

Assembly Bill No. 90

Passed the Assembly April 21, 1997

Chief Clerk of the Assembly

Passed the Senate July 17, 1997

Secretary of the Senate

This bill was received by the Governor this ___ day
of _____, 1997, at ___ o'clock __M.

Private Secretary of the Governor

Corrected 7-21-97



CHAPTER ____

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, 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.

Appropriation: yes.

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

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

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

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

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

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



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 Section 2718 of the Business and Professions Code is repealed.

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

Article 9. Clinical Nurse Specialists

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

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

(b) Upon finding that a person is qualified to hold himself or herself out as a clinical nurse specialist, the board shall appropriately indicate on the license issued or renewed that the person is qualified to use the title “clinical nurse specialist.” The board shall also issue to each qualified person a certificate indicating that the person is qualified to use the title “clinical nurse specialist.”

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

(b) The board may establish categories of clinical nurse specialists and the standards required to be met for nurses to hold themselves out as clinical nurse specialists in each category. The standards shall take into account



the types of advanced levels of nursing practice that are or may be performed and the clinical and didactic education, experience, or both needed to practice safety at those levels. In setting the standards, the board shall consult with clinical nurse specialists, physicians and surgeons appointed by the Medical Board with expertise with clinical nurse specialists, and health care organizations that utilize clinical nurse specialists.

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

(1) Possession of a master's degree in a clinical field of nursing.

(2) Possession of a master's degree in a clinical field related to nursing with course work in the components referred to in subdivision (a).

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

(A) Current licensure as a registered nurse.

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

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

(d) A nonrefundable fee of not less than seventy-five dollars (\$75), but not to exceed one hundred fifty dollars (\$150), shall be paid by a registered nurse applying to be a clinical nurse specialist for the evaluation of his or her qualifications to use the title "clinical nurse specialist." A biennial renewal fee shall be paid upon submission of an application to renew the clinical nurse specialist certificate and shall be established by the board at no less than fifty dollars (\$50) and no more than one hundred dollars (\$100). The penalty fee for failure to renew a certificate within the prescribed time shall be 50 percent of the renewal fee in effect on the date of the renewal of the license, but not less than twenty-five dollars (\$25), nor more than fifty dollars (\$50). The fees authorized by this subdivision shall not exceed the amount necessary to cover the costs to the board to administer this section.

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



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

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

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



Approved _____, 1997

Governor

