

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1254 Session of 2007

INTRODUCED BY GIBBONS, BELFANTI, CURRY, EACHUS, FREEMAN, GEIST, GRUCELA, PETRONE, SAYLOR, YOUNGBLOOD, MURT, SOLOBAY, KULA, SIPTROTH, CREIGHTON, KORTZ, HORNAMAN, GERGELY, FABRIZIO, JAMES AND THOMAS, MAY 10, 2007

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 20, 2007

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," adding
8 definitions PROVIDING FOR THE DEFINITION OF "CLINICAL NURSE
9 SPECIALIST"; and providing for clinical nurse specialists.

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<—

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 2 of the act of May 22, 1951 (P.L.317,
13 No.69), known as The Professional Nursing Law, is amended by
14 adding clauses A CLAUSE to read:

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

18 \* \* \*

19 (15) "Clinical nurse specialist" means a registered nurse
20 licensed in this Commonwealth who is certified by the State

1 Board of Nursing as a clinical nurse specialist.

2 ~~(16) "Practice of clinical nurse specialist" means the~~ <—  
3 ~~provision of direct and indirect nursing care at the advanced~~  
4 ~~level.~~

5 Section 2. Section 3 of the act, amended December 20, 1985  
6 (P.L.409, No.109), is amended to read:

7 Section 3. Registered Nurse, Clinical Nurse Specialist, Use  
8 of Title and Abbreviation "R.N." or "C.N.S."; Credentials;

9 Fraud.--(a) Any person who holds a license to practice  
10 professional nursing in this Commonwealth, or who is maintained  
11 on inactive status in accordance with section 11 of this act,  
12 shall have the right to use the title "registered nurse" and the  
13 abbreviation "R.N." No other person shall engage in the practice  
14 of professional nursing or use the title "registered nurse" or  
15 the abbreviation "R.N." to indicate that the person using the  
16 same is a registered nurse. No person shall sell or fraudulently  
17 obtain or fraudulently furnish any nursing diploma, license,  
18 record, or registration or aid or abet therein.

19 ~~(b) Any person~~ AN INDIVIDUAL who holds a license to practice <—  
20 professional nursing in this Commonwealth who meets the  
21 requirements to be a clinical nurse specialist shall have the  
22 right to use the title "clinical nurse specialist" and the  
23 abbreviation "C.N.S." No other person shall have that right.

24 Section 3. Sections 6.2 and 7 of the act are amended by  
25 adding subsections to read:

26 Section 6.2. Education Programs, Approved Lists,  
27 Distribution; Student Credits Where School Removed from List.--\*

28 \* \*

29 (c) Educational programs for the education of clinical nurse  
30 specialists that are operated within a regionally accredited

1 college or university and that culminate in at least a master's  
2 degree or doctorate in nursing or a post-master's certificate in  
3 nursing, with a concentration in the role of the clinical nurse  
4 specialist and that are approved by a national accrediting body  
5 for nursing education programs recognized by the board shall be  
6 considered approved programs ONLY for the purposes of conferring ←  
7 certification to practice as a clinical nurse specialist:

8 (1) Within ninety (90) days of the effective date of this  
9 subsection, the board shall announce on its Internet website the  
10 recognized national accrediting bodies for purposes of this  
11 subsection.

12 (2) Within one hundred eighty (180) days of the effective  
13 date of this subsection, education programs meeting these  
14 requirements shall submit the name, address and telephone number  
15 of the program; name and curriculum vitae of the program  
16 director; and proof of accreditation to the board by a national  
17 accrediting body recognized by the board for inclusion on the  
18 list of approved clinical nurse specialist education programs.

19 (3) Programs created more than six (6) months after the  
20 effective date of this subsection shall submit the information  
21 required in this subsection to the board for inclusion on the  
22 list of approved programs.

23 Section 7. Graduates of Schools of Other States, Territories  
24 or Dominion of Canada.--\* \* \*

25 (c) The board may issue a certification to clinical nurse  
26 specialists who have completed a course of study considered by  
27 the board to be equivalent to that required in this Commonwealth  
28 at the time such course was completed or who is licensed or  
29 certified by another state, territory or possession of the  
30 United States or a foreign country as deemed equivalent to

1 Pennsylvania's certification requirements, and who has met all  
2 the requirements as to character and preliminary education  
3 elsewhere in this act.

4 Section 4. The act is amended by adding sections to read:

5 Section 8.5. Clinical Nurse Specialist; Qualifications.--(a)

6 The board may certify a licensed registered nurse as a clinical  
7 nurse specialist if the nurse satisfies the requirements  
8 established by this act. Certification of a clinical nurse  
9 specialist by the board shall expire on the same date as the  
10 license of that nurse expires. Beginning on the effective date  
11 of this section, a nurse shall not qualify for initial  
12 certification by the board unless the nurse holds a master's  
13 degree, doctoral degree or post-master's certificate from an  
14 educational program in nursing that has been approved by the  
15 board and that prepares graduates to practice as a clinical  
16 nurse specialist and:

17 (1) holds current national certification as a clinical nurse  
18 specialist in a designated specialty or in an area pertinent to  
19 the designated specialty;

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

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

25 (b) ~~Persons~~ INDIVIDUALS who completed an educational program ←  
26 in a related discipline previously recognized for national  
27 certification as a clinical nurse specialist from a board-  
28 recognized national certification organization shall be issued  
29 certification by the board upon:

30 (1) submitting evidence of having current American Nurses

1 Association or American Nurses Credentialing Center

2 certification; and

3 (2) submitting an application to the board.

4 ~~(c) As a condition for biennial renewal of certification by~~ <—  
5 ~~the board, a clinical nurse specialist must, in the two years~~  
6 ~~prior to renewal, complete at least thirty (30) hours of~~  
7 ~~continuing education approved by the board.~~

8 ~~(d) For initial certification under this act, the currently~~  
9 ~~practicing clinical nurse specialist shall file an application~~  
10 ~~with the board and pay an initial certification fee of one~~  
11 ~~hundred dollars (\$100). The board may amend the initial~~  
12 ~~certification fee by regulation.~~

13 ~~(e) A clinical nurse specialist practicing in this~~  
14 ~~Commonwealth whose employer does not provide professional~~  
15 ~~liability coverage shall maintain a level of professional~~  
16 ~~liability coverage required by law of a physician providing~~  
17 ~~similar health care services in this Commonwealth, but shall not~~  
18 ~~be eligible to participate in the Medical Care Availability and~~  
19 ~~Reduction of Error (Mcare) Fund.~~

20 ~~Section 8.6. Scope of Practice for Clinical Nurse~~  
21 ~~Specialists. Nothing in this act shall be construed to limit or~~  
22 ~~prohibit a clinical nurse specialist from engaging in those~~  
23 ~~activities which normally constitute the practice of nursing as~~  
24 ~~defined in section 2.~~

25 (C) AS A CONDITION OF BIENNIAL CERTIFICATE RENEWAL BY THE <—  
26 BOARD, A CLINICAL NURSE SPECIALIST SHALL:

27 (1) PAY A RENEWAL FEE AS SET BY THE BOARD.

28 (2) IN THE TWO YEARS PRIOR TO CERTIFICATION RENEWAL,  
29 COMPLETE AT LEAST THIRTY (30) HOURS OF CONTINUING EDUCATION  
30 APPROVED BY THE BOARD, AS REQUIRED BY SECTION 12.1.

1       (D) FOR CERTIFICATION UNDER THIS ACT, A LICENSED REGISTERED  
2 NURSE SHALL FILE A BOARD-PREPARED APPLICATION WITH THE BOARD AND  
3 PAY A FEE AS ESTABLISHED BY THE BOARD BY REGULATION.

4       (E) A CLINICAL NURSE SPECIALIST PRACTICING IN THIS  
5 COMMONWEALTH SHALL MAINTAIN A LEVEL OF PROFESSIONAL LIABILITY  
6 COVERAGE AS REQUIRED FOR A NONPARTICIPATING HEALTH CARE PROVIDER  
7 UNDER THE ACT OF MARCH 20, 2002 (P.L.154, NO.13), KNOWN AS THE  
8 "MEDICAL CARE AVAILABILITY AND REDUCTION OF ERROR (MCARE) ACT,"  
9 AND SHALL NOT BE ELIGIBLE TO PARTICIPATE IN THE MEDICAL CARE  
10 AVAILABILITY AND REDUCTION OF ERROR (MCARE) FUND.

11       SECTION 8.6. SCOPE OF PRACTICE FOR CLINICAL NURSE  
12 SPECIALIST.--(A) NOTHING IN THIS ACT SHALL PERMIT A CLINICAL  
13 NURSE SPECIALIST TO ENGAGE IN THE PRACTICE OF MEDICINE OR  
14 SURGERY AS DEFINED IN THE ACT OF DECEMBER 20, 1985 (P.L.457,  
15 NO.112), KNOWN AS THE "MEDICAL PRACTICE ACT OF 1985"; PERFORM  
16 ACTS OF MEDICAL DIAGNOSIS; OR PRESCRIBE MEDICAL THERAPEUTIC OR  
17 CORRECTIVE MEASURES. THE RESTRICTIONS IN THIS SUBSECTION APPLY  
18 TO BOTH PHYSICAL AND MENTAL DISORDERS.

19       (B) NOTHING IN THIS ACT SHALL BE CONSTRUED TO LIMIT OR  
20 PROHIBIT A CLINICAL NURSE SPECIALIST FROM ENGAGING IN THOSE  
21 ACTIVITIES WHICH NORMALLY CONSTITUTE THE PRACTICE OF NURSING,  
22 INCLUDING A NURSING DIAGNOSIS, AS DEFINED IN SECTION 2.

23       Section 5. The State Board of Nursing shall promulgate  
24 regulations to implement the amendment or addition of sections  
25 2(15) and (16), 3, 6.2(c), 7(c), 8.5 and 8.6 of the act within  
26 18 months of the effective date of this act.

27       Section 6. This act shall take effect in 60 days.