applied for the licensing examination and has been authorized by the State Board of Nursing to practice as a Graduate Nurse/Graduate Practical Nurse and; 2) is directly supervised by a Registered Nurse.

**Learning Break:** Direct supervision is defined as an R.N. physically on the premises and immediately available if needed.
A Graduate Nurse/Graduate Practical Nurse can administer intravenous therapy if that person is under the direct supervision of a registered nurse, a physician, or a dentist.

(64B9-12.004 Authority for the Licensed Practical Nurse to Administer Intravenous Therapy)

Licensed Practical Nurse

A Licensed Practical Nurse is defined as any person who is licensed in the state to practice practical nursing, and the title may be abbreviated as L.P.N.

An L.P.N. is often allowed to perform essentially all of the duties an R.N. might do, but the L.P.N. must be under the direct supervision of an R.N., a licensed physician, a licensed osteopathic physician, a licensed podiatric physician or a licensed dentist. An L.P.N., if qualified by training and education and approved by place of employment, is allowed to administer intravenous medications. There are limits to this practice, and these limits are discussed.

(Chapter 64B9 Administration of Intravenous Therapy by Licensed Practical Nurses)

An L.P.N. may act in a supervisory role in nursing home facilities if certain requirements are met. (64B9-16.003 Competency and Knowledge Requirements Necessary to Qualify the LPN to Supervise in Nursing Home Facilities; 64B9-16.004 Delegation of Tasks Prohibited)
Registered Nurse

A Registered Nurse is defined as any person licensed in the state to practice nursing, and the title may be abbreviated as R.N. The term registered nurse and professional nurse are used interchangeably in the Nurse Practice Act. The scope of practice of a registered nurse in the state of Florida is defined as:

“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: 1) the observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care; 2) health teaching and counseling of the ill, injured, or infirm; 3) the promotion of wellness, maintenance of health, and the prevention of illness of others; 4) the administration of medications and treatments as prescribed by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments, and 5) the supervision and teaching of other personnel in the theory and performance of any of the above acts.” (464. 003 Definitions)

Registered Nurses are not allowed to diagnose, prescribe medications or dispense medications unless the R.N. is an A.P.R.N. (Note: The term dispense is not synonymous with administer)

Certified Nursing Assistants

A Certified Nursing Assistant (C.N.A.) must go through an approved program, take a written exam and a clinical skills test, and can then
receive certification if the examined skills and the test are successfully completed. The C.N.A. is then allowed to perform his/her duties while under the direct supervision of an R.N. or an L.P.N. or other licensed professional. (64B9-15.001 Definitions) Under certain circumstances, the C.N.A. may practice under the supervision of an R.N. or an L.P.N. if that person is not present but can easily be contacted when need for consultation or advice.

A Certified Nursing Assistant provides basic care to patients: a complete list of can be found in the Nurse Practice Act, section 64B9-15.002, Certified Nursing Assistant Authorized Duties.

The R.N. or L.P.N. may not delegate the C.N.A. certain tasks. (Nurse Practice Act: Section 64B9-14.003 Delegation of Tasks Prohibited)

LAWS, RULES, ETHICAL PRACTICE, AND THE NURSING PROFESSION IN FLORIDA

Nursing is a profession and is governed by rules and ethics, and the expression of these is typically called professional conduct. Nurses are also obviously guided and constrained by the rules of conduct and the laws of our society. Some actions or behaviors may be considered unethical and unprofessional but may not be illegal - but a nurse who participated in unethical or unprofessional behavior could be punished and/or sanctioned by the Board of Nursing. And some actions and behaviors are unethical, unprofessional, and illegal, and would be subject to punishment by the criminal justice system. The overlap
between unethical/unprofessional and illegal can be complicated, and the specific differences between ethical and legal - what constitutes one as opposed to another - are not discussed.

Punishments for infractions are clearly outlined, but the State Board of Nursing and the criminal justice system consider many factors when deciding on punishments. These factors include the danger to the public, previous infractions, the length of time the nurse has practiced, the damage that has been caused, and any attempts by the nurse to correct or stop the behavior in question.

Most of the information provided in the following sections has been gleaned from the Nurse Practice Act, Chapter 64B9. The Nurse Practice is online at this link:
The information on Criminal Offenses and Denial of License was gleaned from Title XXXII: Regulation of the Professions and Occupations. Chapter 464, Nursing: Section, 464:016 Violations and Penalties, and be accessed at http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0464/Sections/0464.018.html.
Details about the discipline process can be found in the Nurse Practice Act in: 1) Chapter 64B9, Section 64B9-8.001, The Probable Cause Panel; and 2) Chapter 64B9-8.006, Section 64B9-8.006, Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.
Unprofessional Conduct

The following actions are considered to be unprofessional conduct:

*(Chapter 64B9-8, Section 64B9-8.005 Disciplinary Proceedings)*

- Inaccurate recording
- Misappropriating drugs, supplies or equipment
- Leaving a nursing assignment without advising licensed nursing personnel;
- Stealing from a patient
- Violating the integrity of a medication administration system or an information technology system
- Falsifying or altering of patient records or nursing progress records, employment applications or time records
- Violating the confidentiality of information or knowledge concerning a patient
- Discriminating on the basis of race, creed, religion, sex, age or national origin, in the rendering of nursing services as it relates to human rights and dignity of the individuals
- Engaging in fraud, misrepresentation, or deceit in taking the licensing examination
• Impersonating another licensed practitioner, or permitting another person to use his certificate for the purpose of practicing nursing

• Providing false or incorrect information to the employer regarding the status of the license

• Testing positive for any drugs under Chapter 893, F.S., on any drug screen when the nurse does not have a prescription and legitimate medical reason for using such drug

• Practicing beyond the scope of the licensee’s license, educational preparation or nursing experience

• Using force against a patient, striking a patient, or throwing objects at a patient

• Using abusive, threatening or foul language in front of a patient or directing such language toward a patient.

Citations

A citation is defined as a summons to appear before a court, governing body, etc. A citation can be issued and a fine of $100 can be levied if a nurse has committed any of the following acts: (Chapter 64B9-8, Section 64B9-8.003 Citations)

• False, deceptive or misleading advertising in violation of Section 464.018(1)(g), F.S., provided no criminal prosecution resulted
and no practice issue was involved.

- Issuance of a worthless bank check to the Department or to the Board in violation of Section 464.018(1)(a), F.S., provided the licensee does not continue to practice on an inactive license or the check was not in payment of a Board ordered administrative fine.

- Failure to report address change in violation of Rule 64B9-1.013, F.A.C., provided the licensee was not ordered to do so in a Board disciplinary order.

- Improper use of a nursing title under Section 464.015, F.S., provided no practice issue was involved or no criminal prosecution resulted.

- Failure to pay a Board ordered administrative fine by the time ordered, provided payment had been made by the time the citation issues.

- Failure to complete a Board ordered continuing education course by the time ordered, provided the course had been completed by the time the citation issues.

- Failure when requested to document full compliance with the continuing education requirements, provided that all continuing education courses had been timely completed.

- Unprofessional conduct as defined in paragraph 64B9-
8.005(2)(p), F.A.C., using abusive, threatening or foul language in front of a patient or directing such language toward a patient.

A citation can be issued and fine of $250 can be levied if a nurse has committed any of the following acts: **Florida Administrative Code 64B9-8.003 Citations**

- First-time failure to complete continuing education hours within the biennium. In addition to the fine, the licensee will be required to complete the number of hours necessary to meet the biennial requirements not completed within 6 months of the issuance of the citation.

A citation can be issued and fine of $1500 can be levied if a nurse has committed any of the following acts: **Florida Administrative Code 64B9-8.003 Citations**

- Providing to another individual a confidential password, access code, keys, or other entry mechanisms, which results in a violation of, or threatens, the integrity of a medication administration system or an information technology system. In addition to the fine, the licensee will be required to complete a 2-hour continuing education course in legal aspects of nursing within 60 days of the issuance of the citation.
Minor Violations

The following are considered minor violations. (Chapter 64B9-8, Section 64B9-8.0045 Minor Violations)

- False, deceptive or misleading advertising in violation of Section 464.018(1)(g), F.S., provided no criminal prosecution resulted;

- Issuance of a worthless bank check to the Agency or to the Board in violation of Section 464.018(1)(a), F.S., provided the licensee does not continue to practice on an inactive license or the check was not in payment of a Board ordered administrative fine;

- Failure to report address change in violation of Rule 64B9-1.013, F.A.C., provided the licensee was not ordered to do so in a Board disciplinary order;

- Improper use of a nursing title under Section 464.015, F.S., provided no practice issue was involved or no criminal prosecution resulted.

Sexual Misconduct

Sexual contact between a nurse and a patient is unethical, unprofessional, and can be punishable by the Nursing Board and the criminal justice system. (Section 464.017 of Title XXXII, Sexual misconduct in the practice of nursing)
Criminal Offenses

The following acts are considered to be a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084: Title XXXII: Regulation of the Professions and Occupations. Chapter 464, Nursing: Section, 464:016 Violations and Penalties)

- Practicing advanced or specialized, professional, or practical nursing, as defined in this part, unless holding an active license or certificate to do so.

- Using or attempting to use a license or certificate which has been suspended or revoked.

- Knowingly employing unlicensed persons in the practice of nursing.

- Obtaining or attempting to obtain a license or certificate under this part by misleading statements or knowing misrepresentation.

Each of the following acts constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

- Using the name or title “Nurse,” “Registered Nurse,” “Licensed Practical Nurse,” “Clinical Nurse Specialist,” “Certified Registered Nurse Anesthetist,” “Certified Nurse Midwife,” “Advanced Registered Nurse Practitioner,” or any other name or title which implies that a person was licensed or certified as same, unless such person is duly licensed or certified.
• Knowingly concealing information relating to violations of this part.

**Denial of License**

A license to practice nursing in the state of Florida can be denied or a license can be removed/suspended. Title XXXII: Regulation of the Professions and Occupations. Chapter 464, Nursing, Section 464.018 Disciplinary Actions states that the following are grounds for denial of a license or disciplinary action:

• Procuring, attempting to procure, or renewing a license to practice nursing by bribery, by knowing misrepresentations, or through an error of the department or the board.

• Having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

• Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing.

• Being found guilty, regardless of adjudication, of any of the following offenses:

  1. A forcible felony as defined in chapter 776.
  2. A violation of chapter 812, relating to theft, robbery, and
related crimes.
3. A violation of chapter 817, relating to fraudulent practices.
4. A violation of chapter 800, relating to lewdness and indecent exposure.
5. A violation of chapter 784, relating to assault, battery, and culpable negligence.
6. A violation of chapter 827, relating to child abuse.
7. A violation of chapter 415, relating to protection from abuse, neglect, and exploitation.

- A violation of chapter 39, relating to child abuse, abandonment, and neglect.

- Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.04 or similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in s. 741.28.

- Making or filing a false report or record, which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the nurse’s capacity as a licensed nurse.

- False, misleading, or deceptive advertising.

- Unprofessional conduct, as defined by board rule.
• Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in chapter 893, for any other than legitimate purposes authorized by this part.

• Being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition.

• Failing to report to the department any person who the licensee knows is in violation of this part or of the rules of the department or the board.

• Knowingly violating any provision of this part, a rule of the board or the department, or a lawful order of the board or department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department.

• Failing to report to the department any licensee under chapter 458 or under chapter 459 who the nurse knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the nurse also provides services.
• Failing to meet minimal standards of acceptable and prevailing nursing practice, including engaging in acts for which the licensee is not qualified by training or experience.

• Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

**The Impaired Nurse**

A license to practice nursing may be denied or an existing license suspended if a nurse is “. . . unable to practice nursing with reasonable skill and safety to patients by reason of . . . use of alcohol, drugs, narcotics . . .”. The disciplinary process for this infraction is explained in the Nurse Practice Act, Section 64B9-8.006 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances. The Nurse Practice Act, Section 64B9-8.014 Continuous Sobriety also addresses this issue.

Denial and/or suspension of a nursing license because of impairment involves professional discipline and possibly criminal penalties, and it is a complex issue. For more information, the reader is referred the Florida Board of Nursing, Intervention Project for Nurses. http://www.ipnfl.org. The Nurse Practice Act and Chapter 64B9 provide general, but not complete information about nurse impairment.
MAINTAINING LICENSURE

The following requirements must be met to maintain nursing licensure in Florida.

Continuing Education

A licensed nurse is required to participate in 24 hours of continuing education during the two year period prior to license renewal application. This requirement applies to most nurses and most situations, but there are several exceptions to this rule; see Chapter 64B9-5, Section 5.002, for details.

The Board of Nursing has standards for what is considered appropriate continuing education. These standards are quite detailed and they can be referenced at Chapter 64B9-5.003 Standards for Continuing Education, but there are specific points regarding these standards that nurses should be aware of:

- The requirement is for 24 contact hours and one contact hour is a minimum of 60 minutes in length or more. Increments of 30 minutes will be accepted when the learning activity extends beyond 60 minutes.

- The subject matter must be appropriate for the practice area of the nurse and/or clearly relate to improved patient care.

- Continuing education courses must be approved by the Board of Nursing or be designed to be approved by the Board of Nursing.
• The nurse must be able to provide proof of attendance at and/or completion of a continuing education course.

• Nurses are required to take courses on these subject matters: 1) Domestic violence; 2) End of life; 3) HIV/AIDS; 4) Laws and rule, and; 5) Prevention of medical errors.

See Chapter 64B9-5, Sections 64B9-5.009 to 64B9-5.013 for details on the specific requirements regarding which courses must be taken, by whom, and when. The required courses may or may not be counted as part of the biennial continuing education requirement.

Continuing education is a requirement for nurses, and a citation can be issued and a fine of $100 can be levied if a nurse has not completed the continuing education requirements: 1) Failure to complete a Board ordered continuing education course by the time ordered, provided the course had been completed by the time the citation issues; 2) Failure when requested to document full compliance with the continuing education requirements, provided that all continuing education courses had been timely completed; and 3) A citation can be issued and fine of $250 can be levied if a nurse is found to have a first-time failure to complete continuing education hours within the biennium. In addition to the fine, the licensee will be required to complete the number of hours necessary to meet the biennial requirements not completed within 6 months of the issuance of the citation: (Chapter 64B9-8, Section 64B9-8.003 Citations)
More information about continuing education and license renewal can be found on the Florida Board of Nursing website using this link: http://www.ceatrenewal.com/.

**Application and Fees**

License renewal requires filling out a renewal application (by mail or on-line) and paying a renewal fee. Information on the renewal process can be found on the Florida Board of Nursing website using this link: http://www.floridasnursing.gov/renewals/.

Please take time to help the NURSECE4LESS.COM course planners evaluate nursing knowledge needs met following completion of this course by completing the self-assessment Knowledge Questions after reading the article. Correct Answers, page 33.
1. **The Florida Nurse Practice Act provide definitions about:**
   a. the practice of nursing
   b. the nursing licensure process
   c. how nurses should be educated
   d. all of the above

2. **True or False. Nursing behavior or actions are covered in the Florida Nurse Practice Act in terms of:**
   a. What is considered unethical, unprofessional, and illegal
   b. How the discipline process is applied
   c. Legal advise for nurses
   d. Answers a and b above

3. **Administrative codes in the Florida Nurse Practice Act are:**
   a. rules and regulations formulated by government agencies
   b. professional guidelines outlined by nursing agencies
   c. not applicable to nursing education programs
   d. none of the above

4. **True or False. Denial and/or suspension of a nursing license because of impairment involves professional discipline but does not involve criminal penalties.**
   a. True
   b. False

5. **A licensed nurse is required to participate in ______ hours of continuing education during the two-year period prior to license renewal application.**
   a. 15 hours
   b. 24 hours
   c. 30 hours
   d. 36 hours
Correct Answers:

1. d
2. d
3. a
4. b
5. b

Reference:

1. Florida Board of Nursing @
   http://floridasnursing.gov/resources/.

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