

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Health Regulation Committee

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BILL: CS/SB 736

INTRODUCER: Health Regulation Committee and Senator Saunders

SUBJECT: Clinical Nurse Specialists/Certification

DATE: February 21, 2008

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HR	Fav/CS
2.				
3.				
4.				
5.				
6.				

## I. Summary:

The bill provides an additional avenue to state certification for an applicant seeking certification as a clinical nurse specialist. The additional avenue is available to a registered nurse who holds a master's degree in a clinical nursing specialty area for which no private certification exists. The nurse must show proof that he or she holds a master's degree as a clinical nurse specialist in a specialty area for which no certification exists and that he or she has completed 1,000 hours of clinical experience in that specialty, with a minimum of 500 hours of clinical practice after graduation. The applicant for certification as a clinical nurse specialist must submit an affidavit to the Board of Nursing affirming the required hours of clinical experience. If a nurse falsifies the affidavit, she or he is subject to discipline.

This bill amends section 464.0115, Florida Statutes.

## II. Present Situation:

### Advanced Nursing Practice

Nursing is regulated under part I of chapter 464, F.S. The part provides definitions and licensure requirements for licensed practical nurses, registered nurses, and advanced registered nurse practitioners. The part specifies violations<sup>1</sup> and limits the use of specified titles and abbreviations to only duly licensed or certified nurses who have met certain requirements.

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<sup>1</sup> Section 464.018(1)(f), F.S., specifies that a nurse may be disciplined for making or filing a false report or record, which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the nurse's capacity as a licensed nurse.

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.

Under s. 464.0115, F.S., any nurse seeking certification as a clinical nurse specialist must apply to the Department of Health 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. The board must certify, and the department must issue a certificate to, any nurse who fulfills the qualifications of this section. The board must establish an application fee not to exceed \$75 and a biennial renewal fee no greater than \$75.<sup>2</sup> The Board of Nursing has approved the following nationally recognized certifying bodies for applicants to meet the certification requirements for clinical nurse specialists: Oncology Nursing Certification Corporation; American Association of Critical-Care Nurses; and American Nurses Credentialing Centers.<sup>3</sup> According to officials at the Board of Nursing, to date the board has not adopted, by rule, an application form or fees for applicants seeking certification as a clinical nurse specialist.<sup>4</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

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<sup>2</sup> According to the Department of Health, the Florida Board of Nursing has not yet adopted an application form to grant certification to persons seeking to practice as a clinical nurse specialist.

<sup>3</sup> The Florida Board of Nursing has noticed the development of rulemaking to add the National Board for Certification of Hospice and Palliative Nurses to its list of approved nationally recognized certifying agencies for purposes of certification of clinical nurse specialists under s. 464.0115, F.S.

<sup>4</sup> See Florida Board of Nursing's website at <[http://www.doh.state.fl.us/mqa/nursing/info\\_clinical.pdf](http://www.doh.state.fl.us/mqa/nursing/info_clinical.pdf)> (Last visited on February 21, 2008). At the October 2007 Florida Board of Nursing meeting, the board approved a \$75 application fee for certification of clinical nurse specialists, which has not been adopted by rule. Section 120.54(1)(b), F.S., provides that whenever an act of the Legislature is enacted which *requires* implementation of the act by rules of an agency within the executive branch of state government, such rules shall be drafted and formally proposed as provided in this section within 180 days after the effective date of the act, unless the act provides otherwise. Section 464.0115(3), F.S., provides that the Board of Nursing "*may*" rather than "*shall*" adopt rules to implement that section.

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>5</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:**

The bill amends s. 464.0115, F.S., to provide an additional avenue to state certification for an applicant seeking certification as a clinical nurse specialist. The additional avenue is available to a registered nurse who holds a master's degree in a clinical nursing specialty area for which no private certification exists. The nurse must show proof that he or she holds a master's degree as a clinical nurse specialist in a specialty area for which no certification exists and that he or she has completed 1,000 hours of clinical experience in that specialty, with a minimum of 500 hours of clinical practice after graduation. The applicant for certification as a clinical nurse specialist must submit an affidavit to the Board of Nursing affirming the required hours of clinical experience. If a nurse falsifies the affidavit she or he is subject to discipline for making or filing a false report or record as specified in s. 464.018(1)(f), F.S.

This bill provides an effective date of October 1, 2008.

### **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.

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<sup>5</sup> See Rules 64B-4.010 and 64B-35.002, Florida Administrative Code.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

The committee substitute no longer provides a mechanism for a nurse to petition the Board of Nursing for a waiver from the certification requirements to become a clinical nurse specialist. In lieu of the petition for a waiver procedure, the committee substitute creates an additional avenue for a registered nurse who holds a master's degree in a clinical nursing specialty to become a certified clinical nurse specialist if the nurse holds academic credentials in a clinical nursing specialty for which there is no private certification within the clinical nurse specialist role and specialty. The committee substitute specifies disciplinary penalties which would apply if an applicant for the clinical nursing specialty certification provided a false affidavit to the Board of Nursing when applying for the certification.

**B. Amendments:**

None.