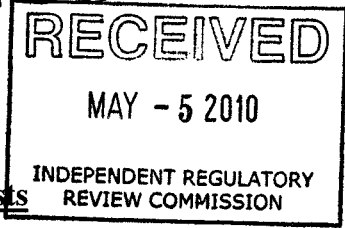


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**State Board of Nursing**  
**Regulation 16A-5133: Clinical Nurse Specialists**  
**Final Regulation**

**PROPOSAL:** Regulation 16A- 5133 is Final Rulemaking which was delivered to the House Professional Licensure Committee on April 19, 2010. The House Professional Licensure Committee has until May 10, 2010 to either approve or disapprove the Final Regulation 16A-5133.

Regulation 16A-5133 amends 49 Pa. Code, Chapter 21 by adding Subchapter H Clinical Nurse Specialists. This regulation implements Act 49 of 2007. The Final Regulation was amended.

The Committee considered the proposed regulation on June 25, 2008 and submitted one comment. A brief summary of the Committee’s comment and the response provided by the Board are included in this analysis.

**FINAL RULEMAKING ANALYSIS:**

Regulation 16A-5133 amends 49 Pa. Code, Chapter 21 by adding Subchapter H Clinical Nurse Specialists, Sections 21.801-21.831.

Section 21.801, Definitions, includes the following words and terms: “Act”, “Approved”, “Approved program”, “Board”, “Board-designated specialty”, “Board-recognized”, “Certification”, “CCNE-Commission on Collegiate Nursing Education”, “CNS-Clinical Nurse Specialist”, “National certification”, “National certification organization”, “NLNAC-National League for Nursing Accrediting Commission”. A CNS is defined as an individual licensed in this Commonwealth to practice professional nursing who meets the educational and examination or equivalency requirements of the act and who is certified by the Board as a clinical nurse specialist.

Section 21.802, Scope, specifies that the Board provides for certification of CNSs who meet the qualifications set forth in the act; administers the act by providing rules and regulations relating to the issuance and renewal of CNS certification and the conduct of CNSs; and regulates the practice of CNSs.

Section 21.803, Applicability of rules relating to professional nurses, states that the provisions of definitions, procedural matters, and the responsibilities of the registered nurse apply to CNSs.

Section 21.804, Approved educational programs, was renamed. The Board will approve educational programs and maintain a list of approved educational programs on its website. Educational programs that prepare nurses to practice as CNSs created after March 20, 2008 are required to submit evidence that the program meets the criteria for the Board to include them on the list of approved programs.

Section 21.805, Fees, creates the categories and sets the fees:

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- Certification as a CNS \$100
- Biennial renewal fee \$50
- Restoration of certificate after sanction \$50
- Restoration of certificate after 5 year or more \$50
- Fee for verification of certification \$15
- Fee for certification of license history \$30
- Application for approval of a CNS CE activity \$75

Additional fees, i.e. an examination fee, will be paid to the certifying organization by a candidate for National certification.

Section 21.811 sets forth the Qualifications for initial certification. The Board may certify an applicant for initial certification who has a current unrestricted license to practice professional nursing in the Commonwealth; or who has a master's degree, doctoral degree or post-master's degree or certificate in nursing from an educational program meeting statutory requirements; or who completed an educational program in a related discipline previously recognized for national certification as a CNS in the area of the applicant's current national certification from the American Nurses Association or the American Nurses Credentialing Center and files an application form and pays the fee. Provisions are outlined for applicants seeking initial certification for specialties with examination and those who meet educational requirements but are not eligible to take a national certification examination.

Section 21.812 sets forth the Qualifications for certification by endorsement; additional certification. An applicant who holds an unrestricted license, certification or authorization to practice as a CNS from another state, territory or possession of the United States or a foreign country and met the initial certification requirements equivalent to the Board's requirements and a current RN license in this Commonwealth may be granted a certification by endorsement. A CNS who is certified by the Board may apply for additional certification as long as the educational and National certification requirements for the additional certification are met.

Section 21.813 sets forth the process for the Application for certification. An applicant shall submit an application form and remit the certification fee and appropriate documentation, and whatever other supporting materials as requested in writing by the Board.

Section 21.821 sets forth the CNS standards of conduct. In addition to the standards of conduct for a professional nurse as required in Section 21.18, a CNS shall perform only those services that comprise the practice of professional nursing as statutorily defined. A CNS practicing in Pennsylvania shall maintain a statutorily required level of professional liability coverage.

Section 21.822 sets forth Biennial renewal of certification. The certification of a CNS will expire at the same time as the CNS's professional nursing license. As conditions of biennial renewal, a CNS shall hold a valid, unexpired and unrestricted professional nursing license and complete a minimum of 30 hours of Board- approved continuing education in the 2 years prior to renewal unless the requirement is waived by the Board or the CNS certification is on inactive status. The Board will forward notice of application renewal to each active CNS prior to the expiration of

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the current biennial period; upon approval of the renewal application having been accompanied by the renewal fee, the CNS will receive a certification for the current renewal period.

Section 21.823 sets forth CNS level continuing education; waiver; sanctions. In lieu of meeting the RN continuing education requirements, a CNS may submit proof of completion of the CNS continuing education requirements. Upon written request by the licensee, the Board may waive the requirements of continuing education in cases of illness or undue hardship. An individual failing to meet the CE requirements will be sanctioned pursuant to the schedule of civil penalties for nurses.

Section 21.824 sets forth the conditions for Inactive status and reactivation for continuing education. A CNS in inactive status is not required to comply with the CE requirements; however, upon application for reactivation of certification, documentation must be submitted which demonstrates that the CE requirements for the biennial period immediately preceding the application have been met.

Section 21.825, Sources of continuing education, lists the pre-approved providers and establishes a process for non-pre-approved providers to obtain Board approval. The providers of continuing education and credentialing organizations which meet the standards for program approval are listed. They are subject to reevaluation.

For continuing education offered by providers not listed, the provider or the CNS can apply for Board approval at least 90 days prior to the course.

Up to 4 hours may be approved for service as a teacher in a nursing education program, preceptor providing direct clinical supervision in a specialty, lecturer or speaker, and for publication in a refereed journal or other scholarly publication relating to the CNS's area of practice.

Subsection (g) was newly added to permit the Board to determine the number of hours awarded for academic coursework according to Section 21.132(b), relating to continuing education hours.

Section 21.826 sets forth the Requirements for continuing education courses. It specifies that each continuing education course shall have an established mechanism to measure quality, criteria for selecting and evaluating faculty and evaluating each participant who completes the course; an adequate physical facility and appropriate instructional materials; and an instructor with expertise in the subject matter being taught.

Section 21.827 sets forth the Continuing education course approval. A provider seeking approval must submit the full name and address of the provider, the title of the program, the dates, and location of the program, the facility name, a schedule of the program, the total hours requested, the method of certifying and assuring attendance, the course objectives, the target audience, the core subjects, the instruction and evaluation methods, and other information requested by the Board. As a condition for approval, a provider of continuing education courses must provide a certificate of completion to participants.

Section 21.828 sets forth CNS responsibilities. A CNS is required to maintain documentation of completion of continuing education courses containing specific information for five years. Falsification of information or the failure to complete the continuing education requirements by those who continue to practice as a CNS may result in formal disciplinary action.

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Section 21.831 sets forth Penalties for violations. Certification as a CNS may be suspended, revoked, or otherwise restricted and the Board may order remedial measures if it finds that a CNS engaged in medical diagnosis or the prescription of medical therapeutic or corrective measures which are statutorily prohibited, performed a service beyond the scope of practice of professional nursing as statutorily defined, or violated the act this subchapter or engaged in any conduct prohibited for professional nurses.

The Board did receive public comments to the regulation.

### SUMMARY OF COMMENT BY HOUSE PROFESSIONAL LICENSURE COMMITTEE TO THE PROPOSED REGULATION AND RESPONSE BY THE BOARD:

1. The Committee suggested that the Board include the requirement found in Section 8.5(e) of the Professional Nursing Law, that a CNS have professional liability insurance coverage as required for a non-participating health care provider under the Mcare Act.
  - The Board responded that it has referenced the section of the Act in Section 21.813(f).

RECOMMENDATION: It is recommended the House Professional Licensure Committee approve Final Regulation 16A-5133.

House of Representatives  
Professional Licensure Committee  
May 5, 2010 Revised