



TO: The Professional Practice Committee

FROM: Douglas E. Lentivech

SUBJECT: Proposed Amendment to the Regulations of the Commissioner of Education Relating to the Certification of Clinical Nurse Specialists and Nurse Practitioners under Article 139 of the Education Law

DATE: March 3, 2014

AUTHORIZATION(S):

SUMMARY

Issue for Discussion

Should the Board of Regents amend section 52.12 and approve the addition of section 64.8 of the Regulations of the Commissioner of Education to implement Chapter 364 of the Laws of 2013, relating to the certification of clinical nurse specialists, and amend section 64.4 of the Regulations of the Commissioner of Education to repeal obsolete regulatory provisions relating to the certification of nurse practitioners?

Reasons for Consideration

Required by State statute (including L. 2013, Ch. 364) and review of policy.

Proposed Handling

The proposed amendment will be presented to the Professional Practice Committee for discussion at the March 2014 meeting of the Board of Regents.

Procedural History

A Notice of Proposed Rulemaking will be published in the State Register no later than April 16, 2014. A copy of the proposed amendment is attached. Supporting materials for the proposed amendment are available upon request from the Secretary of the Board of Regents.

Background Information

Chapter 364 of the Laws of 2013, which will become effective September 27, 2014, amended the Education Law to establish certification for clinical nurse specialists and to protect the title “clinical nurse specialist” and the designation “CNS” to ensure that only those properly educated and prepared to be clinical nurse specialists hold themselves out as such. The proposed amendment to section 52.12 and addition of section 64.8 to the Regulations of the Commissioner of Education implement the clinical nurse specialist certification requirements of Chapter 364.

The proposed amendment to section 52.12 of the Regulations of the Commissioner of Education establishes the requirements for clinical nurse specialist education programs. These requirements include registration, admission, curriculum and credential requirements for clinical nurse specialist education programs offered in New York State. The proposed amendment requires clinical nurse specialist education programs to be master’s degree, doctoral degree or post master’s certificate programs, which prepare graduates to practice as clinical nurse specialists. It also prohibits clinical nurse specialist education programs from being offered in New York State until they are registered by the Department.

The proposed amendment further requires clinical nurse specialist education program sponsors to ensure that each student holds a baccalaureate degree in nursing and an unrestricted license and current registration as a registered professional nurse in New York State prior to enrolling the student in any preceptorship, course or other activity that includes clinical practice.

Additionally the proposed amendment requires the curriculum of clinical nurse specialist education programs to include, in addition to the requirements of section 52.2(c) of the Regulations of the Commissioner of Education, clinical practice education of at least 500 hours, which must be supervised by a clinical nurse specialist, nurse practitioner or physician practicing in the specialty area of the clinical nurse specialist education program.

The proposed amendment establishes that, upon satisfactory completion of all components of a registered clinical nurse specialist education program, a certificate of completion must be issued to each individual by the education program sponsor.

Moreover, the proposed addition of section 64.8 to the Regulations of the Commissioner of Education establishes requirements for certification as a clinical nurse specialist, which include, but are not limited to, professional education and clinical experience requirements. The proposed rule requires an applicant for certification as a clinical nurse specialist to submit an application, together with the required fee, to the Department. It also requires the applicant to be currently licensed and registered in New York State and either a graduate of a clinical nurse specialist education program registered by the Department or able to meet alternative criteria acceptable to the Department relating to professional certification, education or clinical experience.

The proposed amendment would also repeal certain regulatory provisions relating to nurse practitioner certification in section 64.4 of the Regulations of the Commissioner of Education, as those provisions no longer have any application.

Timetable for Implementation

It is anticipated that the proposed amendment will be presented for adoption at the July 2014 Regents meeting. If adopted in July, the proposed amendment would become effective September 27, 2014, which is the effective date of Chapter 364 of the Laws of 2013.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 212, 6504, 6507, 6910, and 6911 of the Education Law and Chapter 364 of the Laws of 2013

1. Paragraph (3) of subdivision (b) of section 52.12 of the Regulations of the Commissioner of Education is added, effective September 27, 2014, to read as follows:

(3) Clinical nurse specialist education programs.

(i) Registration. A clinical nurse specialist education program is a master's degree, doctoral degree or post master's certificate program, which prepares graduates to practice as a clinical nurse specialist as permitted by section 6911 of the Education Law. No clinical nurse specialist education program shall be offered in this State until such program has been registered by the department.

(ii) Admission. A clinical nurse specialist education program sponsor shall ensure that each student holds a baccalaureate degree in nursing and an unrestricted license and current registration as a registered professional nurse in New York State prior to enrolling the student in any preceptorship, course or other activity that includes clinical practice.

(iii) Curriculum. The curriculum shall include, in addition to the requirements of section 52.2(c) of this Title, clinical practice education of at least five hundred hours which is supervised by a clinical nurse specialist, nurse practitioner or physician practicing in the specialty area of the clinical nurse specialist program.

(iv) Credential. Upon satisfactory completion of all components of the registered clinical nurse specialist education program, a certificate of completion of a course of study for clinical nurse specialists shall be issued to each individual by the education program sponsor.

2. Subdivision (b) of section 64.4 of the Regulations of the Commissioner of Education is amended, effective September 27, 2014, as follows:

(b) Professional study. To meet the professional education requirements for certification as a nurse practitioner in this State, the applicant shall present evidence of:

(1)....

(2)....

3. Paragraph (1) of subdivision (c) of section 64.4 of the Regulations of the Commissioner of Education is repealed, and paragraphs (2) and (3) of subdivision (c) are renumbered as paragraphs (1) and (2), respectively, effective September 27, 2014.

4. Subdivision (d) of section 64.4 of the Regulations of the Commissioner of Education is repealed, and subdivision (e) of section 64.4 is re-lettered as subdivision (d), effective September 27, 2014.

5. Section 64.8 of the Regulations of the Commissioner of Education is added, effective September 27, 2014, to read as follows:

§64.8 Clinical nurse specialist certification.

(a) Requirements for certification. An applicant for certification as a clinical nurse specialist shall:

(1) submit an application, together with the required fee, to the department;

(2) hold an unrestricted license and current registration to practice as a registered professional nurse in New York State; and

(3) present evidence, satisfactory to the department, of meeting all applicable professional education and experience requirements for certification as a clinical nurse specialist.

(b) Professional education and experience criteria. To meet the professional education and experience requirements for certification as a clinical nurse specialist in

this State, the applicant shall present evidence of having met the criteria in one of the four paragraphs below:

(1) completion of a clinical nurse specialist education program registered by the department; or

(2) completion of an education program determined by the department to be equivalent to a clinical nurse specialist education program registered by the department and current certification as a clinical nurse specialist by a national certifying body acceptable to the department; or

(3) holding a license or certification as a clinical nurse specialist issued by another state or country and meeting the substantial equivalent of the New York State requirements for certification, as determined by the department; or

(4) submitting an application and the required fee for certification as a clinical nurse specialist to the department prior to September 15, 2015 and satisfactorily meeting, as determined by the department, the criteria set forth in subparagraph (i) or (ii) of this paragraph prior to September 15, 2017:

(i) completion of a master's degree program in clinical nursing practice, which is determined by the department to be substantially equivalent to the preparation provided by a registered clinical nurse specialist education program, and completion, on or after January 1, 2011, of at least three thousand hours of clinical practice as a registered professional nurse in a clinical nurse specialty area in a general hospital licensed pursuant to article 28 of the Public Health Law; or

(ii) current certification as a clinical nurse specialist by a national certifying body acceptable to the department.

(c) Certificates.

(1) A clinical nurse specialist certificate issued to a registered professional nurse shall reflect the nurse's specialty area of clinical nurse specialist academic preparation.

(2) A registered professional nurse may apply for certification as a clinical nurse specialist in more than one specialty area of practice. A complete application and fee shall be required for each certificate.