



**Pennsylvania
Psychiatric Society**

The Pennsylvania
District Branch of the
American Psychiatric Association

September 26, 2008

Mr. Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, PA 17101

RE: Proposed Clinical Nurse Specialist Regulations

Dear Chairman Coccodrilli:

As President of the Pennsylvania Psychiatric Society (Society), I am writing to comment on the revised final version of the proposed clinical nurse specialist (CNS) regulations as approved by the State Board of Nursing on September 8, 2008. 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.

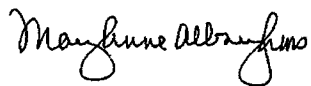
In Section 8.5 (e), the Act states that:

(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, to correctly interpret the CNS' scope of practice or enforce the provisions detailed within the Act itself. The Society strongly urges that the Commission request that the Board revises their proposed regulations to better conform to the Act by including the above-referenced section prior to publishing final rulemaking. Please feel free to contact me, or Society Executive Director Deborah Ann Shoemaker, at 1.800.422.2900 to answer any questions you may have about our commentary within this document. We look forward to continuing to work with you on issues related to mental health that affect the citizens we serve across the commonwealth on a daily basis.

Sincerely,



Mary Anne Albaugh, MD
President

cc: Teresa Lazo, Board Counsel, State Board of Nursing