

AMENDED IN ASSEMBLY MARCH 13, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 90**

---

---

**Introduced by Assembly Member Cunneen**  
*(Coauthors: Assembly Members Alquist, Leach, and Thomson)*  
*(Coauthor: Senator Watson)*

January 6, 1997

---

---

An act to add Article 9 (commencing with Section 2838) to Chapter 6 of Division 2 of, and to repeal Section 2718 of, the Business and Professions Code, relating to nursing, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 90, as amended, Cunneen. Registered nurses: clinical nurse specialists.

Existing law provides for the licensure of registered nurses, and the certification of nurse-midwives, nurse practitioners, and nurse anesthetists by the Board of Registered Nursing.

Existing law requires the Board of Registered Nursing to conduct a study regarding the recognition and definition of clinical nurse specialists and report the findings to the Legislature on or before January 1, 1995. This provision requires that the study address, among other things, public confusion about the use and misuse of the title "clinical nurse specialist."

This bill would prohibit any person from holding himself or herself out as a clinical nurse specialist unless he or she is a

nurse licensed by the board and meets the standards for a clinical nurse specialist established by the board. This bill would require licensees holding themselves out as clinical nurse specialists, or desiring to do so, to submit certain information to the board for a determination whether he or she qualifies to use that title. The bill would describe clinical nurse specialists and would authorize the board to establish standards for clinical nurse specialists, and to establish categories of clinical nurse specialists. It would provide that, in setting the standards, the board shall consult with certain individuals and organizations. The bill would also require the board to issue a certificate to qualified clinical nurse specialists. The bill would delete the obsolete provision requiring the Board of Registered Nursing to conduct a study and report its findings.

This bill would require the payment of certain fees by clinical nurse specialists. By providing for the deposit of additional moneys in the Board of Registered Nursing Fund, a continuously appropriated fund, and by revising the purposes for which money in the fund may be expended, this bill would make an appropriation.

This bill would make these provisions operative on July 1, 1998.

Under existing law, violation of any of the provisions relating to licensure of nurses is a misdemeanor.

By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of  
2 the following:



1 (a) Various and conflicting definitions of “clinical  
2 nurse specialists” are being created and applied by public  
3 agencies and private employers within the State of  
4 California.

5 (b) The public is harmed by conflicting usage of the  
6 title “clinical nurse specialist” and lack of correspondence  
7 between the use of the title and the qualifications of the  
8 registered nurse using that title.

9 (c) These findings are documented by the Board of  
10 Registered Nursing in the “Clinical Nurse Specialist  
11 Survey,” December 1994, conducted pursuant to Chapter  
12 77 of the Statutes of 1993.

13 (d) Therefore, the public interest would be served by  
14 determining the legitimate uses of the title “clinical nurse  
15 specialist” by registered nurses.

16 SEC. 2. Section 2718 of the Business and Professions  
17 Code is repealed.

18 SEC. 3. Article 9 (commencing with Section 2838) is  
19 added to Chapter 6 of Division 2 of the Business and  
20 Professions Code, to read:

21

22 Article 9. Clinical Nurse Specialists

23

24 2838. No person shall advertise or hold himself or  
25 herself out as a “clinical nurse specialist” unless he or she  
26 is a nurse licensed under this chapter, and meets the  
27 standards for a clinical nurse specialist established by the  
28 board.

29 2838.1. (a) On and after July 1, 1998, any registered  
30 nurse who holds himself or herself out as a clinical nurse  
31 specialist or who desires to hold himself or herself out as  
32 a clinical nurse specialist shall, within the time prescribed  
33 by the board and prior to his or her next license renewal  
34 or the issuance of an initial license, submit his or her  
35 education, experience, and other credentials, and any  
36 other information as required by the board to determine  
37 that the person qualifies to use the title “clinical nurse  
38 specialist.”

39 (b) Upon finding that a person is qualified to hold  
40 himself or herself out as a clinical nurse specialist, the



1 board shall appropriately indicate on the license issued or  
2 renewed that the person is qualified to use the title  
3 “clinical nurse specialist.” The board shall also issue to  
4 each qualified person a certificate indicating that the  
5 person is qualified to use the title “clinical nurse  
6 specialist.”

7 2838.2. (a) A clinical nurse specialist is a registered  
8 nurse with advanced education, who participates in  
9 expert clinical practice, education, research,  
10 consultation, and clinical leadership as the major  
11 components of his or her role.

12 (b) The board may establish categories of clinical  
13 nurse specialists and the standards required to be met for  
14 nurses to hold themselves out as clinical nurse specialists  
15 in each category. The standards shall take into account  
16 the types of advanced levels of nursing practice that are  
17 or may be performed and the clinical and didactic  
18 education, experience, or both needed to practice safely  
19 at those levels. In setting the standards, the board shall  
20 consult with clinical nurse specialists, physicians and  
21 surgeons appointed by the Medical Board with expertise  
22 with clinical nurse specialists, and health care  
23 organizations that utilize clinical nurse specialists.

24 (c) A registered nurse who meets one of the following  
25 requirements may apply to become a clinical nurse  
26 specialist:

27 (1) Possession of a master’s degree in a clinical field of  
28 nursing.

29 (2) ~~On or before July 1, 1998, possession~~ *Possession* of  
30 a master’s degree in a clinical field related to nursing.

31 (3) On or before July 1, 1998, meets the following  
32 requirements:

33 (A) Current licensure as a registered nurse.

34 (B) Performs the role of a clinical nurse specialist as  
35 described in subdivision (a).

36 (C) Meets any other criteria established by the board.

37 (d) A nonrefundable fee of not less than seventy-five  
38 dollars (\$75), but not to exceed one hundred fifty dollars  
39 (\$150), shall be paid by a registered nurse applying to be  
40 a clinical nurse specialist for the evaluation of his or her



1 qualifications to use the title “clinical nurse specialist.” A  
2 biennial renewal fee shall be paid upon submission of an  
3 application to renew the clinical nurse specialist  
4 certificate and shall be established by the board at no less  
5 than fifty dollars (\$50) and no more than one hundred  
6 dollars (\$100). The penalty fee for failure to renew a  
7 certificate within the prescribed time shall be 50 percent  
8 of the renewal fee in effect on the date of the renewal of  
9 the license, but not less than twenty-five dollars (\$25), nor  
10 more than fifty dollars (\$50). The fees authorized by this  
11 subdivision shall not exceed the amount necessary to  
12 cover the costs to the board to administer this section.

13 2838.3. This article shall become operative on July 1,  
14 1998.

15 2838.4. Nothing in this article shall be construed to  
16 limit, revise, or expand the current scope of practice of a  
17 registered nurse.

18 SEC. 4. No reimbursement is required by this act  
19 pursuant to Section 6 of Article XIII B of the California  
20 Constitution because the only costs that may be incurred  
21 by a local agency or school district will be incurred  
22 because this act creates a new crime or infraction,  
23 eliminates a crime or infraction, or changes the penalty  
24 for a crime or infraction, within the meaning of Section  
25 17556 of the Government Code, or changes the definition  
26 of a crime within the meaning of Section 6 of Article  
27 XIII B of the California Constitution.

28 Notwithstanding Section 17580 of the Government  
29 Code, unless otherwise specified, the provisions of this act  
30 shall become operative on the same date that the act  
31 takes effect pursuant to the California Constitution.

