

A bill to be entitled

An act relating to nursing education programs;
 amending s. 464.003, F.S.; revising definitions of the
 terms "clinical training" and "practice of practical
 nursing"; conforming a cross-reference; amending s.
 464.013, F.S.; exempting nurses who are certified by
 certain accredited programs from continuing education
 requirements; amending s. 464.019, F.S.; removing the
 limitation on the percentage of clinical training that
 may consist of clinical simulation; deleting obsolete
 requirements; authorizing the Board of Nursing to
 adopt certain rules relating to documenting the
 accreditation of nursing education programs; deleting
 the requirement that the Office of Program Policy
 Analysis and Government Accountability participate in
 an implementation study; requiring nursing education
 programs that prepare students for the practice of
 professional nursing to be accredited; providing an
 exception; amending s. 456.014, F.S.; conforming a
 cross-reference; providing an effective date.

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

Section 1. Subsections (10), (19), and (23) of section
 464.003, Florida Statutes, are amended to read:

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

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27 (10) "Clinical training" means direct nursing care
28 experiences with patients or clients, or clinical simulation of
29 such experiences, which offer the student the opportunity to
30 integrate, apply, and refine specific skills and abilities based
31 on theoretical concepts and scientific principles.

32 (19) "Practice of practical nursing" means the performance
33 of selected acts, including the administration of treatments and
34 medications, in the care of the ill, injured, or infirm; ~~and~~ the
35 promotion of wellness, maintenance of health, and prevention of
36 illness of others under the direction of a registered nurse, a
37 licensed physician, a licensed osteopathic physician, a licensed
38 podiatric physician, or a licensed dentist; and the teaching of
39 general principles of health and wellness to the public and to
40 students other than nursing students. A practical nurse is
41 responsible and accountable for making decisions that are based
42 upon the individual's educational preparation and experience in
43 nursing.

44 (23) "Required passage rate" means the graduate passage
45 rate required for an approved program pursuant to s.
46 464.019(5)(a) ~~464.019(6)(a)~~1.

47 Section 2. Subsection (3) of section 464.013, Florida
48 Statutes, is amended to read:

49 464.013 Renewal of license or certificate.—

50 (3) The board shall by rule prescribe up to 30 hours of
51 continuing education ~~not to exceed 30 hours~~ biennially as a
52 condition for renewal of a license or certificate. A nurse who

53 is certified by a health care specialty program that is
54 accredited by the National Commission for Certifying Agencies is
55 exempt from the continuing education requirements. The criteria
56 for programs shall be approved by the board.

57 Section 3. Section 464.019, Florida Statutes, is amended
58 to read:

59 464.019 Approval of nursing education programs.—

60 (1) PROGRAM APPLICATION APPLICATIONS.—An educational
61 institution that wishes to conduct a program in this state for
62 the prelicensure education of professional or practical nurses
63 must submit to the department a program application and review
64 fee of \$1,000 for each prelicensure nursing education program to
65 be offered at the institution's main campus, branch campus, or
66 other instructional site. The ~~Each~~ program application must
67 include the legal name of the educational institution, the legal
68 name of the nursing education program, and, if such program is
69 accredited ~~by an accrediting agency other than an accrediting~~
70 ~~agency described in s. 464.003(1)~~, the name of the accrediting
71 agency. The application must also document that:

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

77 2. For a practical nursing education program, the program
78 director and at least 50 percent of the program's faculty

79 members are registered nurses who have a bachelor's or higher
80 degree in nursing.

81

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

86 (b) The program's nursing major curriculum consists of at
87 least:

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

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

94 ~~(c) No more than 25 percent of the program's clinical~~
95 ~~training consists of clinical simulation.~~

96 (c)~~(d)~~ The program has signed agreements with each agency,
97 facility, and organization included in the curriculum plan as
98 clinical training sites and community-based clinical experience
99 sites.

100 (d)~~(e)~~ The program has written policies for faculty which
101 include provisions for direct or indirect supervision by program
102 faculty or clinical preceptors for students in clinical training
103 consistent with the following standards:

104 1. The number of program faculty members equals at least

105 one faculty member directly supervising every 12 students unless
106 the written agreement between the program and the agency,
107 facility, or organization providing clinical training sites
108 allows more students, not to exceed 18 students, to be directly
109 supervised by one program faculty member.

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

115 3. For community-based clinical experiences that involve
116 student participation in invasive or complex nursing activities,
117 students must be directly supervised by a program faculty member
118 or clinical preceptor and such arrangement must be approved by
119 the community-based clinical facility.

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

124
125 A program's policies established under this paragraph must
126 require that a clinical preceptor who is, ~~if~~ supervising
127 students in a professional nursing education program, ~~to~~ be a
128 registered nurse or, if supervising students in a practical
129 nursing education program, ~~to~~ be a registered nurse or licensed
130 practical nurse.

131 (e)~~(f)~~ The professional or practical nursing curriculum
 132 plan documents clinical experience and theoretical instruction
 133 in medical, surgical, obstetric, pediatric, and geriatric
 134 nursing; ~~A professional nursing curriculum plan shall also~~
 135 ~~document~~ clinical experience and theoretical instruction in
 136 psychiatric nursing; and. ~~Each curriculum plan must document~~
 137 clinical training experience in appropriate settings that
 138 include, but are not limited to, acute care, long-term care, and
 139 community settings.

140 (f)~~(g)~~ The professional or practical nursing education
 141 program provides theoretical instruction and clinical
 142 application in personal, family, and community health concepts;
 143 nutrition; human growth and development throughout the life
 144 span; body structure and function; interpersonal relationship
 145 skills; mental health concepts; pharmacology and administration
 146 of medications; and legal aspects of practice. A professional
 147 nursing education program must ~~shall~~ also provide theoretical
 148 instruction and clinical application in interpersonal
 149 relationships and leadership skills; professional role and
 150 function; and health teaching and counseling skills.

151 (2) PROGRAM APPROVAL.—

152 (a) Upon receipt of a program application and review fee,
 153 the department shall examine the application to determine if
 154 ~~whether~~ it is complete. If the ~~a~~ ~~program~~ application is not
 155 complete, the department shall notify the educational
 156 institution in writing of any errors or omissions within 30 days

157 after the department's receipt of the application. A program
 158 application is deemed complete upon the department's receipt of:

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

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

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

167 1. Approve the application if it documents compliance with
 168 subsection (1) ~~paragraphs (1)(a)-(g)~~; or

169 2. Provide the educational institution with a notice of
 170 intent to deny the application if it does not document
 171 compliance with subsection (1) ~~paragraphs (1)(a)-(g)~~. The notice
 172 must specify ~~set forth~~ written reasons for the board's denial of
 173 the application. The board may not deny a program application
 174 because of an educational institution's failure to correct an
 175 ~~any~~ error or omission that ~~of which~~ the department failed to
 176 provide notice of to ~~does not notify~~ the institution within the
 177 30-day notice period under paragraph (a). The educational
 178 institution may request a hearing on the notice of intent to
 179 deny the program application pursuant to chapter 120.

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

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

185 ~~(3) STATUS OF CERTAIN PROGRAMS. A professional or~~
186 ~~practical nursing education program becomes an approved program~~
187 ~~if, as of June 30, 2009, the program:~~

188 ~~(a) Has full or provisional approval from the board or,~~
189 ~~except as provided in paragraph (b), is on probationary status.~~

190 ~~(b) Is on probationary status because the program did not~~
191 ~~meet the board's requirement for graduate passage rates. Such~~
192 ~~program shall remain on probationary status until it achieves a~~
193 ~~graduate passage rate for calendar year 2009 or 2010 that equals~~
194 ~~or exceeds the required passage rate for the respective calendar~~
195 ~~year and must disclose its probationary status in writing to the~~
196 ~~program's students and applicants. If the program does not~~
197 ~~achieve the required passage rate, the board shall terminate the~~
198 ~~program pursuant to chapter 120.~~

199 (3)~~(4)~~ ANNUAL REPORT.—By November 1 of each year, each
200 approved program that is not accredited shall submit to the
201 board an annual report comprised of an affidavit certifying
202 continued compliance with subsection (1) ~~paragraphs (1)(a)-(g),~~
203 a summary description of the program's compliance with
204 subsection (1) ~~paragraphs (1)(a)-(g),~~ and documentation for the
205 previous academic year that, to the extent applicable, describes
206 ~~sets forth:~~

207 (a) The number of student applications received, qualified
208 applicants, applicants accepted, accepted applicants who enroll

209 in the program, students enrolled in the program, and program
 210 graduates.

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

213 (c) The program's accreditation status, including
 214 identification of the accrediting agency if the program is
 215 accredited ~~such agency is not an accrediting agency described in~~
 216 ~~s. 464.003(1)~~.

217 (4) ~~(5)~~ INTERNET WEBSITE. ~~By October 1, 2010,~~ The board
 218 shall publish the following information on its Internet website:

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

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

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

230 (b) The following data for each approved program, which
 231 includes ~~shall include~~, to the extent applicable:

232 1. All documentation provided by the program in its
 233 program application if submitted on or after July 1, 2009.

234 2. The summary description of the program's compliance

235 submitted under subsection (3) ~~(4)~~.

236 3. The program's accreditation status, including
 237 identification of the accrediting agency if the program is
 238 accredited ~~such agency is not an accrediting agency described in~~
 239 ~~s. 464.003(1)~~.

240 4. The program's probationary status.

241 5. The program's graduate passage rates for the most
 242 recent 2 calendar years.

243 6. Each program's retention rates for students tracked
 244 from program entry to graduation.

245 (c) The average passage rates for United States educated
 246 first-time test takers on the National Council of State Boards
 247 of Nursing Licensing Examination for the most recent 2 calendar
 248 years, as calculated by the contract testing service of the
 249 National Council of State Boards of Nursing. The average passage
 250 rates shall be published separately for each type of comparable
 251 degree program listed in subparagraph (5) (a)1. ~~sub-subparagraphs~~
 252 ~~(6) (a)1.a.-d.~~

253
 254 The information required to be published under this subsection
 255 shall be made available in a manner that allows interactive
 256 searches and comparisons of individual programs selected by the
 257 website user. The board shall update the Internet website at
 258 least quarterly with the available information.

259 (5) ~~(6)~~ ACCOUNTABILITY.—

260 (a)1. An approved program must achieve a graduate passage

261 rate that is not more ~~lower~~ than 10 percentage points lower ~~less~~
 262 than the average passage rate during the same calendar year for
 263 graduates of comparable degree programs who are United States
 264 educated, first-time test takers on the National Council of
 265 State Boards of Nursing Licensing Examination ~~during a calendar~~
 266 ~~year~~, as calculated by the contract testing service of the
 267 National Council of State Boards of Nursing. For purposes of
 268 this subparagraph, an approved program is comparable to all
 269 degree programs of the same program type from among the
 270 following program types:

- 271 a. Professional nursing education programs that terminate
- 272 in a bachelor's degree.
- 273 b. Professional nursing education programs that terminate
- 274 in an associate degree.
- 275 c. Professional nursing education programs that terminate
- 276 in a diploma.
- 277 d. Practical nursing education programs.

278 2. Beginning with graduate passage rates for calendar year
 279 2010, if an approved program's graduate passage rates do not
 280 equal or exceed the required passage rates for 2 consecutive
 281 calendar years, the board shall place the program on
 282 probationary status pursuant to chapter 120 and the program
 283 director shall ~~must~~ appear before the board to present a plan
 284 for remediation. The program must ~~shall~~ remain on probationary
 285 status until it achieves a graduate passage rate that equals or
 286 exceeds the required passage rate for any 1 calendar year. The

287 board shall deny a program application for a new prelicensure
288 nursing education program submitted by an educational
289 institution if the institution has an existing program that is
290 already on probationary status.

291 3. Upon the program's achievement of a graduate passage
292 rate that equals or exceeds the required passage rate, the
293 board, at its next regularly scheduled meeting following release
294 of the program's graduate passage rate by the National Council
295 of State Boards of Nursing, shall remove the program's
296 probationary status. However, if the program, during the 2
297 calendar years following its placement on probationary status,
298 does not achieve the required passage rate for any 1 calendar
299 year, the board shall terminate the program pursuant to chapter
300 120.

301 (b) If an approved program fails to submit the annual
302 report required in subsection (3) ~~(4)~~, the board shall notify
303 the program director and president or chief executive officer of
304 the educational institution in writing within 15 days after the
305 due date of the annual report. The program director shall ~~must~~
306 appear before the board at the board's next regularly scheduled
307 meeting to explain the reason for the delay. The board shall
308 terminate the program pursuant to chapter 120 if it does not
309 submit the annual report within 6 months after the due date.

310 (c) An approved program on probationary status shall
311 disclose its probationary status in writing to the program's
312 students and applicants.

313 (6)~~(7)~~ DISCLOSURE OF GRADUATE PASSAGE RATE DATA.—

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

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

331 (7)~~(8)~~ PROGRAM CLOSURE.—

332 (a) An educational institution conducting an approved
 333 program or accredited program in this state, at least 30 days
 334 before voluntarily closing the program, shall notify the board
 335 in writing of the institution's reason for closing the program,
 336 the intended closure date, the institution's plan to provide for
 337 or assist in the completion of training by the program's
 338 students, and the arrangements for storage of the program's

339 permanent records.

340 (b) An educational institution conducting a nursing
341 education program that is terminated under subsection (5) ~~(6)~~ or
342 closed under subparagraph (9)(b)3. ~~(10)(b)3.~~:

343 1. May not accept or enroll new students.

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

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

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

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

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

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

362 5. The State Board of Education, if the program is
363 conducted by an educational institution in the Florida College
364 System or by an educational institution that is not subject to

365 subparagraphs 2.-4.

366 (8)~~(9)~~ RULEMAKING.—The board does not have ~~any~~ rulemaking
 367 authority to administer this section, except that the board
 368 shall adopt rules ~~a rule~~ that prescribe ~~prescribes~~ the format
 369 for submitting program applications under subsection (1) and
 370 annual reports under subsection (3), and to administer the
 371 documentation of the accreditation of nursing education programs
 372 under subsection (11) ~~(4)~~. The board may not impose any
 373 condition or requirement on an educational institution
 374 submitting a program application, an approved program, or an
 375 accredited program, except as expressly provided in this
 376 section. ~~The board shall repeal all rules, or portions thereof,~~
 377 ~~in existence on July 1, 2009, that are inconsistent with this~~
 378 ~~subsection.~~

379 (9)~~(10)~~ APPLICABILITY TO ACCREDITED PROGRAMS.—

380 (a) Subsections (1)-(3) ~~(1)-(4)~~, paragraph (4) (b) ~~(5) (b)~~,
 381 and subsection (5) ~~(6)~~ do not apply to an accredited program. ~~An~~
 382 ~~accredited program on probationary status before July 1, 2010,~~
 383 ~~ceases to be subject to the probationary status.~~

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

- 386 1. Within 10 business days after the program ceases to be
 387 accredited, must provide written notice of the date that the
 388 program ceased to be accredited to the board, the program's
 389 students and applicants, and each entity providing clinical
 390 training sites or community-based clinical experience sites for

391 the program. The educational institution must continue to
392 provide the written notice to new students, applicants, and
393 entities providing clinical training sites or community-based
394 clinical experience sites for the program until the program
395 becomes an approved program or is closed under subparagraph 3.

396 2. Within 30 days after the program ceases to be
397 accredited, must submit an affidavit to the board, signed by the
398 educational institution's president or chief executive officer
399 which, ~~that~~ certifies the institution's compliance with
400 subparagraph 1. The board shall notify the required persons and
401 applicable entities listed in paragraph (7)(c) ~~persons listed in~~
402 ~~subparagraph (8)(c)1. and the applicable entities listed in~~
403 ~~subparagraphs (8)(c)2.-5.~~ if an educational institution does not
404 submit the affidavit required by this subparagraph.

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

407 a. Within 30 days after the program ceases to be
408 accredited, submits a program application and review fee to the
409 department under subsection (1) and the affidavit required under
410 subparagraph 2., the program shall be deemed an approved program
411 from the date that the program ceased to be accredited until the
412 date that the board approves or denies the program application.
413 The program application must be denied by the board pursuant to
414 chapter 120 if it does not contain the affidavit. If the board
415 denies the program application under subsection (2) or if
416 ~~because~~ the program application does not contain the affidavit,

417 the program shall be closed and the educational institution
 418 conducting the program must comply with paragraph (7) (b) ~~(8) (b)~~.

419 b. Does not apply to become an approved program pursuant
 420 to sub-subparagraph a., the program shall be deemed an approved
 421 program from the date ~~that~~ the program ceased to be accredited
 422 until the 31st day after that date. On the 31st day after the
 423 program ceased to be accredited, the program shall be closed and
 424 the educational institution conducting the program must comply
 425 with paragraph (7) (b) ~~(8) (b)~~.

426 ~~(10) (11)~~ IMPLEMENTATION STUDY.—The Florida Center for
 427 Nursing and the education policy area of the Office of Program
 428 Policy Analysis and Government Accountability shall study the 5-
 429 year administration of this section and submit reports to the
 430 Governor, the President of the Senate, and the Speaker of the
 431 House of Representatives by January 30, 2011, and annually
 432 thereafter through January 30, 2015. The annual reports shall
 433 address the previous academic year; provide ~~set forth~~ data on
 434 the measures specified in paragraphs (a) and (b), as such data
 435 becomes available; and include an evaluation of such data for
 436 purposes of determining whether this section is increasing the
 437 availability of nursing education programs and the production of
 438 quality nurses. The department and each approved program or
 439 accredited program shall comply with requests for data from the
 440 Florida Center for Nursing and the education policy area of the
 441 Office of Program Policy Analysis and Government Accountability.

442 (a) The Florida Center for Nursing ~~education policy area~~

443 ~~of the Office of Program Policy Analysis and Government~~
444 ~~Accountability~~ shall evaluate program-specific data for each
445 approved program and accredited program conducted in the state,
446 including, but not limited to:

- 447 1. The number of programs and student slots available.
- 448 2. The number of student applications submitted, the
449 number of qualified applicants, and the number of students
450 accepted.
- 451 3. The number of program graduates.
- 452 4. Program retention rates of students tracked from
453 program entry to graduation.
- 454 5. Graduate passage rates on the National Council of State
455 Boards of Nursing Licensing Examination.
- 456 6. The number of graduates who become employed as
457 practical or professional nurses in the state.

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

- 460 1. Program application approval process, including, but
461 not limited to, the number of program applications submitted
462 under subsection (1); the number of program applications
463 approved and denied by the board under subsection (2); the
464 number of denials of program applications reviewed under chapter
465 120; and a description of the outcomes of those reviews.
- 466 2. Accountability processes, including, but not limited
467 to, the number of programs on probationary status, the number of
468 approved programs for which the program director is required to

469 appear before the board under subsection (5) ~~(6)~~, the number of
470 approved programs terminated by the board, the number of
471 terminations reviewed under chapter 120, and a description of
472 the outcomes of those reviews.

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

478 (11) ACCREDITATION REQUIRED.—

479 (a) A nursing education program that prepares students for
480 the practice of professional nursing, that was approved under
481 this section before July 1, 2014, and that enrolled students
482 before July 1, 2014, must be accredited by an accrediting agency
483 described in s. 464.003(1) by July 1, 2019.

484 (b) A nursing education program that prepares students for
485 the practice of professional nursing, that was approved under
486 this section before July 1, 2014, but did not enroll students
487 before that date, must become accredited by an accrediting
488 agency described in s. 464.003(1) within 5 years after the date
489 of enrolling the program's first students.

490 (c) A nursing education program that prepares students for
491 the practice of professional nursing and that is approved by the
492 board after June 30, 2014, must become accredited by an
493 accrediting agency described in s. 464.003(1) within 5 years
494 after the date of enrolling the program's first students.

495 (d) This subsection does not apply to a nursing education
 496 program provided by an institution that is exempted from
 497 licensure by the Commission for Independent Education under s.
 498 1005.06(1)(e).

499 Section 4. Subsection (1) of section 456.014, Florida
 500 Statutes, is amended to read:

501 456.014 Public inspection of information required from
 502 applicants; exceptions; examination hearing.—

503 (1) All information required by the department of any
 504 applicant shall be a public record and shall be open to public
 505 inspection pursuant to s. 119.07, except financial information,
 506 medical information, school transcripts, examination questions,
 507 answers, papers, grades, and grading keys, which are
 508 confidential and exempt from s. 119.07(1) and shall not be
 509 discussed with or made accessible to anyone except the program
 510 director of an approved program or accredited program as
 511 provided in s. 464.019(6) ~~464.019(7)~~, members of the board, the
 512 department, and staff thereof, who have a bona fide need to know
 513 such information. Any information supplied to the department by
 514 any other agency which is exempt from the provisions of chapter
 515 119 or is confidential shall remain exempt or confidential
 516 pursuant to applicable law while in the custody of the
 517 department or the agency.

518 Section 5. This act shall take effect July 1, 2014.