
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1457 Session of
2013

INTRODUCED BY BARRAR, ADOLPH, BENNINGHOFF, BRIGGS, CARROLL,
COHEN, DAVIS, GIBBONS, GINGRICH, F. KELLER, MASSER, MILLARD,
MULLERY, MUNDY, PAINTER, PASHINSKI, PYLE, RAVENSTAHL,
ROEBUCK, SAYLOR, WATSON, HARKINS AND MURT, MAY 30, 2013

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 30, 2013

AN ACT

1 Amending the act of May 22, 1951 (P.L.317, No.69), entitled, as
2 amended, "An act relating to the practice of professional
3 nursing; providing for the licensing of nurses and for the
4 revocation and suspension of such licenses, subject to
5 appeal, and for their reinstatement; providing for the
6 renewal of such licenses; regulating nursing in general;
7 prescribing penalties and repealing certain laws," further
8 providing for definitions; providing for nomenclature; and
9 further providing for clinical nurse specialist and
10 qualifications and for scope of practice for clinical nurse
11 specialist.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 2 of the act of May 22, 1951 (P.L.317,
15 No.69), known as The Professional Nursing Law, amended December
16 20, 1985 (P.L.409, No.109), June 29, 2002 (P.L.651, No.99),
17 December 9, 2002 (P.L.1567, No.206) and July 20, 2007 (P.L.320,
18 No.49) is amended to read:

19 Section 2. Definitions.--When used in this act, the
20 following words and phrases shall have the following meanings
21 unless the context provides otherwise:

1 (1) The "Practice of Professional Nursing" means diagnosing
2 and treating human responses to actual or potential health
3 problems through such services as casefinding, health teaching,
4 health counseling, and provision of care supportive to or
5 restorative of life and well-being, and executing medical
6 regimens as prescribed by a licensed physician or dentist. The
7 foregoing shall not be deemed to include acts of medical
8 diagnosis or prescription of medical therapeutic or corrective
9 measures, except as performed by a certified registered nurse
10 practitioner acting in accordance with rules and regulations
11 promulgated by the Board.

12 (2) "Board" means the State Board of Nursing.

13 (3) "Approved" means approved by the State Board of Nursing.

14 (4) "Diagnosing" means that identification of and
15 discrimination between physical and psychosocial signs and
16 symptoms essential to effective execution and management of the
17 nursing regimen.

18 (5) "Treating" means selection and performance of those
19 therapeutic measures essential to the effective execution and
20 management of the nursing regimen, and execution of the
21 prescribed medical regimen.

22 (6) "Human responses" means those signs, symptoms and
23 processes which denote the individual's interaction with an
24 actual or potential health problem.

25 (7) The "Practice of dietetics-nutrition" means the
26 integration and application of principles derived from the
27 sciences of food nutrition, biochemistry, physiology, management
28 and behavior to provide for all aspects of nutrition therapy for
29 individuals and groups, including nutrition therapy services and
30 medical nutrition therapy, compatible with dietitian-

1 nutritionist education and professional competence.

2 (8) "Department" means the Department of State of the
3 Commonwealth.

4 (9) "Licensed dietitian-nutritionist" means a dietitian-
5 nutritionist who holds a current license under this act.

6 (10) "Medical nutrition therapy" means the component of
7 nutrition therapy that concerns determining and recommending
8 nutrient needs based on nutritional assessment and medical
9 problems relative to diets prescribed by a licensed physician,
10 including:

11 (i) tube feedings;

12 (ii) specialized intravenous solutions;

13 (iii) specialized oral solutions; and

14 (iv) interactions of prescription drugs with food or
15 nutrients.

16 (11) "Nutrition therapy services" means assessing the
17 nutritional needs of individuals and groups, considering the
18 resources and constraints in the practice setting, providing
19 nutrition counseling in health and disease, developing,
20 implementing and managing:

21 (i) nutrition therapy of; and

22 (ii) food service systems for

23 individuals and groups and maintaining appropriate standards of
24 quality in food and nutrition therapy services for individuals
25 and groups.

26 (12) "Certified registered nurse practitioner" means a
27 registered nurse licensed in this Commonwealth who is certified
28 by the board in a particular clinical specialty area.

29 (13) "Collaboration" means a process in which a certified
30 registered nurse practitioner works with one or more physicians

1 to deliver health care services within the scope of the
2 certified registered nurse practitioner's expertise. The process
3 includes all of the following:

4 (i) Immediate availability of a licensed physician to a
5 certified registered nurse practitioner through direct
6 communications or by radio, telephone or telecommunications.

7 (ii) A predetermined plan for emergency services.

8 (iii) A physician available to a certified registered nurse
9 practitioner on a regularly scheduled basis for referrals,
10 review of the standards of medical practice incorporating
11 consultation and chart review, drug and other medical protocols
12 within the practice setting, periodic updating in medical
13 diagnosis and therapeutics and cosigning records when necessary
14 to document accountability by both parties.

15 (14) "Drug Review Committee" means the committee established
16 in section 8.4 whose function is to approve or disapprove, by
17 addition or deletion, the categories of drugs that may be
18 prescribed by certified registered nurse practitioners.

19 (15) "Clinical nurse specialist" or "advanced practice
20 registered nurse-clinical nurse specialist" means a registered
21 nurse licensed in this Commonwealth [who is certified by the
22 State Board of Nursing as a clinical nurse specialist.] to
23 practice independently in a particular clinical specialty area
24 in which the registered nurse is certified.

25 (16) "Mental health diagnosis" means the selection of a
26 disorder from the most recent version of the Diagnostic &
27 Statistical Manual of Mental Disorders.

28 (17) "Non-proprietary drug" means a drug containing any
29 quantity of any controlled substance or any drug which is
30 required by any applicable Federal or State law to be dispensed

1 only by prescription.

2 (18) "Proprietary drug" means a non-prescription, non-
3 narcotic medicine or drug which may be sold without a
4 prescription and which is prepackaged for use by the consumer
5 and labeled in accordance with Federal and State law.

6 Section 2. The act is amended by adding a section to read:
7 Section 3.2. Use of Title and Abbreviation "A.P.R.N.-C.N.S."

8 A registered nurse who is licensed and certified by the board
9 as a clinical nurse specialist in a particular clinical
10 specialty area is entitled to use the title "advanced practice
11 registered nurse-clinical nurse specialist" and the letters
12 "A.P.R.N.-C.N.S." It shall be unlawful for any other person to
13 use the title "advanced practice registered nurse-clinical nurse
14 specialist" or the letters "A.P.R.N.-C.N.S."

15 Section 3. Sections 8.5 and 8.6 of the act, added July 20,
16 2007 (P.L.320, No.49), are amended to read:

17 Section 8.5. Clinical Nurse Specialist; Qualifications.--(a)
18 The board may certify a licensed registered nurse as a clinical
19 nurse specialist if the nurse satisfies the requirements
20 established by this act. Certification of a clinical nurse
21 specialist by the board shall expire on the same date as the
22 license of that nurse expires. Beginning on the effective date
23 of this section, a nurse shall not qualify for initial
24 certification by the board unless the nurse holds a master's
25 degree, doctoral degree or post-master's certificate from an
26 educational program in nursing that has been approved by the
27 board and that prepares graduates to practice as a clinical
28 nurse specialist and:

29 (1) holds current [national certification as a clinical
30 nurse specialist in a designated specialty or in an area

1 pertinent to the designated specialty;] certification as a
2 clinical nurse specialist from a board-recognized national
3 certification program that requires passing a national
4 certifying examination in the particular clinical specialty area
5 in which the nurse is seeking licensure by the board. This
6 paragraph shall not apply to a licensed registered nurse who
7 holds current certification by the board as a clinical nurse
8 specialist on the effective date of this paragraph. The board
9 shall issue appropriate written notice of the validity of the
10 certification to any person who is certified as a clinical nurse
11 specialist on the effective date of this paragraph. The issuance
12 of the notice shall not be a condition precedent to practice as
13 a clinical nurse specialist;

14 (2) meets equivalence requirements as specified in
15 regulations of the board where there is no certification
16 examination available in the specialty area; and

17 (3) meets all other board requirements to practice as a
18 clinical nurse specialist.

19 (b) Individuals who completed an educational program in a
20 related discipline previously recognized for national
21 certification as a clinical nurse specialist from a board-
22 recognized national certification organization shall be issued
23 certification by the board upon:

24 (1) submitting evidence of having current American Nurses
25 Association or American Nurses Credentialing Center
26 certification; and

27 (2) submitting an application to the board.

28 (c) As a condition of biennial certificate renewal by the
29 board, a clinical nurse specialist shall:

30 (1) Pay a renewal fee as set by the board.

1 (2) In the two years prior to certification renewal,
2 complete at least thirty (30) hours of continuing education
3 approved by the board, as required by section 12.1. A clinical
4 nurse specialist who has prescriptive authority shall complete
5 at least sixteen (16) hours of board-approved continuing
6 education in pharmacology in the two-year biennial renewal date
7 of the certification.

8 (d) For certification under this act, a licensed registered
9 nurse shall file a board-prepared application with the board and
10 pay a fee as established by the board by regulation.

11 (e) A clinical nurse specialist practicing in this
12 Commonwealth shall maintain a level of professional liability
13 coverage as required for a nonparticipating health care provider
14 under the act of March 20, 2002 (P.L.154, No.13), known as the
15 "Medical Care Availability and Reduction of Error (Mcare) Act,"
16 and shall not be eligible to participate in the Medical Care
17 Availability and Reduction of Error (Mcare) Fund.

18 Section 8.6. Scope of Practice for Clinical Nurse
19 Specialist.--(a) [Nothing] Except as authorized under this
20 section, nothing in this act shall permit a clinical nurse
21 specialist to engage in the practice of medicine or surgery as
22 defined in the act of December 20, 1985 (P.L.457, No.112), known
23 as the "Medical Practice Act of [1985"; perform acts of medical
24 diagnosis; or prescribe medical therapeutic or corrective
25 measures. The restrictions in this subsection apply to both
26 physical and mental disorders.] 1985."

27 (b) Nothing in this act shall be construed to limit or
28 prohibit a clinical nurse specialist from engaging in those
29 activities which normally constitute the practice of nursing,
30 including a nursing diagnosis, as defined in section 2.

1 (c) In addition to all other tasks in which a licensed
2 registered nurse is authorized to perform, a clinical nurse
3 specialist may manage preventive health care services and
4 diagnose and manage deviations from wellness and long-term
5 illnesses based on the needs of the patient and consistent with
6 clinical practice as defined by the national certifying agency
7 by all of the following:

8 (1) Initiating laboratory and other diagnostic tests.

9 (2) Prescribing or ordering medications and devices as
10 authorized under subsection (d).

11 (3) Ordering treatments.

12 (4) Making referrals to other licensed health care
13 professionals and receiving referrals from the licensed
14 health care professionals.

15 (5) Establishing a mental health diagnosis.

16 (6) Seeking consultations to other licensed health care
17 professionals and receiving consultations from the licensed
18 health care professionals.

19 (7) Performing specific procedures as needed.

20 (8) Conducting physical or psychiatric examinations.

21 (d) Notwithstanding section 8.4, a clinical nurse specialist
22 may prescribe and dispense proprietary and non-proprietary drugs
23 if the clinical nurse specialist:

24 (1) has successfully completed at least forty-five (45)
25 hours of coursework specific to advanced pharmacology at a
26 level above that required by a professional nursing education
27 program; and

28 (2) acts in accordance with regulations promulgated by
29 the board.

30 The subsection is subject to any restrictions imposed by Federal

1 law or board regulations.

2 (e) A clinical nurse specialist is entitled to:

3 (1) practice as a licensed independent practitioner
4 within the scope of practice of the particular clinical
5 specialty area or population-focus area in which the nurse is
6 certified by the board; and

7 (2) be reimbursed directly by insurers and other third-
8 party payors.

9 Section 4. This act shall take effect in 60 days.