
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1238 Session of
2015

INTRODUCED BY BARRAR, CARROLL, COHEN, GERGELY, GIBBONS,
GINGRICH, HARKINS, MCGINNIS, MILLARD, MULLERY, MURT, ROEBUCK,
SAYLOR, TOPPER AND KORTZ, MAY 28, 2015

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 28, 2015

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 use of title and
9 abbreviation; and further providing for clinical nurse
10 specialist and qualifications and for scope of practice for
11 clinical nurse specialist.

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

14 Section 1. Section 2(15) of the act of May 22, 1951
15 (P.L.317, No.69), known as The Professional Nursing Law, added
16 July 20, 2007 (P.L.320, No.49), is amended and the section is
17 amended by adding clauses to read:

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

21 * * *

22 (15) "Clinical nurse specialist" means a registered nurse

1 licensed in this Commonwealth [who is certified by the State
2 Board of Nursing as a clinical nurse specialist] to practice in
3 a particular clinical specialty area in which the registered
4 nurse is certified.

5 (16) "Mental health diagnosis" means the selection of a
6 disorder from the most recent edition of the Diagnostic and
7 Statistical Manual of Mental Disorders.

8 (17) "Nonproprietary drug" means a drug containing any
9 quantity of a controlled substance or any drug which requires a
10 prescription pursuant to an applicable Federal or State law.

11 (18) "Proprietary drug" means a nonprescription, nonnarcotic
12 medicine or drug which is prepackaged for use by the consumer
13 and labeled in accordance with Federal and State laws.

14 Section 2. The act is amended by adding a section to read:
15 Section 3.2. Use of title and abbreviation.

16 A registered nurse who is licensed and certified by the board
17 as a clinical nurse specialist in a particular clinical
18 specialty is entitled to use the title "advanced practice
19 registered nurse-clinical nurse specialist" and the letters
20 "A.P.R.N.-C.N.S." It shall be unlawful for any other person to
21 use the title "advanced practice registered nurse-clinical nurse
22 specialist" or the letters "A.P.R.N.-C.N.S."

23 Section 3. Sections 8.5 and 8.6 of the act, added July 20,
24 2007 (P.L.320, No.49), are amended to read:

25 Section 8.5. Clinical Nurse Specialist; Qualifications.--(a)
26 The board may certify a licensed registered nurse as a clinical
27 nurse specialist if the nurse satisfies the requirements
28 established by this act. Certification of a clinical nurse
29 specialist by the board shall expire on the same date as the
30 license of that nurse expires. Beginning on the effective date

1 of this section, a nurse shall not qualify for initial
2 certification by the board unless the nurse holds a master's
3 degree, doctoral degree or post-master's certificate from an
4 educational program in nursing that has been approved by the
5 board and that prepares graduates to practice as a clinical
6 nurse specialist and:

7 (1) holds current [national certification as a clinical
8 nurse specialist in a designated specialty or in an area
9 pertinent to the designated specialty] certification as a
10 clinical nurse specialist from a board-recognized national
11 certification program that requires passing a national
12 certifying examination in the particular clinical specialty area
13 in which the nurse is seeking licensure by the board;

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 (a.1) Subsection (a)(1) may not apply to a licensed
20 registered nurse who holds certification by the board to
21 practice as a clinical nurse on the effective date of this
22 subsection. The board shall issue appropriate written notice of
23 the validity of the certification to any person who is certified
24 as a clinical nurse specialist on the effective date of this
25 subsection. The issuance of the notice may not be a condition to
26 practice as a clinical nurse specialist.

27 (b) Individuals who completed an educational program in a
28 related discipline previously recognized for national
29 certification as a clinical nurse specialist from a board-
30 recognized national certification organization shall be issued

1 certification by the board upon:

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

5 (2) submitting an application to the board.

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

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

9 (2) In the two years prior to certification renewal,
10 complete at least thirty (30) hours of continuing education
11 approved by the board, as required by section 12.1. A clinical
12 nurse specialist who has prescriptive authority shall complete
13 at least sixteen (16) hours of board-approved continuing
14 education in pharmacology in the biennial renewal date of the
15 certification.

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

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

26 Section 8.6. Scope of Practice for Clinical Nurse
27 Specialist.--(a) Nothing in this act shall permit a clinical
28 nurse specialist to engage in the practice of medicine or
29 surgery as defined in the act of December 20, 1985 (P.L.457,
30 No.112), known as the "Medical Practice Act of [1985"; perform

1 acts of medical diagnosis; or prescribe medical therapeutic or
2 corrective measures. The restrictions in this subsection apply
3 to both physical and mental disorders.] 1985."

4 (b) [Nothing] Except as provided under this section, nothing
5 in this act shall be construed to limit or prohibit a clinical
6 nurse specialist from engaging in those activities which
7 normally constitute the practice of nursing, including a nursing
8 diagnosis, as defined in section 2.

9 (c) In addition to all other tasks which a licensed
10 registered nurse is authorized to perform, a clinical nurse
11 specialist may manage preventive health care services, diagnose
12 and manage deviations from wellness and long-term illnesses
13 based on the needs of the patient and shall be consistent with
14 clinical practice as defined by the national certifying agency
15 by all of the following:

16 (1) Initiating laboratory and other diagnostic tests.

17 (2) Prescribing or ordering medications and devices as
18 authorized under subsection (d).

19 (3) Ordering treatments.

20 (4) Making referrals to other licensed health care
21 professionals and receiving referrals from the licensed health
22 care professionals.

23 (5) Establishing a mental health diagnosis.

24 (6) Seeking consultations to other licensed health care
25 professionals and receiving consultations from the licensed
26 health care professionals.

27 (7) Performing specific procedures as needed.

28 (8) Conducting physical or psychiatric examinations.

29 (d) Notwithstanding section 8.4 and subject to any
30 restrictions imposed by Federal law or board regulations, a

1 clinical nurse specialist may prescribe and dispense proprietary
2 and nonproprietary drugs if the clinical nurse specialist:

3 (1) has successfully completed at least forty-five (45)
4 hours of coursework specific to advanced pharmacology at a level
5 above that required by a professional nursing education program;
6 and

7 (2) acts in accordance with regulations promulgated by the
8 board.

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

10 (1) practice within the scope of practice of the particular
11 clinical specialty area or population-focus area in which the
12 nurse is certified by the board; and

13 (2) be reimbursed directly by insurers and other third-party
14 payors.

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