

The FBON & DOH: An Overview and Update on Nursing Regulation



Joe Baker, Jr.
Board Executive Director

Medical Quality Assurance (MQA)



- **Purpose:** To protect the public and make Florida the healthiest state in the nation through health care licensure, enforcement, and information.
- MQA regulates over 1 million licensed health care practitioners and facilities representing more than 40 professions and 200 license types.
- Division Director: Lucy C. Gee, MS
- Bureau Chief of Health Care Practitioner Regulation: Adrienne Rodgers, JD, BSN

MQA's Licensure Functions



- Develop and administer licensure examinations (most are national exams)
- Process applications for licensure
- Approve or deny applications
- Renew licenses

MQA's Enforcement Functions



- Determine legal sufficiency and perform desk investigations
- Conduct alternative dispute resolution (mediation, citation and notice of noncompliance)
- Investigate legally sufficient complaints and perform inspections
- Prosecute cases for which probable cause has been found and process appeals of disciplinary cases
- Investigate individuals and establishments operating without a license and issue citations/cease and desist orders (ULA)

MQA's Information Functions



- Publish information on website
- Respond to public records requests
- Administer workforce surveys
- Assist callers
- Tweets – Information Push-outs

MQA's Funding



- Statutory Requirements:
 - All costs of regulation borne solely by licensees and licensure applicants
 - Fees set by department and board rule within fee caps
- Funding Sources:
 - Initial and renewal licensure fees
 - Unlicensed activity fees
 - Administrative fines and costs
 - Service fees

Who We Are And What We Do



The Florida Board of Nursing
Serving Floridians since June 7, 1913
Jody Bryant Newman, EdD, EdS, Chair





FLORIDA | Board of Nursing

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Wednesday, September 17th, 2014

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Electronic Fingerprinting

Effective January 1, 2013, applicants for initial licensure must use a LiveScan service provider to submit a set of fingerprints to FDLE ...

Welcome *to the* State of Florida's Online Resource for Certified Nursing Assistants, Licensed Practical Nurses, Registered Nurses, Clinical Nurse Specialists, Advanced Registered Nurse Practitioners, Training & Education Programs Licensure, Renewal, *and* Information.

 **Apply**


[Apply for a License](#)

 **Renew**

[Renew a License](#)

 **Status**

[Check Application Status](#)

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 **Complaints**

[File a Complaint](#)

The Florida Board of Nursing licenses, monitors, disciplines, educates and, when appropriate, rehabilitates its licensees to assure their fitness and

Our Principle Responsibility



To protect the health, safety,
and welfare of the public by
regulating the practice of
nursing in Florida

Regulatory Boards



- Quasi-judicial independent agencies
- Appointed by Governor and confirmed by Senate
- Composition and terms established by statute
- Approve or deny licenses
- Impose discipline
- Promulgate rules
- Set fees within caps
- Act upon waivers and variances
- Issue declaratory statements

Board of Nursing



- Comprised of 13 members
 - Seven members are Registered Nurses (1 ARNP, 1 educator, 1 nurse executive)
 - Three members are Licensed Practical Nurses
 - Three members are Consumers (who have never been connected with the practice of nursing)
 - Practitioners must have at least 4 years of professional experience; 1 member must be at least 60 years old
 - 4 vacancies as of July 2017

How do I apply?



Governor's Office Website:

<http://www.flgov.com/appointments/>

- **Appointments Office**
- **Contact:**
850 / 717-9243
850 / 921-0733 (fax)
appointments@eog.myflorida.com
- The Appointments Office supports the Governor in meeting his major obligation to appoint qualified, representative, and appropriate people to a large number of important leadership roles throughout the State.

Sunshine Laws and Board Meetings



- The Board of Nursing meets every other even month in locations around the state
- Topics include:
 - Review of Applications for Licensure
 - Handling Disciplinary Hearings
 - Rule Promulgations
 - Petitions for Variance or Waiver
 - Petitions for Declaratory Statement
- Meetings are open to the public
- Agendas are posted on BON website

Florida Licensure Statistics

as of June 30, 2016



- 304,564 Registered Nurses (RN)
- 25,180 Adv. Reg. Nurse Prac. (ARNP)
- 175 Clinical Nurse Specialists (CNS)
- 80,687 Licensed Practical Nurses (LPN)
- 199,928 Cert. Nursing Assistants (CNA)
- 221 approved RN programs
- 136 approved LPN programs
- 246 approved CNA programs

Laws and Rules Affecting Practice



- Laws:
Chapters 456 & 464: <http://www.leg.state.fl.us/Statutes>
- Rules: Chapter 64B9, FAC
<http://fac.dos.state.fl.us/>
- **ARNPs --- new required CE on prescribing controlled substances**
- DOH Website:
<http://www.FLHealthSource.gov>

Updates posted on our website & published in The Florida Nursing Quarterly (BON newsletter)

Health Care Professional Regulation



- The Board:
 - ensures that licensees who fall below minimum competency or who otherwise present a danger to the public are disciplined or prohibited from practicing in the state
 - assesses, manages, and weighs health care professionals' conduct and capacity to practice in their prescribed field
 - establishes and monitors continuing education of licensees to ensure their knowledge and skills remain current – approved providers/courses at: www.cebroke.com
 - CE exemption law – some courses are still mandatory
 - Approves programs for licensure as RNs & LPNs and certification of CNAs; unless **accredited** by CCNE and NLNAC then not required to have board approval

Responsibilities of Health Care Professionals



- Maintain Competency through continuing education
 - Be familiar with *current* Laws and Regulations that govern practice
 - Seek out information that might affect scope of practice
 - If unsure, contact a BON Nurse Consultant* - 850.245.4242 (8506171478)
- (*cannot interpret laws and rules for you)

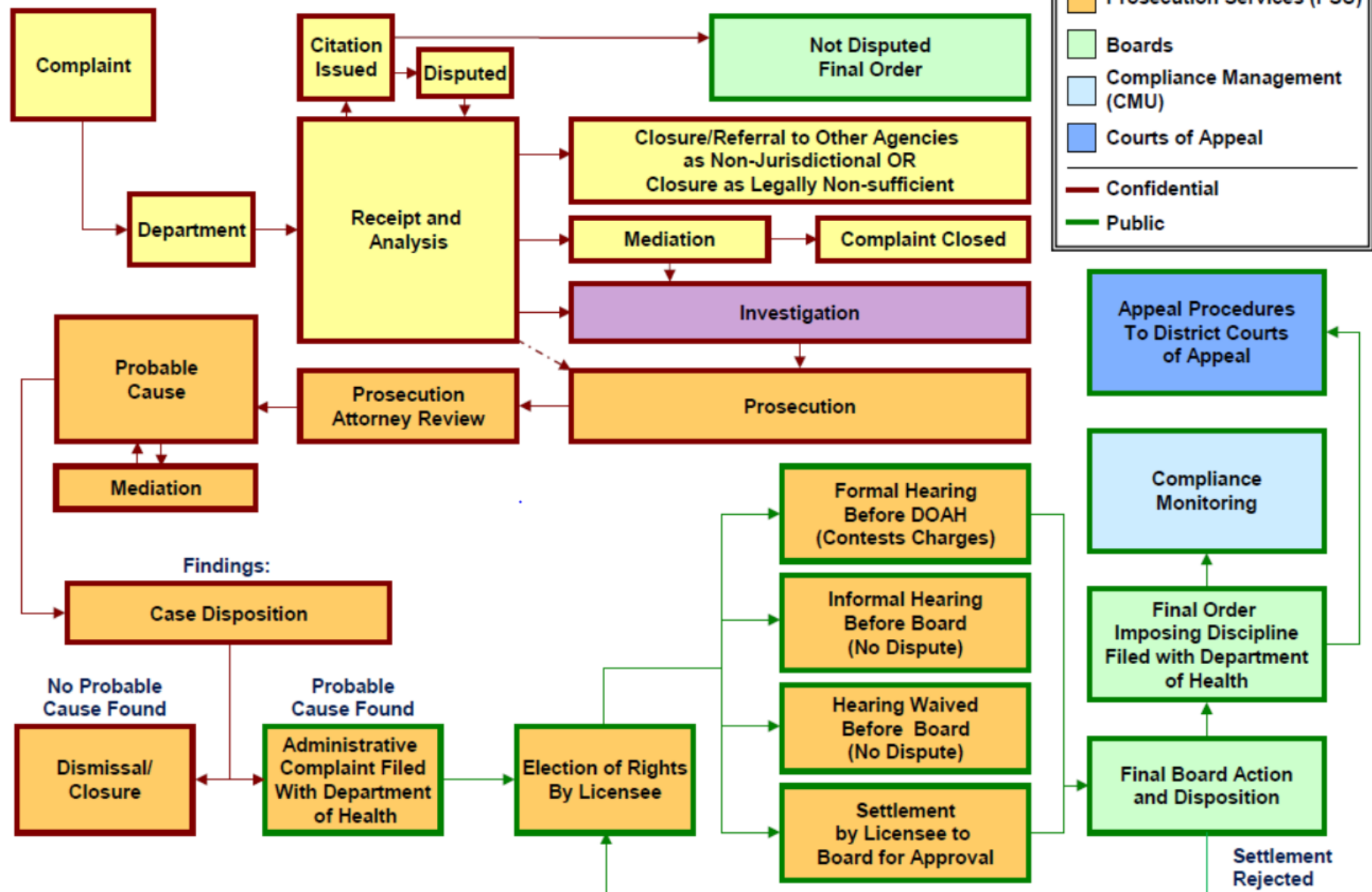
Legislatively Authorized Discipline Process



- 180 day requirement for legally sufficient complaint recommendations to PCP
(Close, LOG, or find cause & issue A/C)
- ESOs/EROs
- Informal or Formal Hearings
- Voluntary Relinquishments
- Settlement Agreements
- Waivers



Division of Medical Quality Assurance Enforcement Process



Impaired Practitioners



S. 464.018 (1), FS (Nurse Practice Act)

(j) Being unable to practice with reasonable skill by reason of illness or use of alcohol, drugs, or narcotics or as a result of any mental or physical condition

(k) Failing to report to the department any person who the licensee knows is in violation of this part of the rules of the department or the Board; *however, if the licensee verifies that such person is actively participating in a board-approved program for the treatment of a physical or mental condition, the licensee is required to report such person only to an impaired professionals consultant.*

IPN



- An “alternative to discipline” (aka diversion) system is used in Florida thus providing an option for employers, treatment centers, nursing schools, and nurses to refer and assist nurses who demonstrated signs of impairment.
- The Florida “Impaired Nurse Program” was established in 1983 which later became the **Florida Intervention Project for Nurses (IPN)**
- IPN functions under contract with DOH
- 800.840.2720; www.ipnfl.org

How does IPN work with the FBON?

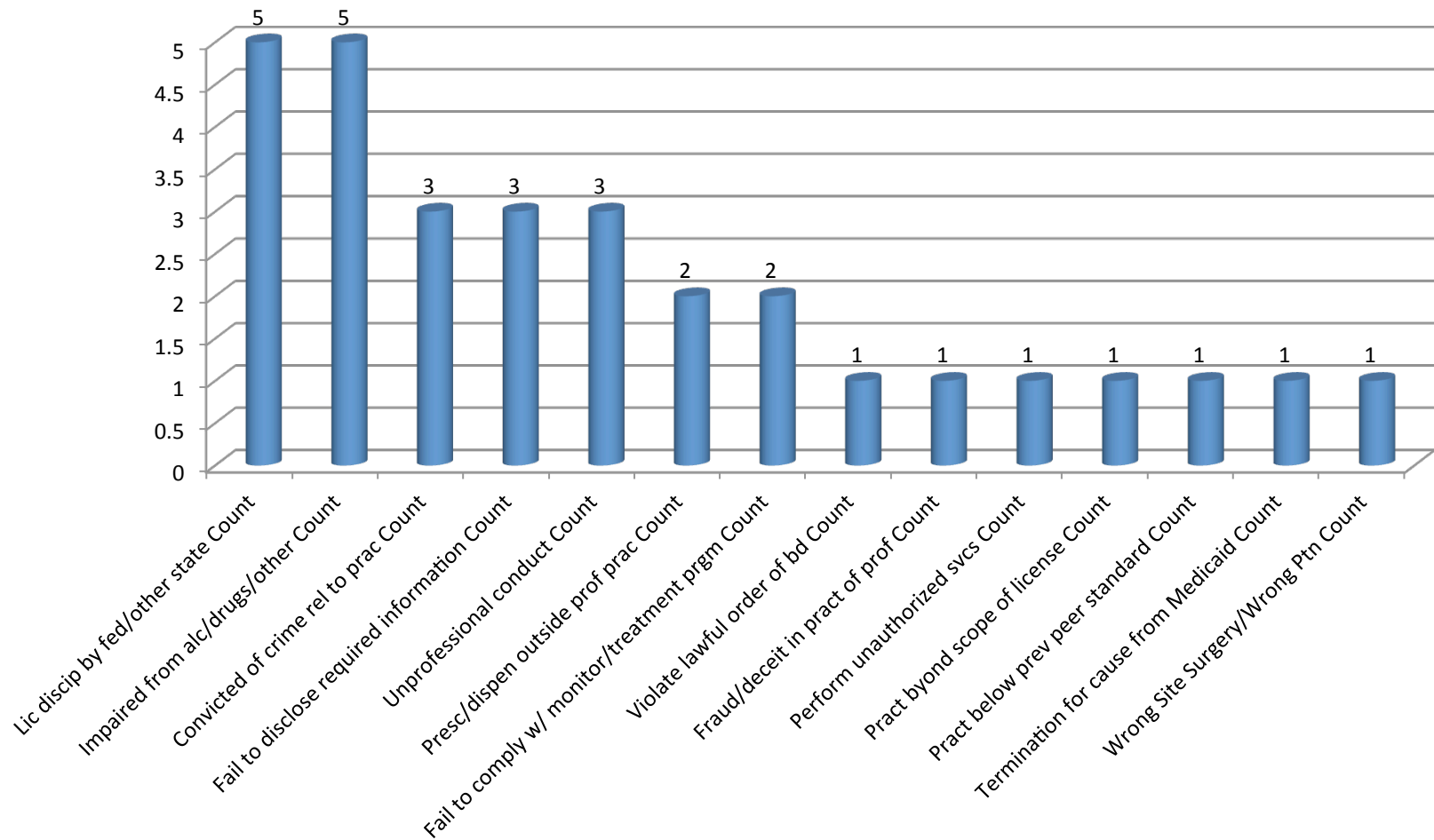


- Provides expert consultation during all meetings on pertinent issues
- Develops reports on nurses who are on the BON agenda that IPN has had contact.
- Regularly provides information to Investigators re: nurse's status with IPN.
- Maintaining safety is IPN's central mission.
- Conducts training on IPN and topics related to impairment in the nursing profession.
- Conducts research.
- Implements DOH standards and national best practices.

Top 10 Lists



ARNP Top 10 Violations



H. SIMMONS, ARNP



Texas Board of Nursing accepted the voluntary surrender of Respondent's nursing license.

Settlement Agreement with DOH for \$500 fine, \$723 costs, and Suspension until compliant with IPN. Accepted by the BON.

M. LAZOR, ARNP



IPN referral for non-compliance with contract (tested positive for alcohol); had previously been under a stayed revocation for impairment issues (due to Methamphetamine dependence).

Opted to sign a VR of his license in lieu of further discipline. Accepted by the BON.

M. CESAR, ARNP



- **U.S. District Court, Miami – misdemeanor conviction for Theft of Govt. Services; tied to the submission of \$55 Million in fraudulent & false Medicare claims**
- **BON voted unanimously to Revoke the license**
- **2 count AC; conviction related to the practice and not reporting the conviction w/in 30 days**

D. SUTTON, ARNP



Charged with misleading, deceptive, & fraudulent representations and for not having a protocol agreement on file w/ BON; wrote dozens of Rxs over multiple years for his mother on Rx pads for a former employer

Settlement agreement approved by BON 4-3 vote: Reprimand, \$250 fine/costs not to exceed \$5K; CE in legal aspects, ethics, and documentation; 1 year Probation

Healthiest Weight Initiative



- **What is Healthiest Weight Florida?**
- The number one public health threat to Florida's future is unhealthy weight.
- Currently, only 36 percent of Floridians are at healthy weight. On our current trend, by 2030, almost 60 percent will be obese. Additionally, six out of ten children born today will be obese by the time they graduate high school.
- Over the next 20 years in Florida, obesity is expected to contribute to millions of cases of preventable chronic diseases such as type 2 diabetes, heart disease and cancer, costing an estimated \$34 billion. To address this important public health issue, the Department of Health launched the Healthiest Weight Florida initiative in January 2013.
- ***Healthiest Weight Florida*** is a public-private collaboration bringing together state agencies, not for profit organizations, businesses, and entire communities to help Florida's children and adults make consistent, informed choices about healthy eating and active living.

More Important Items



www.CEatRenewal.com

Mandatory reporting of CE hours to the CEBroker database; in August 2017, new required course on recognizing impairment in the workplace

*ARNP Protocols – see slider on BON website with link to sample protocol – now includes **DEA registration** number*

2017 Legislation



Human Trafficking CE – effective as of 10/1 for bienniums renewing on or after 1/1/19; specific course content in the law; must take even if eligible for existing CE exemption

ARNP Protocols – as of 6/23/17, no longer required to be filed w/ BON; must be kept on site at facilities where employed; signature of one supervising physician in a group practice; current protocols will remain on DOH website

Fee Update



BON voted in June 2017 to reduce all renewal fees by \$5.00; revised rule should be in effect for the next renewal cycle in April 2018

Will reduce forecast BON cash balance to \$25M as of 6/2022

Staff Contact Information



- Joe Baker, Jr., Executive Director 850.245.4158
- Sherri Sutton-Johnson, MSN, RN, Education Unit Director 850.617.1496
- Nicole Benson, Licensure Unit - Program Operations Administrator 850.245.4170
- Sheronda McMillan, Supervisor – ARNP Team 850.245.4329
- info@FloridasNursing.gov – main e-mail account
- MQA Call Center: (850) 245-4125
- Nurse Consultants: 850.245.4242 (enter 8506171478)
- Fax Number: (850) 617-6460



Any questions?

info@FloridasNursing.gov

www.FloridasNursing.gov



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850.245.4125 – Call Center