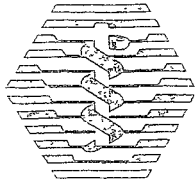


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Pennsylvania MEDICAL SOCIETY®

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INDEPENDENT REGULATORY
REVIEW COMMISSION

June 26, 2008

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

RE: Proposed Clinical Nurse Specialist Regulations

Dear Ms. Steffanic:

As President of the Pennsylvania Medical Society, I am writing to comment on the proposed clinical nurse specialist (CNS) regulations published for comment in the June 14, 2008, *Pennsylvania Bulletin*. I am specifically concerned about relevant provisions in the Act 49 of 2007 (Act) which are noticeably absent in the proposed regulations.

The first provision is 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.

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The regulation should specifically state that the CNS scope of practice is limited, as expressly stated in the Act. Placing this in the regulation 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 Medical Society recommends that the scope of practice for clinical nurse specialist appear in the final regulations.

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The second provision missing from the regulations is the requirement for a CNS to maintain professional liability coverage. This requirement appears in the Act under Section 8.5 (e) which states:

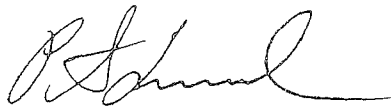
(e) A clinical nurse specialist practicing in this Commonwealth shall maintain a level of professional liability coverage as required for a

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

This particular subsection in the Act is placed under § 8.5 Clinical Nurse Specialist, Qualifications. The other listed qualifications are included in the proposed regulations, but this one did not. The Medical Society recommends that this provision be added to § 21.811 Qualifications for initial certification.

Act 49 legislation was intended to give the CNS the title recognition that they deserve. Keeping some provisions of the Act in the regulations and others out, makes it difficult for a layperson to properly interpret the intention of the legislation. The Medical Society strongly urges the State Board of Nursing to consider including the above referenced provisions in the regulations prior to publication as final.

Sincerely,



Peter S. Lund, MD, FACS
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