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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1254 Session of  
2007

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

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 12, 2007

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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," providing  
8 for the definition of "clinical nurse specialist"; and  
9 providing for clinical nurse specialists.

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 a clause to read:

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

4 Section 3. Registered Nurse, Clinical Nurse Specialist, Use  
5 of Title and Abbreviation "R.N." or "C.N.S."; Credentials;  
6 Fraud.--(a) Any person who holds a license to practice  
7 professional nursing in this Commonwealth, or who is maintained  
8 on inactive status in accordance with section 11 of this act,  
9 shall have the right to use the title "registered nurse" and the  
10 abbreviation "R.N." No other person shall engage in the practice  
11 of professional nursing or use the title "registered nurse" or  
12 the abbreviation "R.N." to indicate that the person using the  
13 same is a registered nurse. No person shall sell or fraudulently  
14 obtain or fraudulently furnish any nursing diploma, license,  
15 record, or registration or aid or abet therein.

16 (b) An individual who holds a license to practice  
17 professional nursing in this Commonwealth who meets the  
18 requirements UNDER SECTIONS 6.2 AND 8.5 OF THIS ACT to be a <—  
19 clinical nurse specialist shall have the right to use the title  
20 "clinical nurse specialist" and the abbreviation "C.N.S." No  
21 other person shall have that right.

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

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

26 \* \*

27 (c) (1) Educational programs for the education of clinical <—  
28 nurse specialists that are operated within a regionally  
29 accredited college or university and that culminate in at least <—  
30 a master's degree or doctorate in nursing or a post master's

1 ~~certificate in nursing, with a concentration in the role of the~~  
2 ~~clinical nurse specialist and that are approved by a national~~  
3 ~~accrediting body~~ AND WHERE A MASTER'S DEGREE, DOCTORATE IN <—  
4 NURSING OR A POST MASTER'S DEGREE IS AWARDED, WITH A PROGRAM  
5 CONCENTRATION IN THE ROLE OF A CLINICAL NURSE SPECIALIST. THESE <—  
6 PROGRAMS SPECIALIST, MUST BE APPROVED BY A NATIONAL ACCREDITING <—  
7 BODY for nursing education programs recognized by the board AND <—  
8 shall be considered approved programs only for the purposes of  
9 conferring certification to practice as a clinical nurse  
10 specialist. <—

11 ~~(1)~~ (2) Within ninety (90) days of the effective date of <—  
12 this subsection, the board shall announce on its Internet  
13 website the recognized national accrediting bodies for purposes  
14 of this subsection.

15 ~~(2)~~ (3) Within one hundred eighty (180) days of the <—  
16 effective date of this subsection, education programs meeting  
17 these requirements shall submit the name, address and telephone  
18 number of the program; name and curriculum vitae of the program  
19 director; and proof of accreditation to the board by a national  
20 accrediting body recognized by the board for inclusion on the  
21 list of approved clinical nurse specialist education programs.

22 ~~(3)~~ (4) Programs created more than six (6) months after the <—  
23 effective date of this subsection shall submit the information  
24 required in this subsection to the board for inclusion on the  
25 list of approved programs.

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

28 ~~(c)~~ The board may issue a certification to A clinical nurse <—  
29 ~~specialists who have~~ SPECIALIST WHO HAS completed a course of <—  
30 study considered by the board to be equivalent to that required

1 in this Commonwealth UNDER SECTIONS 6.2 AND 8.5 OF THIS ACT at  
2 the time such course was completed or who is licensed or  
3 certified by another state, territory or possession of the  
4 United States or a foreign country as deemed equivalent to  
5 Pennsylvania's certification requirements, and who has met all  
6 the requirements as to character and preliminary education  
7 elsewhere in this act.

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

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

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

21 (1) holds current national certification as a clinical nurse  
22 specialist in a designated specialty or in an area pertinent to  
23 the designated specialty;

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

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

29 (b) Individuals who completed an educational program in a  
30 related discipline previously recognized for national

1 certification as a clinical nurse specialist from a board-  
2 recognized national certification organization shall be issued  
3 certification by the board upon:

4 (1) submitting evidence of having current American Nurses  
5 Association or American Nurses Credentialing Center  
6 certification; and

7 (2) submitting an application to the board.

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

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

11 (2) In the two years prior to certification renewal,  
12 complete at least thirty (30) hours of continuing education  
13 approved by the board, as required by section 12.1.

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

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

24 Section 8.6. Scope of Practice for Clinical Nurse  
25 Specialist.--(a) Nothing in this act shall permit a clinical  
26 nurse specialist to engage in the practice of medicine or  
27 surgery as defined in the act of December 20, 1985 (P.L.457,  
28 No.112), known as the "Medical Practice Act of 1985"; perform  
29 acts of medical diagnosis; or prescribe medical therapeutic or  
30 corrective measures. The restrictions in this subsection apply

1 to both physical and mental disorders.

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

6 Section 5. The State Board of Nursing shall promulgate  
7 regulations to implement the amendment or addition of sections  
8 2(15) and (16), 3, 6.2(c), 7(c), 8.5 and 8.6 of the act within  
9 18 months of the effective date of this act.

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