

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: Health and Human Services Appropriations Committee

---

BILL: CS/SB 248

INTRODUCER: Health Regulation Committee and Senator Saunders

SUBJECT: Nursing Specialties

DATE: April 13, 2007

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Munroe</u>	<u>Wilson</u>	<u>HR</u>	<u>Fav/CS</u>
2.	<u>Fabricant</u>	<u>Peters</u>	<u>HA</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

---

## I. Summary:

The bill defines “clinical nurse specialist practice” and defines “clinical nurse specialist” as any person licensed in Florida to practice professional nursing and certified in clinical nurse specialist practice. Procedures are specified for a nurse to be certified as a clinical nurse specialist. The bill revises the restrictions on the use of protected nursing titles and abbreviations to include “Clinical Nurse Specialist,” “Certified Registered Nurse Anesthetist,” or “Certified Nurse Midwife.”

This bill amends ss. 464.003, 464.012, 464.015, 464.016, 458.348, and 459.025, Florida Statutes.

The bill reenacts s. 921.0022(3)(g), F.S., for purposes of incorporating the amendment in the bill to s. 464.016, F.S.

The bill includes an appropriation from the Medical Quality Assurance Trust Fund.

This bill creates s. 464.0115, F.S.

## II. Present Situation:

Nursing is regulated under part I of chapter 464, F.S. The part provides definitions and requirements for nursing licensure of licensed practical nurses, registered nurses, and advanced registered nurse practitioners. The part specifies violations and limits the use of specified titles and abbreviations to only duly licensed or certified nurses who have met certain requirements.

Clinical nurse specialists are registered nurses who have graduate preparation in nursing as a clinical nurse specialist. Clinical nurse specialists are expert clinicians in a specialized area of

nursing practice. The specialty may be identified in terms of: a population (pediatrics, geriatrics, women's health); a setting (critical care, emergency room); a disease or medical subspecialty (diabetes, oncology); a type of care (psychiatric, rehabilitation); or a type of problem (e.g. pain, wounds, stress). In addition to providing direct patient care, clinical nurse specialists influence care outcomes by providing expert consultation for nursing staffs and by implementing improvements in health care delivery systems. Clinical nurse specialist practice integrates nursing practice, which focuses on assisting patients in the prevention or resolution of illness, with medical diagnosis and treatment of disease, injury and disability. Although the nursing designation, "Clinical Nurse Specialist" is recognized and licensed by over 20 states, the State of Florida does not recognize the designation for nursing licensure or certification.<sup>1</sup>

Advanced registered nurse practitioners may perform all duties of a registered nurse and advanced level nursing in accordance with established protocols, including managing selected medical problems, monitoring and altering drug therapies, initiating appropriate therapies for certain conditions, performing physical examinations, ordering and evaluating diagnostic tests, ordering physical and occupational therapy, and initiating and monitoring therapies for certain uncomplicated acute illnesses.

Part I of chapter 464, F.S., requires the Board of Nursing to adopt rules authorizing advanced registered nurse practitioners to perform acts of medical diagnosis and treatment, prescription, and operation which are identified and approved by a joint committee. Advanced registered nurse practitioners may perform medical acts under the general supervision of a medical physician, osteopathic physician, or dentist within the framework of standing protocols which identify the medical acts to be performed and the conditions for their performance. The Board of Nursing and the Board of Medicine have filed identical administrative rules setting forth standards for the protocols<sup>2</sup> which establish obligations on medical physicians, osteopathic physicians, and dentists who enter into protocol relationships with advanced registered nurse practitioners. The Board of Osteopathic Medicine and the Board of Dentistry, which have regulatory jurisdiction over osteopathic physicians and dentists, respectively, are not required to adopt administrative rules regarding the standards for advanced registered nurse practitioner protocols. Although advanced registered nurse practitioners may prescribe medications in accordance with a protocol, they cannot prescribe controlled substances.

### **III. Effect of Proposed Changes:**

Section 1 amends s. 464.003, F.S., to define "clinical nurse specialist practice" to mean the delivery and management of advanced practice nursing care to individuals or groups, including the ability to:

- Assess the health status of individuals and families using methods appropriate to the population and area of practice.
- Diagnose human responses to actual or potential health problems.
- Plan for health promotion, disease prevention, and therapeutic intervention in collaboration with the patient or client.

---

<sup>1</sup> National Council of State Boards of Nursing, "2002 - Profiles of Member Boards."

<sup>2</sup> See Rules 64B-4.010 and 64B-35.002, Florida Administrative Code.

- Implement therapeutic interventions based on the nurse specialist's area of expertise, including, but not limited to, direct nursing care, counseling, teaching, and collaboration with other licensed health care providers.
- Coordinate health care as necessary and appropriate and evaluate with the patient or client the effectiveness of care.

“Clinical nurse specialist” is defined as any person licensed in Florida to practice professional nursing and certified in clinical nurse specialist practice.

“Advanced registered nurse practitioner” is redefined to mean any person licensed in Florida to practice professional nursing and certified in advanced or specialized nursing practice, including certified registered nurse anesthetists, certified nurse midwives, and nurse practitioners.

Section 2 creates s. 464.0115, F.S., to provide procedures for a nurse to be certified as a clinical nurse specialist. A nurse who wants to be certified as a clinical nurse specialist must apply to the Department of Health (DOH) and submit proof that he or she holds a current license to practice professional nursing, a master's degree in a clinical nursing specialty, and current certification in a specialty area as a clinical nurse specialist from a nationally recognized certifying body as determined by the Board of Nursing. The Board of Nursing is required to certify, and the DOH must issue a certificate to, any nurse meeting the qualifications in this section. The board must establish an application fee not to exceed \$75 and a biennial renewal fee not to exceed \$75. The Board of Nursing is given rulemaking authority to implement the provisions of this section.

Section 3 amends s. 464.012, F.S., to revise the Board of Nursing's rulemaking authority relating to certification requirements for advanced registered nurse practitioners in the categories of certified registered nurse anesthetist, certified nurse midwife, and nurse practitioner, to include clinical nurse specialist, an additional category. A statutory reference to the board's rulemaking authority for the practice of advanced registered nurses is revised.

Section 4 amends s. 464.015, F.S., relating to protected titles in nursing, to limit to only persons who hold valid certificates to practice as a clinical nurse specialist in Florida the right to use the title “Clinical Nurse Specialist” and the abbreviation “C.N.S.” Only persons who hold valid certificates to practice as a certified registered nurse anesthetist in Florida have the right to use the title “Certified Registered Nurse Anesthetist” and the abbreviation “C.R.N.A.” or the term “nurse anesthetist.” Only persons who hold valid certificates to practice as a certified nurse midwife in Florida have the right to use the title “Certified Nurse Midwife” and the abbreviation “C.N.M.” or the term “nurse midwife.” In addition to those nursing titles already protected under current law, no person may practice or advertise as, or assume the title of, “clinical nurse specialist,” “certified registered nurse anesthetist,” “certified nurse midwife” or use the abbreviations “C.N.S.,” “C.R.N.A.,” or “C.N.M.” or take any other action that would lead the public to believe that the person was certified. A violation of the prohibition is a first-degree misdemeanor punishable by imprisonment of up to 1 year and a fine of up to \$1,000.

Section 5 amends s. 464.016, F.S., relating to violations and penalties, to revise the criminal violation for the use of specified protected names or titles to include the name or title “Clinical Nurse Specialist,” “Certified Registered Nurse Anesthetist,” or “Certified Nurse Midwife,”

unless the person is duly certified. A violation of the prohibition is a first degree misdemeanor punishable by imprisonment of up to 1 year and a fine of up to \$1,000.

Section 6 reenacts s. 921.0022(3)(g), F.S., relating to the Criminal Punishment Code, for purposes of incorporating the amendment to s. 464.016, F.S.

Section 7 amends s. 458.348, F.S., relating to formal protocols between a medical physician and an emergency medical technician, paramedic, or advanced registered nurse practitioner, to correct statutory cross-references to the nurse practice act.

Section 8 amends s. 459.025, F.S., relating to formal protocols between an osteopathic physician and an emergency medical technician, paramedic, or advanced registered nurse practitioner, to correct statutory cross-references to the nurse practice act.

Section 9 includes an appropriation of \$75,386 from the Medical Quality Assurance Trust Fund, one position, and 43,548 of salary rate to implement the bill.

Section 10 provides an effective date of July 1, 2007.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

##### **B. Public Records/Open Meetings Issues:**

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

##### **C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

Nurses who wish to use the designation “Clinical Nurse Specialist” must pay an application fee no greater than \$25 and a biennial renewal fee no greater than \$10.

##### **B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Department of Health (DOH) will incur costs and revenues relating to the requirements for the Board of Nursing to adopt rules to process the proposed certification of “Clinical Nurse Specialists” and to enforce the provisions of the bill.

	<b>FY 2007-08</b>	<b>FY 2008-09</b>	<b>FY 2009-10</b>	<b>FY 2010-11</b>
Expenditures	\$75,386	\$69,992	\$86,223	\$71,564
Revenues	\$154,875	\$15,000	\$169,875	\$30,000
Surplus/Deficit	\$79,489	(\$54,992)	\$83,652	(\$41,564)
Cash Balance	\$79,489	\$24,497	\$108,150	\$66,586

The bill provides an appropriation of \$75,386 from the Medical Quality Assurance Trust Fund, one position, and 43,548 of salary rate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

---

This Senate staff analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

---



## **VIII. Summary of Amendments:**

None.

---

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

---