

No. 2007-49

## AN ACT

HB 1254

Amending the act of May 22, 1951 (P.L.317, No.69), entitled, as amended, "An act relating to the practice of professional nursing; providing for the licensing of nurses and for the revocation and suspension of such licenses, subject to appeal, and for their reinstatement; providing for the renewal of such licenses; regulating nursing in general; prescribing penalties and repealing certain laws," providing for the definition of "clinical nurse specialist"; and providing for clinical nurse specialists.

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

Section 1. Section 2 of the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, is amended by adding a clause to read:

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

\* \* \*

**(15) "Clinical nurse specialist" means a registered nurse licensed in this Commonwealth who is certified by the State Board of Nursing as a clinical nurse specialist.**

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

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

**(b) An individual who holds a license to practice professional nursing in this Commonwealth who meets the requirements under sections 6.2 and 8.5 of this act to be a clinical nurse specialist shall have the right to use the title "clinical nurse specialist" and the abbreviation "C.N.S." No other person shall have that right.**

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

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

*(c) (1) Educational programs for the education of clinical nurse specialists that are operated within a regionally accredited college or university and where a master's degree, doctorate in nursing or a post-master's degree is awarded, with a program concentration in the role of a clinical nurse specialist, must be approved by a national accrediting body for nursing education programs recognized by the board and shall be considered approved programs only for the purposes of conferring certification to practice as a clinical nurse specialist.*

*(2) Within ninety (90) days of the effective date of this subsection, the board shall announce on its Internet website the recognized national accrediting bodies for purposes of this subsection.*

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

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

Section 7. Graduates of Schools of Other States, Territories or Dominion of Canada.—\* \* \*

*(c) The board may issue a certification to a clinical nurse specialist who has completed a course of study considered by the board to be equivalent to that required in this Commonwealth under sections 6.2 and 8.5 of this act at the time such course was completed, or who is licensed or certified by another state, territory or possession of the United States or a foreign country as deemed equivalent to Pennsylvania's certification requirements, and who has met all the requirements as to character and preliminary education elsewhere in this act.*

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

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

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

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

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

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

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

(2) *submitting an application to the board.*

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

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

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

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

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

**Section 8.6. Scope of Practice for Clinical Nurse Specialist.**—(a) *Nothing in this act shall permit a clinical nurse specialist to engage in the practice of medicine or surgery as defined in the act of December 20, 1985 (P.L.457, No.112), known as the "Medical Practice Act of 1985"; perform acts of medical diagnosis; or prescribe medical therapeutic or corrective measures. The restrictions in this subsection apply to both physical and mental disorders.*

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

Section 5. The State Board of Nursing shall promulgate regulations to implement the amendment or addition of sections 2(15),<sup>1</sup> 3, 6.2(c), 7(c), 8.5 and 8.6 of the act within 18 months of the effective date of this act.

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<sup>1</sup>"2(15) and (16)," in enrolled bill.

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

APPROVED—The 20th day of July, A.D. 2007.

EDWARD G. RENDELL