



**Pennsylvania  
Psychiatric Society**

The Pennsylvania  
District Branch of the  
American Psychiatric Association

\$2700

July 9, 2008

Ann Steffanic, Board Administrator  
State Board of Nursing  
P.O. Box 2649  
Harrisburg, PA 17105-2649

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

**RE: Proposed Clinical Nurse Specialist Regulations**

Dear Ms. Steffanic:

As President of the Pennsylvania Psychiatric Society (Society), I am writing to comment on the proposed clinical nurse specialist (CNS) regulations published for comment in the June 14, 2008, *Pennsylvania Bulletin*. The Society is an organization representing approximately 1,700+ psychiatrists practicing across the Commonwealth.

When reading the Board of Nursing proposed Regulations #16A-5133, we are extremely concerned that important, agreed-upon provisions within Act 49 of 2007 (Act) are noticeably absent in the proposed regulations. We will highlight those relevant portions below:

- Section 8.6. Scope of Practice for Clinical Nurse Specialists.

In the Act, it reads as follows:

*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.*

As a Society, we have worked closely with House and Senate members, the PA Academy of Family Physicians, and various representatives from the CNS field over the past few years to come up with consensus language detailed within Section 8.6 that would afford the CNS title recognition that was the focus of House Bill 1254 (Act 49 of 2007), while ensuring that the CNS would continue to practice within their scope currently afforded them in statute. For that reason, we must insist that this section be included in the proposed regulations verbatim. Placing this section within the regulations also allows the State Board of Nursing (the Board) to discipline those individuals who violate this provision more effectively, as provided in § 21.831 Penalties for Violations. The Society highly recommends that the scope of practice for CNS appear in the final regulations.

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- Section 8.5. Clinical Nurse Specialists; Qualifications.

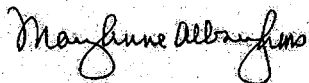
In Section 8.5 (e), the Act states that:

*(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.*

We are questioning why all other qualifications listed within the Act are included in the regulations but this particular sub-section was inadvertently omitted from the language. Regardless of why this section is absent from the proposed regulations, the Society recommends that this provision be added to § 21.811 Qualifications for initial certification.

The focus of Act 49 was to ensure that CNS' receive the title recognition that they deserve in order to be able to be reimbursed for the services they provide to their patients. CNS' play an important role on the treatment team for those individuals suffering from and receiving treatment and services for their mental illness. We are concerned that, by the lack of uniformity between the Act and the language proposed within Regulations #16A-5133, it will become burdensome for stakeholders, including the Board of Nursing, to correctly interpret the CNS' scope of practice or enforce the provisions detailed within the Act itself. The Society strongly urges the State Board of Nursing to revise their proposed regulations to better conform to the Act by including the above-referenced section prior to publishing final rulemaking. We stand available to work with you or to answer any questions you may have about our commentary within this document.

Sincerely,



Mary Anne Albaugh, MD  
President

Cc: Honorable Robert M. Tomlinson, Chair  
Senate Consumer Protection and Professional Licensure Committee  
Honorable P. Michael Sturla, Chair  
House Professional Licensure Committee  
Arthur Coccodrilli, Chairman  
Independent Regulatory Review Commission