

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 100 Session of 2019

INTRODUCED BY TOPPER, ROTHMAN, MURT, BARRAR, BERNSTINE, BOBACK, CAUSER, CIRESI, DALEY, DeLISSIO, DIAMOND, DiGIROLAMO, DOWLING, FARRY, FRANKEL, FREEMAN, FRITZ, GREGORY, HARKINS, HERSHEY, JAMES, M. K. KELLER, MARSHALL, McCARTER, McNEILL, MEHAFFIE, MULLERY, NEILSON, NELSON, ORTITAY, RADER, RYAN, SANKEY, SAYLOR, SHUSTERMAN, SIMS, SNYDER, STRUZZI, ZIMMERMAN, A. DAVIS, GALLOWAY AND MALAGARI, APRIL 15, 2019

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 15, 2019

AN ACT

1 Amending the act of May 22, 1951 (P.L.317, No.69), entitled "An
 2 act relating to the practice of professional nursing;
 3 providing for the licensing of nurses and for the revocation
 4 and suspension of such licenses, subject to appeal, and for
 5 their reinstatement; providing for the renewal of such
 6 licenses; regulating nursing in general; prescribing
 7 penalties and repealing certain laws," further providing for
 8 title, for definitions, for State Board of Nursing, for
 9 dietitian-nutritionist license required, for unauthorized
 10 practices and acts not prohibited, for temporary practice
 11 permit, for graduates of schools of other states, territories
 12 or Dominion of Canada, for persons entitled to practice, for
 13 certified registered nurse practitioners and qualifications,
 14 for scope of practice for certified registered nurse
 15 practitioners, for prescriptive authority for certified
 16 registered nurse practitioners, for Drug Review Committee,
 17 for professional liability, for reporting of multiple
 18 licensure, for continuing nursing education, for punishment
 19 for violations, for refusal, suspension or revocation of
 20 licenses, for reinstatement of license and for injunction or
 21 other process; and providing for the expiration of the State
 22 Board of Nursing's power to license certified registered
 23 nurse practitioners.

24 The General Assembly of the Commonwealth of Pennsylvania
 25 hereby enacts as follows:

26 Section 1. The title of the act of May 22, 1951 (P.L.317,

1 No.69), known as The Professional Nursing Law, is amended to
2 read:

3 AN ACT

4 Relating to the practice of professional nursing and the
5 practice of advanced practice registered nursing; providing
6 for the licensing of nurses and for the revocation and
7 suspension of such licenses, subject to appeal, and for their
8 reinstatement; providing for the renewal of such licenses;
9 regulating nursing in general; prescribing penalties and
10 repealing certain laws.

11 Section 2. Section 2(1), (10), (12), (13) and (14) of the
12 act are amended and the section is amended by adding paragraphs
13 to read:

14 Section 2. Definitions.--When used in this act, the
15 following words and phrases shall have the following meanings
16 unless the context provides otherwise:

17 (1) The "Practice of Professional Nursing" means diagnosing
18 and treating human responses to actual or potential health
19 problems through such services as casefinding, health teaching,
20 health counseling, and provision of care supportive to or
21 restorative of life and well-being, and executing medical
22 regimens as prescribed by a licensed physician or dentist. The
23 foregoing shall not be deemed to include acts of medical
24 diagnosis or prescription of medical therapeutic or corrective
25 measures, except as performed by [a certified registered nurse
26 practitioner] an advanced practice registered nurse-certified
27 nurse practitioner acting in accordance with rules and
28 regulations promulgated by the Board.

29 * * *

30 (10) "Medical nutrition therapy" means the component of

1 nutrition therapy that concerns determining and recommending
2 nutrient needs based on nutritional assessment and medical
3 problems relative to diets prescribed by a licensed physician or
4 an advanced practice registered nurse-certified nurse

5 practitioner, including:

6 (i) tube feedings;

7 (ii) specialized intravenous solutions;

8 (iii) specialized oral solutions; and

9 (iv) interactions of prescription drugs with food or

10 nutrients.

11 * * *

12 [(12) "Certified registered nurse practitioner" means a
13 registered nurse licensed in this Commonwealth who is certified
14 by the board in a particular clinical specialty area.]

15 (13) "Collaboration" means a process in which [a certified
16 registered nurse practitioner] an advanced practice registered
17 nurse-certified nurse practitioner works with one or more
18 physicians to deliver health care services within the scope of
19 the [certified registered nurse practitioner's] advanced
20 practice registered nurse-certified nurse practitioner's
21 expertise. The process includes all of the following:

22 (i) Immediate availability of a licensed physician to [a
23 certified registered nurse practitioner] an advanced practice
24 registered nurse-certified nurse practitioner through direct
25 communications or by radio, telephone or telecommunications.

26 (ii) A predetermined plan for emergency services.

27 (iii) A physician available to [a certified registered nurse
28 practitioner] an advanced practice registered nurse-certified
29 nurse practitioner on a regularly scheduled basis for referrals,
30 review of the standards of medical practice incorporating

1 consultation and chart review, drug and other medical protocols
2 within the practice setting, periodic updating in medical
3 diagnosis and therapeutics and cosigning records when necessary
4 to document accountability by both parties.

5 [(14) "Drug Review Committee" means the committee
6 established in section 8.4 whose function is to approve or
7 disapprove, by addition or deletion, the categories of drugs
8 that may be prescribed by certified registered nurse
9 practitioners.]

10 * * *

11 (16) "Advanced practice registered nurse-certified nurse
12 practitioner" means a registered nurse licensed in this
13 Commonwealth to practice independently in a population focus
14 area in which the registered nurse is certified by a board-
15 recognized national certification program.

16 (17) "Population focus area" means a category of patients
17 for which an advanced practice registered nurse-certified nurse
18 practitioner has the educational preparation to provide care and
19 services. The categories of population focus include:

20 (i) Family and individuals across the lifespan.

21 (ii) Adult gerontology.

22 (iii) Neonatal.

23 (iv) Pediatrics.

24 (v) Women's health and gender-related health.

25 (vi) Psychiatric and mental health.

26 (vii) Any other similar area designated by the board.

27 (18) "Controlled substance" means a drug designated as a
28 controlled substance under the act of April 14, 1972 (P.L.233,
29 No.64), known as "The Controlled Substance, Drug, Device and
30 Cosmetic Act."

1 (19) "Nonproprietary drug" means a drug containing a
2 quantity of a controlled substance or a drug which is required
3 by an applicable Federal or State law to be dispensed only by
4 prescription.

5 (20) "Proprietary drug" means a nonprescription, non-
6 narcotic medicine or drug which may be sold without a
7 prescription and which is prepackaged for use by the consumer
8 and labeled in accordance with the requirements of the statutes
9 and regulations of the Federal Government and the Commonwealth.

10 (21) "Licensed independent practitioner" means an advanced
11 practice registered nurse-certified nurse practitioner licensed
12 under section 8.1(j) or (l) to provide care and services,
13 without direction or supervision, within the scope of the
14 practitioner's license.

15 (22) "Practice of Advanced Practice Registered Nursing"
16 means the practice of an advanced practice registered nurse-
17 certified nurse practitioner to assess, diagnose, treat,
18 prescribe and order, within a population focus area approved by
19 the board of nursing that includes the advanced practice
20 registered nurse-certified nurse practitioner's scope of
21 practice. The term shall include, but not be limited to,
22 performing acts of medical diagnosis or prescription of medical
23 therapeutic or corrective measures.

24 Section 3. Sections 2.1(k) and (l), 3.1(b), 4, 4.1, 7(b), 8,
25 8.1, 8.2, 8.3, 8.4, 8.7, 11.1, 12.1(g) (1), 13(b), 14(a) (1), (2)
26 and (4) and (b) (6), 15.2 and 15.4 of the act are amended to
27 read:

28 Section 2.1. State Board of Nursing.--* * *

29 (k) The Board shall have the right and duty to establish
30 rules and regulations for the practice of professional nursing,

1 the practice of advanced practice registered nursing, the
2 practice of dietetics-nutrition and the administration of this
3 act. Copies of such rules and regulations shall be available for
4 distribution to the public.

5 (1) Any powers and duties imposed on the State Board of
6 Medicine or jointly imposed on the State Board of Medicine and
7 the State Board of Nursing, with respect to [certified
8 registered nurse practitioners] advanced practice registered
9 nurse-certified nurse practitioners, by or pursuant to law or
10 regulation shall, after the effective date of this subsection,
11 be exercised solely by the State Board of Nursing. This
12 subsection shall not apply to 49 Pa. Code §§ 21.283(4) (relating
13 to prescribing and dispensing drugs) and 21.321 (relating to
14 performance of tasks without direction; performance of tasks
15 without training; other) unless the State Board of Nursing
16 promulgates a regulation to exercise the duties imposed on the
17 State Board of Medicine by those sections.

18 Section 3.1. Dietitian-Nutritionist License Required.--* * *

19 (b) Nothing in this section shall be construed to require or
20 preclude third-party insurance reimbursement. Nothing herein
21 shall preclude an insurer or other third-party payor from
22 requiring that a licensed dietitian-nutritionist obtain a
23 referral from a licensed physician, an advanced practice
24 registered nurse-certified nurse practitioner, a dentist or
25 podiatrist or that a licensed dietitian-nutritionist file an
26 evaluation and treatment plan with the insurer or third-party
27 payor as a precondition of reimbursement.

28 Section 4. Unauthorized Practices; Acts not Prohibited.--
29 This act confers no authority to practice dentistry, podiatry,
30 optometry, chiropractic, medicine or surgery, nor does it

1 prohibit--

2 (1) Home care of the sick by friends, domestic servants,
3 nursemaids, companions, or household aides of any type, so long
4 as such persons do not represent or hold themselves out to be
5 licensed nurses, licensed registered nurses, or registered
6 nurses; or use in connection with their names, any designation
7 tending to imply that they are licensed to practice under the
8 provisions of this act nor services rendered by any physicians,
9 osteopaths, dentists or chiropractors, podiatrists,
10 optometrists, or any person licensed pursuant to the act of
11 March 2, 1956 (P.L.1211, No.376), known as the "Practical Nurse
12 Law."

13 (2) Care of the sick, with or without compensation or
14 personal profit, when done solely in connection with the
15 practice of the religious tenets of any church by adherents
16 thereof.

17 (3) The practice of professional nursing or the practice of
18 advanced practice registered nursing by a person temporarily in
19 this Commonwealth licensed by another state, territory or
20 possession of the United States or a foreign country, in
21 compliance with an engagement made outside of this Commonwealth,
22 which engagement requires that such person accompany and care
23 for a patient while temporarily in this Commonwealth: Provided,
24 however, That said engagement shall not be of more than six (6)
25 months' duration.

26 (4) The practice of professional nursing or the practice of
27 advanced practice registered nursing, pursuant to a temporary
28 practice permit, by a graduate of an approved program of
29 professional nursing in Pennsylvania or any other state, working
30 under qualified supervision, during the period not to exceed one

1 (1) year between completion of his or her program and
2 notification of the results of a licensing examination taken by
3 such person, and during such additional period as the Board may
4 in each case especially permit.

5 (5) The practice of professional nursing or the practice of
6 advanced practice registered nursing, pursuant to a temporary
7 practice permit, by a person who holds a current license or
8 other evidence of the right to practice professional nursing[,
9 as that term is defined in this act,] or to practice of advanced
10 practice registered nursing issued by any other state, territory
11 or possession of the United States or the Dominion of Canada,
12 during the period that an application filed by such person for
13 licensure in Pennsylvania is pending before the Board, but not
14 for a period of more than one (1) year and during such
15 additional period as the Board may in each case especially
16 permit.

17 (6) The practice of professional nursing[, within the
18 definition of this act] or the practice of advanced practice
19 registered nursing, by any person when such person is engaged in
20 the practice [of nursing] as an employee of the United States.

21 Section 4.1. Temporary Practice Permit.--(a) In order for a
22 person to practice professional nursing or to practice advanced
23 practice registered nursing during the one (1) year period from
24 completion of his or her education program or the one (1) year
25 period from the application for licensure by a person who holds
26 a current license issued by any other state, territory or
27 possession of the United States or the Dominion of Canada, the
28 Board may issue a temporary practice permit which is
29 nonrenewable and valid for a period of one (1) year and during
30 such additional period as the Board may in each case especially

1 permit, except that the temporary practice permit shall expire
2 if such person fails the licensing examination.

3 (b) Within ninety (90) days of the date a temporary practice
4 permit to practice as an advanced practice registered nurse-
5 certified nurse practitioner is issued by the Board to an
6 individual who was licensed or certified by another state,
7 territory or possession of the United States or a foreign
8 country, the individual shall comply with the requirements under
9 sections 8.2 and 8.3 with regard to acting in collaboration with
10 a physician and in accordance with a collaborative or written
11 agreement with a physician, unless the individual qualifies for
12 the exception from the collaboration requirement according to
13 the Board under section 8.1(1).

14 Section 7. Graduates of Schools of Other States, Territories
15 or Dominion of Canada.--* * *

16 (b) The Board may issue a [certification to registered nurse
17 practitioners who have] license as an advanced practice
18 registered nurse-certified nurse practitioner to a registered
19 nurse who has completed a course of study considered by the
20 Board to be equivalent to that required in this State at the
21 time such course was completed or who is licensed or certified
22 by another state, territory or possession of the United States
23 or a foreign country as deemed equivalent to Pennsylvania's
24 [certification] licensure requirements in accordance with the
25 [joint] rules and regulations of the [Boards of Nursing and
26 Medicine] Board.

27 * * *

28 Section 8. Persons Entitled to Practice.--(a) The Board
29 shall issue to each person who meets the professional nursing
30 licensure requirements of this act, a certificate setting forth

1 that such person is licensed to engage in the practice of
2 professional nursing and entitled to use the title "registered
3 nurse" and the letters "R.N."

4 (b) The Board shall issue to each person who meets the
5 dietitian-nutritionist licensure requirements of this act a
6 certificate setting forth that such person is licensed as a
7 dietitian-nutritionist and entitled to use the title "licensed
8 dietitian-nutritionist" and the letters "L.D.N." A record of
9 [all persons] each person licensed as [dietitian-nutritionists]
10 a dietitian-nutritionist in this Commonwealth shall be kept in
11 the office of the Board and shall be open to public inspection
12 and copying upon payment of a nominal fee for copying the
13 record.

14 (c) The Board shall issue to each person who meets the
15 advanced practice registered nurse-certified nurse practitioner
16 licensure requirements of this act a certificate setting forth
17 that such person is licensed as an advanced practice registered
18 nurse-certified nurse practitioner and entitled to use the title
19 "advanced practice registered nurse-certified nurse
20 practitioner" and the letters "APRN-CNP." A record of each
21 person licensed as an advanced practice registered nurse-
22 certified nurse practitioner in this Commonwealth shall be kept
23 in the office of the Board and shall be open to public
24 inspection and copying upon payment of a nominal fee for copying
25 the record.

26 Section 8.1. [Certified Registered Nurse Practitioners;
27 Qualifications.--(a) The board may certify a licensed
28 registered nurse as a certified registered nurse practitioner in
29 a particular clinical specialty area if the nurse satisfies the
30 requirements established by this act and regulations promulgated

1 by the board. Certification of a nurse by the board shall expire
2 on the same date as the license of that nurse expires.

3 (b) (1) Beginning on the effective date of this section, a
4 nurse shall not qualify for initial certification by the board
5 under subsection (a) unless the nurse:

6 (i) is a graduate of an accredited, board-approved master's
7 or post-master's nurse practitioner program; and

8 (ii) holds certification as a certified registered nurse
9 practitioner from a board-recognized national certification
10 organization which required passing of a national certifying
11 examination in the particular clinical specialty area in which
12 the nurse is seeking certification by the board.

13 (2) This subsection shall not apply to a nurse who:

14 (i) holds certification from the board as a certified
15 registered nurse practitioner on the effective date of this
16 subsection; or

17 (ii) would otherwise qualify for certification as a
18 certified registered nurse practitioner under section 7(b).

19 (3) In order to provide a transition period for persons who
20 completed or were enrolled in an approved educational program on
21 the effective date of this section and to permit those persons
22 to apply for certification under the rules in existence
23 immediately prior to the effective date of this section, the
24 board shall issue initial certification to any person who,
25 within two (2) years of the effective date of this section:

26 (i) submits evidence of having completed or been enrolled in
27 an approved educational program on the effective date of this
28 section; and

29 (ii) fulfills all administrative requirements of the board
30 and possesses all of the other qualifications for certification

1 in effect immediately prior to the effective date of this
2 section.

3 (c) As a condition for biennial renewal of certification by
4 the board, a certified registered nurse practitioner must, in
5 the two (2) years prior to renewal, complete at least thirty
6 (30) hours of continuing education approved by the board. In the
7 case of a certified registered nurse practitioner who is
8 prescribing medical therapeutic or corrective measures pursuant
9 to section 8.3, that continuing education must include at least
10 sixteen (16) hours in pharmacology in that two-year period.]

11 Advanced Practice Registered Nurse-Certified Nurse
12 Practitioner.--(d) A registered nurse who holds current
13 certification by the board on the effective date of this
14 subsection as a certified registered nurse practitioner in a
15 population focus area on the effective date of this subsection
16 shall automatically be deemed to be licensed by the board as an
17 advanced practice registered nurse-certified nurse practitioner
18 in the population focus area for which the registered nurse is
19 otherwise qualified. The board shall issue appropriate written
20 notice of the license as an advanced practice registered nurse-
21 certified nurse practitioner, except that the issuance of that
22 notice shall not be a condition precedent to practice in
23 accordance with the license.

24 (e) Except as provided in subsection (d), an individual
25 shall not qualify for an initial license as an advanced practice
26 registered nurse-certified nurse practitioner on or after the
27 effective date of this subsection unless the person meets the
28 following criteria:

29 (1) Holds a current license in this Commonwealth as a
30 registered nurse.

1 (2) Is a graduate of an accredited, board-approved master's
2 or post-master's nurse practitioner or doctorate in nursing
3 program.

4 (3) Holds current certification as an advanced practice
5 registered nurse-certified nurse practitioner from a board-
6 recognized national certification program which required passing
7 a national certifying examination in a population focus area or
8 population focus area in which the nurse is seeking licensure by
9 the board.

10 (f) (1) An initial license under subsection (d) as an
11 advanced practice registered nurse-certified nurse practitioner
12 shall expire on the same date as the nurse's then current
13 license as a registered nurse is scheduled to expire. The
14 license as an advanced practice registered nurse-certified nurse
15 practitioner shall thereafter be renewed biennially on the same
16 date as the nurse's license as a registered nurse.

17 (2) An initial license under subsection (d) or section 7(b)
18 as an advanced practice registered nurse-certified nurse
19 practitioner shall expire on the same date as the nurse's then
20 current license as a registered nurse is scheduled to expire.
21 The license as an advanced practice registered nurse-certified
22 nurse practitioner shall thereafter be renewed biennially on the
23 same date as the nurse's license as a registered nurse.

24 (3) As a condition for biennial renewal by the board of a
25 license as an advanced practice registered nurse-certified nurse
26 practitioner, the nurse must do all of the following:

27 (i) Maintain a current license in this Commonwealth as a
28 registered nurse.

29 (ii) Maintain current certification through a board-
30 recognized national certification program in the population

1 focus area in which the nurse is licensed as an advanced
2 practice registered nurse-certified nurse practitioner by the
3 board.

4 (iii) In the two (2) years prior to renewal, complete at
5 least thirty (30) hours of continuing education approved by the
6 board. For an advanced practice registered nurse-certified nurse
7 practitioner who is prescribing medical therapeutic or
8 corrective measures under section 8.3, the continuing education
9 must include at least sixteen (16) hours in pharmacology in the
10 two-year period.

11 (g) The board shall establish a procedure by which a license
12 as an advanced practice registered nurse-certified nurse
13 practitioner may be amended prior to the biennial renewal date
14 in order to authorize a nurse to practice in a population focus
15 area in which the nurse was not certified on the effective date
16 of this subsection or on the date on which the nurse's current
17 license as an advanced practice registered nurse-certified nurse
18 practitioner was issued or renewed. The board shall authorize an
19 advanced practice registered nurse-certified nurse practitioner
20 to practice in an additional population focus area only if the
21 nurse holds current certification from a board-recognized
22 national certification program which requires the passing of a
23 national certifying examination in the additional population
24 focus area.

25 (h) (1) The use of the terms "certified registered nurse
26 practitioner," "registered nurse practitioner," "certified nurse
27 practitioner" and "nurse practitioner" in any other act shall be
28 deemed to include a person licensed as a certified nurse
29 practitioner under this section or section 7(b).

30 (2) A registered nurse who is licensed by the board as an

1 advanced practice registered nurse-certified nurse practitioner
2 in a population focus area is entitled to use the title
3 "advanced practice registered nurse-certified nurse
4 practitioner" and the letters "APRN-CNP." It shall be unlawful
5 for any other person to use the title "advanced practice
6 registered nurse-certified nurse practitioner" or the letters
7 "APRN-CNP."

8 (i) (1) An advanced practice registered nurse-certified
9 nurse practitioner may form a professional corporation with one
10 or more of the following:

11 (i) Other registered nurses.

12 (ii) Other health care practitioners who treat human
13 ailments and conditions and are licensed to provide health care
14 services in this Commonwealth without receiving a referral or
15 supervision from another health care practitioner.

16 (2) This subsection shall be construed to abrogate the
17 requirement that the State Board of Medicine and the State Board
18 of Osteopathic Medicine expressly authorize the combined
19 practice of advanced practice registered nurse-certified nurse
20 practitioners with doctors of medicine or doctors of osteopathic
21 medicine, respectively, found in 15 Pa.C.S. § 2903(d)(1)(ii)
22 (relating to formation of professional corporations).

23 (j) An advanced practice registered nurse-certified nurse
24 practitioner who has engaged in the practice of professional
25 nursing in collaboration with a physician for a period of not
26 less than three (3) years and not less than three thousand six
27 hundred (3,600) hours in accordance with a collaborative or
28 written agreement with a physician shall not be subject to the
29 requirements under sections 8.2(b) and 8.3(a)(2)(i).

30 (k) An advanced practice registered nurse-certified nurse

1 practitioner who qualifies for the exception under subsection
2 (j) shall file a form with the board attesting to having engaged
3 in the practice of professional nursing in collaboration with a
4 physician for a period of not less than three (3) years and not
5 less than three thousand six hundred (3,600) hours. The form
6 shall be developed by the board by regulation.

7 (l) A registered nurse who was licensed or certified by
8 another state, territory or possession of the United States or a
9 foreign country and received a license as an advanced practice
10 registered nurse-certified nurse practitioner issued by the
11 board or a temporary practice permit to practice as an advanced
12 practice registered nurse-certified nurse practitioner under
13 section 4.1 may qualify for the exception under subsection (j)
14 if the advanced practice registered nurse-certified nurse
15 practitioner satisfactorily demonstrates to the board the
16 completion of no less than three (3) years and no less than
17 three thousand six hundred (3,600) hours of practice in
18 collaboration with a physician deemed equivalent to the
19 requirements of subsection (j) which occurred in this
20 Commonwealth or in one or more other states, territories or
21 possessions of the United States or foreign countries where the
22 advanced practice registered nurse-certified nurse practitioner
23 was previously, or is currently, licensed.

24 (m) The advanced practice registered nurse practitioner is
25 accountable to patients, the nursing profession and the board
26 and shall:

27 (1) comply with the requirements of this chapter and the
28 quality expectations of advanced nursing care rendered;

29 (2) recognize limits of knowledge and experience;

30 (3) plan for the management of situations beyond the

1 advanced practice registered nurse-certified nurse
2 practitioner's expertise; and

3 (4) consult with or refer patients to other health care
4 providers, as appropriate.

5 Section 8.2. Scope of Practice for [Certified Registered
6 Nurse Practitioners] Advanced Practice Registered Nurse-

7 Certified Nurse Practitioners.--(a) [A certified registered
8 nurse practitioner while functioning in the expanded role as a
9 professional nurse] An advanced practice registered nurse-

10 certified nurse practitioner shall practice within the scope of
11 practice of the [particular clinical specialty] population focus
12 area in which the nurse is [certified] licensed by the board.

13 Notwithstanding any other provision of law, an advanced practice
14 registered nurse-certified nurse practitioner who meets the
15 requirements under section 8.1(j) or (l) is entitled to all of
16 the following:

17 (1) To practice as a licensed independent practitioner
18 within the scope of practice of a particular population focus
19 area in which the nurse is licensed by the board.

20 (2) To be recognized as a primary care provider under
21 managed care and other health care plans.

22 (b) [A certified registered] Except as provided under
23 section 8.1(j) or (l), an advanced practice registered nurse-
24 certified nurse practitioner may perform acts of medical
25 diagnosis in collaboration with a physician and in accordance
26 with regulations promulgated by the board.

27 (c) Except as provided in subsection (c.1), [a certified
28 registered nurse] an advanced practice registered nurse-
29 certified nurse practitioner may prescribe medical therapeutic
30 or corrective measures if the nurse is acting in accordance with

1 the provisions of section 8.3.

2 (c.1) [Except as limited by subsection (c.2), and in] Except
3 as provided for under section 8.1(j) or (l), in addition to
4 existing authority, [a certified registered nurse] an advanced
5 practice registered nurse-certified nurse practitioner shall
6 have authority to do all of the following, provided that the
7 [certified nurse practitioner] advanced practice registered
8 nurse-certified nurse practitioner is acting within the scope of
9 the [certified registered nurse] advanced practice registered
10 nurse-certified nurse practitioner's collaborative or written
11 agreement with a physician and the [certified registered nurse]
12 advanced practice registered nurse-certified nurse
13 practitioner's [specialty certification] population focus area:

14 (1) Order home health and hospice care.

15 (2) Order durable medical equipment.

16 (3) Issue oral orders [to the extent permitted by the health
17 care facilities' by-laws, rules, regulations or administrative
18 policies and guidelines].

19 (4) Make physical therapy and dietitian referrals.

20 (5) Make respiratory, speech and occupational therapy
21 referrals.

22 (6) Perform disability assessments for the program providing
23 Temporary Assistance to Needy Families (TANF).

24 (7) Issue homebound schooling certifications.

25 (8) Perform and sign the initial assessment of methadone
26 treatment evaluations[, provided that any] and order [for]
27 methadone treatment [shall be made only by a physician].

28 (c.2) [Nothing in this section shall be construed to:

29 (1) Supersede the authority of the Department of Health and
30 the Department of Public Welfare to regulate the types of health

1 care professionals who are eligible for medical staff membership
2 or clinical privileges.

3 (2) Restrict the authority of a health care facility to
4 determine the scope of practice and supervision or other
5 oversight requirements for health care professionals practicing
6 within the facility.] Notwithstanding any provision of the act
7 of July 19, 1979 (P.L.130, No.48), known as the "Health Care
8 Facilities Act," no regulation or order of the Department of
9 Health, the Department of Human Services or the Insurance
10 Department shall supersede the decision of the governing body of
11 a health care facility that the types of health care
12 professionals who are eligible for medical staff membership or
13 clinical privileges at the facility include advanced practice
14 registered nurse-certified nurse practitioners when practicing
15 as licensed independent practitioners.

16 (d) Nothing in this section shall be construed to limit or
17 prohibit [a certified registered] an advanced practice
18 registered nurse-certified nurse practitioner from engaging in
19 those activities which normally constitute the practice of
20 professional nursing as defined in section 2.

21 Section 8.3. Prescriptive Authority for [Certified
22 Registered] Advanced Practice Registered Nurse-Certified Nurse
23 Practitioners.--(a) [A certified registered] An advanced
24 practice registered nurse-certified nurse practitioner may
25 prescribe medical therapeutic or corrective measures if the
26 nurse:

27 (1) has successfully completed at least forty-five (45)
28 hours of coursework specific to advanced pharmacology at a level
29 above that required by a professional nursing education program;

30 (2) (i) except as provided under subparagraph (ii), is

1 acting in collaboration with a physician as set forth in a
2 written agreement which shall, at a minimum, identify the
3 following:

4 [(i)] (A) the area of practice in which the nurse is
5 certified;

6 [(ii)] (B) the categories of drugs from which the nurse may
7 prescribe or dispense; and

8 [(iii)] (C) the circumstances and how often the
9 collaborating physician will personally see the patient; or

10 (ii) is an advanced practice registered nurse-certified
11 nurse practitioner that qualifies for the exception from
12 section 8.1(j) or (l) and is practicing within a population
13 focus area in which the nurse is certified by a board-recognized
14 national certification program; and

15 (3) is acting in accordance with regulations promulgated by
16 the board.

17 (b) [A certified registered] An advanced practice registered
18 nurse-certified nurse practitioner who satisfies the
19 requirements of subsection (a) may prescribe and dispense [those
20 categories of drugs that certified registered nurse
21 practitioners were authorized to prescribe and dispense by board
22 regulations in effect on the effective date of this section,
23 subject to the restrictions on certain drug categories imposed
24 by those regulations. The board shall add to or delete from the
25 categories of authorized drugs in accordance with the provisions
26 of section 8.4] proprietary and nonproprietary drugs, subject to
27 any restrictions imposed by board regulations or by Federal law.

28 Section 8.4. [Drug Review Committee.--(a) The Drug Review
29 Committee is hereby established and shall consist of seven
30 members as follows:

1 (1) The Secretary of Health or, at the discretion of the
2 Secretary of Health, the Physician General as his or her
3 designee, who shall act as chairman.

4 (2) Two certified registered nurse practitioners who are
5 actively engaged in clinical practice, appointed to three-year
6 terms by the Secretary of Health.

7 (3) Two licensed physicians who are actively engaged in
8 clinical practice, appointed to three-year terms by the
9 Secretary of Health, at least one of whom shall, at the time of
10 appointment, be collaborating with one or more certified
11 registered nurse practitioners in accordance with section 8.3(a)
12 (2).

13 (4) Two licensed pharmacists who are actively engaged in the
14 practice of pharmacy, appointed to three-year terms by the
15 Secretary of Health.

16 (b) (1) The board shall submit to the Drug Review Committee
17 any proposed change to the categories of drugs that certified
18 registered nurse practitioners were authorized to prescribe
19 pursuant to board regulations in effect on the effective date of
20 this section. The board shall not change, by addition or
21 deletion, the categories of authorized drugs without prior
22 approval of the Drug Review Committee.

23 (2) Within sixty (60) days of a submission by the board
24 under paragraph (1), a majority of the Drug Review Committee
25 shall vote to approve or disapprove the proposed change.

26 (3) If a majority of the Drug Review Committee fails to vote
27 to approve or disapprove the proposed change within sixty (60)
28 days of receipt of a submission by the board under paragraph
29 (1), the Drug Review Committee shall be deemed to have approved
30 the proposed change.] (Reserved).

1 Section 8.7. Professional Liability.--[A certified
2 registered] (a) An advanced practice registered nurse-certified
3 nurse practitioner practicing in this Commonwealth shall
4 maintain a level of professional liability coverage as required
5 for a nonparticipating health care provider under the act of
6 March 20, 2002 (P.L.154, No.13), known as the "Medical Care
7 Availability and Reduction of Error (Mcare) Act," but shall not
8 be eligible to participate in the Medical Care Availability and
9 Reduction of Error (Mcare) Fund.

10 (b) An advanced practice registered nurse-certified nurse
11 practitioner who qualifies for the exception under section
12 8.1(j) or (l) and operates without collaboration shall satisfy
13 the liability coverage requirement under subsection (a) by
14 maintaining an individual policy in the advanced practice
15 registered nurse-certified nurse practitioner's own name.

16 Section 11.1. Reporting of Multiple Licensure.--Any licensed
17 professional nurse or dietitian-nutritionist of this
18 Commonwealth who is also licensed to practice nursing, advanced
19 practice registered nursing or dietetics-nutrition in any other
20 state, territory, possession or country shall report this
21 information to the Board on the biennial registration
22 application. Any disciplinary action taken in other states shall
23 be reported to the Board on the biennial registration
24 application or within ninety (90) days of final disposition,
25 whichever is sooner. Multiple licensure shall be noted by the
26 Board on the licensee's record, and such state, territory,
27 possession or country shall be notified by the Board of any
28 disciplinary actions taken against said licensee in this
29 Commonwealth.

30 Section 12.1. Continuing Nursing Education.--* * *

1 (g) In lieu of meeting the requirements of this section:

2 (1) [Certified registered] Advanced practice registered
3 nurse-certified nurse practitioners and dietetics-nutrition
4 licensees shall fulfill the requirements for continuing
5 education in accordance with sections 8.1 and 11,
6 respectively.

7 * * *

8 Section 13. Punishment for Violations.--* * *

9 (b) In addition to any other civil remedy or criminal
10 penalty provided for in this act, the Board, by a vote of the
11 majority of the maximum number of the authorized membership of
12 the Board as provided by law or by a vote of the majority of the
13 duly qualified and confirmed membership or a minimum of five (5)
14 members, whichever is greater, may levy a civil penalty of up to
15 one thousand dollars (\$1,000) on any current licensee who
16 violates any provision of this act or on any person who
17 practices nursing, practices advanced practice registered
18 nursing or holds himself or herself forth as a licensed
19 dietitian-nutritionist without being properly licensed to do so
20 under this act or on the responsible officers or employes of any
21 corporation, copartnership, institution or association violating
22 any of the provisions of this act. The Board shall levy this
23 penalty only after affording the accused party the opportunity
24 for a hearing, as provided in Title 2 of the Pennsylvania
25 Consolidated Statutes (relating to administrative law and
26 procedure).

27 Section 14. Refusal, Suspension or Revocation of Licenses.--

28 (a) The Board may refuse, suspend or revoke any license in any
29 case where the Board shall find that--

30 (1) The licensee is on repeated occasions negligent or

1 incompetent in the practice of professional nursing, advanced
2 practice registered nursing or dietetics-nutrition.

3 (2) The licensee is unable to practice professional nursing
4 or the practice of advanced practice registered nursing with
5 reasonable skill and safety to patients by reason of mental or
6 physical illness or condition or physiological or psychological
7 dependence upon alcohol, hallucinogenic or narcotic drugs or
8 other drugs which tend to impair judgment or coordination, so
9 long as such dependence shall continue. In enforcing this clause
10 (2), the Board shall, upon probable cause, have authority to
11 compel a licensee to submit to a mental or physical examination
12 as designated by it. After notice, hearing, adjudication and
13 appeal as provided for in section 15, failure of a licensee to
14 submit to such examination when directed shall constitute an
15 admission of the allegations against him or her unless failure
16 is due to circumstances beyond his or her control, consequent
17 upon which a default and final order may be entered without the
18 taking of testimony or presentation of evidence. A licensee
19 affected under this paragraph shall at reasonable intervals be
20 afforded an opportunity to demonstrate that he or she can resume
21 a competent practice of professional nursing or the practice of
22 advanced practice registered nursing with reasonable skill and
23 safety to patients.

24 * * *

25 (4) The licensee has committed fraud or deceit in:

26 (i) the practice of nursing, the practice of advanced
27 practice registered nursing or in securing his or her admission
28 to such practice or nursing school; or

29 (ii) the practice of dietetics-nutrition or in securing his
30 or her license as a dietitian-nutritionist.

1 * * *

2 (b) When the Board finds that the license of any nurse or
3 dietitian-nutritionist may be refused, revoked or suspended
4 under the terms of subsection (a), the Board may:

5 * * *

6 (6) Restore or reissue, in its discretion, a suspended
7 license to practice professional or practical nursing, advanced
8 practice registered nursing or dietetics-nutrition and impose
9 any disciplinary or corrective measure which it might originally
10 have imposed.

11 Section 15.2. Reinstatement of License.--Unless ordered to
12 do so by Commonwealth Court or an appeal therefrom, the Board
13 shall not reinstate the license of a person to practice nursing,
14 advanced practice registered nursing or dietetics-nutrition
15 which has been revoked. Any person whose license has been
16 revoked may reapply for a license, after a period of at least
17 five (5) years, but must meet all of the licensing
18 qualifications of this act for the license applied for, to
19 include the examination requirement, if he or she desires to
20 practice at any time after such revocation.

21 Section 15.4. Injunction or Other Process.--It shall be
22 unlawful for any person to practice or attempt to offer to
23 practice nursing, practice advanced practice registered nursing
24 or hold himself or herself forth as a licensed dietitian-
25 nutritionist[, as defined in this act,] or an advanced practice
26 registered nurse-certified nurse practitioner without having at
27 the time of so doing a valid, unexpired, unrevoked and
28 unsuspended license issued under this act. The unlawful practice
29 of nursing [as defined in this act] or the unlawful practice of
30 advanced practice registered nursing may be enjoined by the

1 courts on petition of the Board or the Commissioner of
2 Professional and Occupational Affairs. In any such proceeding,
3 it shall not be necessary to show that any person is
4 individually injured by the actions complained of. If it is
5 determined that the respondent has engaged in the unlawful
6 practice of nursing or the unlawful practice of advanced
7 practice registered nursing, the court shall enjoin him or her
8 from so practicing unless and until he or she has been duly
9 licensed. Procedure in such cases shall be the same as in any
10 other injunction suit. The remedy by injunction hereby given is
11 in addition to any other civil or criminal prosecution and
12 punishment.

13 Section 4. The authority of the State Board of Nursing to
14 certify a licensed registered nurse as an advanced practice
15 registered nurse-certified nurse practitioner shall expire on
16 the effective date of this section.

17 Section 5. Within 90 days after the effective date of this
18 section, the State Board of Nursing, the Department of Health,
19 the Department of Human Services and other affected agencies
20 shall initiate the promulgation of regulations necessary to
21 carry out the provisions of this act. The promulgation of the
22 regulations shall not be a condition precedent to the
23 applicability of this act.

24 Section 6. This act shall take effect in 60 days.