

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 285 Clinical Nurse Specialists  
**SPONSOR(S):** Healthcare Council, Kiar and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 736

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Health Quality</u>	<u>11 Y, 0 N</u>	<u>Owen</u>	<u>Lowell</u>
2) <u>Healthcare Council</u>	<u>18 Y, 0 N, As CS</u>	<u>Owen</u>	<u>Gormley</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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### SUMMARY ANALYSIS

CS/HB 285 creates an alternate path to certification as a CNS for an applicant who holds a master's degree in a specialty area where no certification exam is available and who completes 1,000 hours of clinical experience, with a minimum of 500 hours of post-graduate clinical practice.

The bill appears to have no significant fiscal impact on state or local governments.

The bill takes effect July 1, 2008.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation

Part I of Chapter 464, F.S., governs the licensure and regulation of nurses in Florida. Nurses are licensed by the Department of Health (department) and are regulated by the Board of Nursing (board). Licensure requirements to practice professional nursing include completion of education requirements, demonstration of passage of a department-approved examination, a clean criminal background screening, and payment of applicable fees.<sup>1</sup> Renewal is biennial and contingent upon completion of certain continuing medical education requirements.

Section 464.0115, F.S., recognizes a clinical nurse specialist (CNS) as a person who has met the following criteria:

- Licensed to practice professional nursing;
- Completion of a master's degree in a clinical nursing specialty; and
- Certification in a specialty area from a nationally recognized certifying body as determined by the Board of Nursing.

A CNS is trained to be an expert clinician in a specialized area of nursing practice, such as a particular disease state or population. As an article authored by the National Association of Clinical Nurse Specialists (national association) in the journal *Clinical Nurse Specialist* notes, "the essence of the CNS practice expertise is embedded in a specialty."<sup>2</sup> The national association notes that there are approximately 54,000 CNSs in the United States, of which approximately 25% are certified or recognized by a state board.<sup>3</sup> The national association comments that one factor in the low number of CNSs may be that "valid and reliable certification examinations are not available."<sup>4</sup> Florida began certification of CNSs on July 1, 2007.<sup>5</sup> According to the board, there are no certified clinical nurse specialists as of January 2008.

The board has recognized four national certifying bodies: the American Nurses Credentialing Center, the American Association of Critical-Care Nurses, the Oncology Nursing Certification Corporation, and the National Board for Certification of Hospice and Palliative Care Nurses. In addition, the board has recognized the following CNS specialties:

- Advanced Diabetes Management
- Adult Health
- Child/Adolescent Psychiatric and Mental Health
- Psychiatric and Mental Health

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<sup>1</sup> Section 464.009, F.S., provides an alternative to licensure by examination for nurses through licensure by endorsement.

<sup>2</sup> *Regulatory Credentialing of Clinical Nurse Specialists*, 17 *Clinical Nurse Specialist* 163 (2003).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See CS/CS/SB 248; Chapter 2007-167, L.O.F.

- Gerontological
- Pediatric
- Public/Community Health
- Advanced Oncology CNS
- Certified Critical-Care CNS
- Hospice and Palliative Care CNS

However, this list is only a subset of the specialty training available in programs that prepare CNSs; as noted above, certification exams are not available for all CNS specialties. As an example, there is no certification exam for a CNS trained in emergency medicine.

Effect of Proposed Changes

The bill creates an alternate path to certification as a CNS for an applicant who holds a master’s degree in a specialty area where no certification exam is available and who completes 1,000 hours of clinical experience, with a minimum of 500 hours of post-graduate clinical practice. The applicant must submit an affidavit to the board affirming the required hours of clinical experience. The bill provides that falsification of the affidavit constitutes grounds for discipline.

C. SECTION DIRECTORY:

Section 1: Revises requirements for certification as a clinical nurse specialist.

Section 2: Provides an effective date.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No additional rulemaking authority is required as a result of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

### IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On February 5, 2008, the Health Quality Committee adopted a strike-all amendment to the bill. The amendment deletes the authorization for the Board of Nursing to waive the certification requirement under certain circumstances. In place of that provision, the bill creates an alternate path to certification for an applicant that demonstrates specific clinical experience and that no certification exam exists in the specialty area in which the clinical nurse specialist was academically prepared.

The bill was reported favorably with one amendment.

On April 1, 2008, the Healthcare Council adopted a substitute amendment to the traveling strike-all amendment previously adopted in the Health Quality Committee on February 5, 2008. The substitute strike-all amendment specifies that an applicant who is seeking certification as a CNS in a specialty area where there is no certification exam must hold a master's degree in the specialty area.

The bill was reported favorably as a Council Substitute. The analysis reflects the Council Substitute.