

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 931 Session of 2021

INTRODUCED BY TOOHIL, SAYLOR, STEPHENS, FRITZ, LEWIS DELROSSO, T. DAVIS, HILL-EVANS, NEILSON, CIRESI, R. BROWN, SANKEY, SIMS, HARKINS, JONES, FLYNN, BERNSTINE, ZABEL, LONGIETTI AND E. NELSON, MARCH 16, 2021

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 8, 2021

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 definitions and for registered nurse, clinical nurse
9 specialist, use of title and abbreviation and providing for
10 ~~advanced practice registered nurse certified registered nurse~~ <--
11 ~~anesthetist~~. CERTIFIED REGISTERED NURSE ANESTHETIST AND <--
12 QUALIFICATIONS AND FOR SCOPE OF PRACTICE FOR CERTIFIED
13 REGISTERED NURSE ANESTHETISTS.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Section 2 of the act of May 22, 1951 (P.L.317,
17 No.69), known as The Professional Nursing Law, is amended by
18 adding a ~~clause~~ CLAUSES to read: <--

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

22 * * *

1 (16) "Advanced practice registered nurse certified <--
2 registered nurse anesthetist" "CERTIFIED REGISTERED NURSE <--
3 ANESTHESIST" means a registered nurse licensed in this
4 Commonwealth who is certified by the State Board of Nursing as
5 an advanced practice registered nurse certified registered <--
6 nurse CERTIFIED REGISTERED NURSE ANESTHESIST. <--

7 (17) "OVERALL DIRECTION" MEANS OVERSIGHT OF ANESTHESIA <--
8 SERVICES AND MEDICAL MANAGEMENT OF PATIENT CARE BY A QUALIFIED
9 INDIVIDUAL WHO IS PRESENT AND AVAILABLE ON-SITE, BUT NOT
10 NECESSARILY PRESENT IN THE SAME PROCEDURE ROOM AS A CERTIFIED
11 REGISTERED NURSE ANESTHETIST PERFORMING ANESTHESIA SERVICES FOR
12 THE DURATION OF THE SERVICES PROVIDED.

13 Section 2. Section 3 of the act is amended to read:

14 Section 3. [Registered Nurse, Clinical Nurse Specialist,]
15 Use of Title and Abbreviation ["R.N." or "C.N.S."] "R.N.,"
16 "C.N.S.," "C.N.S." OR "C.R.N.A."-or-"A.P.R.N."; Credentials; <--
17 Fraud.--(a) Any person who holds a license to practice
18 professional nursing in this Commonwealth, or who is maintained
19 on inactive status in accordance with section 11 of this act,
20 shall have the right to use the titles "nurse" and "registered
21 nurse" and the abbreviation "R.N." No other person shall engage
22 in the practice of professional nursing or use the titles
23 "nurse" or "registered nurse" or the abbreviation "R.N." to
24 indicate that the person using the same is a registered nurse,
25 except that the title "nurse" also may be used by a person
26 licensed under the provisions of the act of March 2, 1956 (1955
27 P.L.1211, No.376), known as the "Practical Nurse Law." No person
28 shall sell or fraudulently obtain or fraudulently furnish any
29 nursing diploma, license, record, or registration or aid or abet
30 therein.

1 (b) An individual who holds a license to practice
2 professional nursing in this Commonwealth who meets the
3 requirements under sections 6.2 and 8.5 of this act to be a
4 clinical nurse specialist shall have the right to use the title
5 "clinical nurse specialist" and the abbreviation "C.N.S." No
6 other person shall have that right.

7 (b.1) An individual who holds a license to practice
8 professional nursing in this Commonwealth who meets the
9 requirements under section 8.8 of this act to be an advanced <--
10 practice registered nurse certified A CERTIFIED registered nurse <--
11 anesthetist shall have the right to use the title "advanced <--
12 practice registered nurse certified registered nurse
13 anesthetist," "certified registered nurse anesthetist" and the
14 abbreviations ABBREVIATION "C.R.N.A." or "A.P.R.N.". No other <--
15 person shall have that right.

16 (c) Notwithstanding subsection (a), this section shall not
17 prohibit the use by a person of a descriptive title for nurse
18 assistive personnel. For the purposes of this subsection, the
19 term "nurse assistive personnel" shall mean an individual
20 providing health care services under the supervision of a
21 professional or practical nurse.

22 Section 3. The act is amended by adding ~~a section~~ SECTIONS <--
23 to read:

24 Section 8.8. ~~Advanced Practice Registered Nurse Certified~~ <--
25 CERTIFIED Registered Nurse Anesthetist; Qualifications.--(a) <--
26 The Board may certify a licensed registered nurse as an advanced <--
27 practice registered nurse certified A CERTIFIED registered nurse <--
28 anesthetist if the REGISTERED nurse satisfies the requirements <--
29 established by this section. Certification of an advanced <--
30 practice registered nurse certified A CERTIFIED registered nurse <--

1 anesthetist by the Board shall expire on the same date as the
2 license of that REGISTERED nurse expires. Beginning on the <--
3 effective date of this section, a nurse shall not qualify for
4 initial certification by the Board unless the nurse holds a
5 master's degree, doctoral degree or post master's certificate
6 from an educational program in nurse anesthesia that has been
7 approved by the Board and that prepares graduates to practice as
8 an advanced practice registered nurse certified registered nurse
9 anesthetist and:

10 (B) BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, A <--
11 REGISTERED NURSE SHALL NOT QUALIFY FOR INITIAL CERTIFICATION BY
12 THE BOARD UNLESS THE REGISTERED NURSE HOLDS A MASTER'S DEGREE,
13 DOCTORAL DEGREE OR POST-MASTER'S CERTIFICATE FROM AN EDUCATIONAL
14 PROGRAM IN NURSE ANESTHESIA THAT HAS BEEN APPROVED BY THE BOARD
15 AND THAT PREPARES GRADUATES TO PRACTICE AS A CERTIFIED
16 REGISTERED NURSE ANESTHETIST AND:

17 (1) holds current national certification as a certified
18 registered nurse anesthetist from a Board-recognized national
19 certification organization that requires passing a national
20 certifying examination in nurse anesthesia; and <--

21 ~~(2) meets~~ (2) SUBMITS AN APPLICATION AND THE REQUIRED FEE <--
22 AS ESTABLISHED BY THE BOARD; AND

23 (3) COMPLIES WITH all other Board requirements to practice
24 as an advanced practice registered nurse A CERTIFIED REGISTERED <--
25 NURSE ANESTHETIST.

26 ~~(b)~~ (C) A registered nurse who does not have a graduate <--
27 degree required under subsection ~~(a)~~ (B) shall be qualified for <--
28 certification as an advanced practice registered nurse certified <--
29 A CERTIFIED registered nurse anesthetist if that REGISTERED <--
30 nurse:

1 (1) meets the educational requirements for certified
2 registered nurse anesthetists that were in effect in this
3 Commonwealth at the time the REGISTERED nurse completed a nurse <--
4 anesthesia educational program; and <--

5 (2) submits evidence of recertification as a certified
6 registered nurse ANESTHETIST from a Board-recognized national <--
7 certification organization that requires passing a national
8 certifying examination in nurse anesthesia; <--

9 (3) SUBMITS AN APPLICATION AND THE REQUIRED FEE AS
10 ESTABLISHED BY THE BOARD; AND

11 (4) COMPLIES WITH ALL OTHER BOARD REQUIREMENTS TO PRACTICE
12 AS A CERTIFIED REGISTERED NURSE ANESTHETIST.

13 ~~(c) As a condition of biennial certificate renewal by the~~ <--
14 ~~Board, an advanced practice registered nurse certified~~
15 ~~registered nurse anesthetist must:~~

16 ~~(1) Verify that the nurse holds current national~~
17 ~~recertification from a Board recognized national certification~~
18 ~~organization that requires passing a national certifying~~
19 ~~examination in nurse anesthesia.~~

20 ~~(2) Submit a renewal application to the Board.~~

21 ~~(3) Pay a renewal fee as set by the Board.~~

22 ~~(4) In the two years prior to the certification renewal,~~
23 ~~complete at least thirty (30) hours of continuing education~~
24 ~~approved by the Board, as required under section 12.1 of this~~
25 ~~act.~~

26 ~~(d) For certification under this section, a licensed~~
27 ~~registered nurse shall file a Board prepared application with~~
28 ~~the Board and pay a fee as established by the Board by~~
29 ~~regulation.~~

30 ~~(e) (D) The Board may issue a certification as an advanced~~ <--

1 ~~practice registered nurse certified~~ A CERTIFIED registered nurse <--
2 ~~anesthetist to a licensed REGISTERED nurse who has completed a~~ <--
3 ~~course of study considered by the Board to be equivalent to a~~
4 ~~course of study required in this Commonwealth under section 6.2~~
5 ~~of this act and this section at the time the course was~~
6 ~~completed, or who is licensed or certified by another state,~~
7 ~~territory or possession of the United States or a foreign~~
8 ~~country as deemed equivalent to Pennsylvania's certification~~
9 ~~requirements, and who has met all the requirements, including~~
10 ~~character, under this act.~~

11 ~~(f) An advanced practice registered nurse certified (E) AS~~ <--
12 ~~A CONDITION OF BIENNIAL CERTIFICATE RENEWAL BY THE BOARD, A~~
13 ~~CERTIFIED REGISTERED NURSE ANESTHETIST MUST:~~

14 ~~(1) VERIFY THAT THE NURSE HOLDS CURRENT NATIONAL~~
15 ~~RECERTIFICATION FROM A BOARD-RECOGNIZED NATIONAL CERTIFICATION~~
16 ~~ORGANIZATION THAT REQUIRES PASSING A NATIONAL CERTIFYING~~
17 ~~EXAMINATION IN NURSE ANESTHESIA.~~

18 ~~(2) SUBMIT A RENEWAL APPLICATION TO THE BOARD AND THE~~
19 ~~REQUIRED FEE AS ESTABLISHED BY THE BOARD.~~

20 ~~(3) IN THE TWO YEARS PRIOR TO THE CERTIFICATION RENEWAL,~~
21 ~~COMPLETE AT LEAST THIRTY (30) HOURS OF CONTINUING EDUCATION~~
22 ~~APPROVED BY THE BOARD, AS REQUIRED UNDER SECTION 12.1 OF THIS~~
23 ~~ACT.~~

24 ~~(4) COMPLY WITH ALL OTHER REQUIREMENTS OF THE BOARD.~~

25 ~~(F) A CERTIFIED registered nurse anesthetist practicing in~~
26 ~~this Commonwealth shall maintain a level of professional~~
27 ~~liability coverage as required for a nonparticipating health~~
28 ~~care provider under the act of March 20, 2002 (P.L.154, No.13),~~
29 ~~known as the "Medical Care Availability and Reduction of Error~~
30 ~~(Mcare) Act," and shall not be eligible to participate in the~~

1 Medical Care Availability and Reduction of Error (Mcare) Fund.

2 SECTION 8.9. SCOPE OF PRACTICE FOR CERTIFIED REGISTERED

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3 NURSE ANESTHETISTS.-- (A) A CERTIFIED REGISTERED NURSE

4 ANESTHETIST SHALL HAVE THE AUTHORITY TO PERFORM ANESTHESIA

5 SERVICES IN COOPERATION WITH A PHYSICIAN, PODIATRIST OR DENTIST

6 INVOLVED IN A PROCEDURE FOR WHICH ANESTHESIA CARE IS BEING

7 PROVIDED IF THE ANESTHESIA SERVICES ARE PERFORMED UNDER THE

8 OVERALL DIRECTION OF ANY OF THE FOLLOWING:

9 (1) A PHYSICIAN LICENSED BY THE STATE BOARD OF MEDICINE OR

10 THE STATE BOARD OF OSTEOPATHIC MEDICINE WHO HAS COMPLETED AN

11 ACCREDITED RESIDENCY TRAINING PROGRAM IN ANESTHESIOLOGY.

12 (2) A PHYSICIAN LICENSED BY THE STATE BOARD OF MEDICINE OR

13 THE STATE BOARD OF OSTEOPATHIC MEDICINE WHO IS PERFORMING THE

14 PROCEDURE FOR WHICH THE CERTIFIED REGISTERED NURSE ANESTHETIST

15 IS PERFORMING ANESTHESIA SERVICES.

16 (3) A PODIATRIST LICENSED BY THE STATE BOARD OF PODIATRY WHO

17 IS PERFORMING THE PROCEDURE FOR WHICH THE CERTIFIED REGISTERED

18 NURSE ANESTHETIST IS PERFORMING ANESTHESIA SERVICES.

19 (4) A DENTIST LICENSED BY THE STATE BOARD OF DENTISTRY AND

20 PERMITTED BY THE ACT OF MAY 1, 1933 (P.L.216, NO.76), KNOWN AS

21 "THE DENTAL LAW" OR THE STATE BOARD OF DENTISTRY TO ADMINISTER,

22 SUPERVISE OR DIRECT THE ADMINISTRATION OF ANESTHESIA.

23 (B) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

24 (1) PROHIBIT A CERTIFIED REGISTERED NURSE ANESTHETIST WHO

25 WOULD OTHERWISE REQUIRE DIRECTION FROM PROVIDING BRIEF PERIODS

26 OF CARE IN THE EVENT OF AN EMERGENCY THAT TEMPORARILY PREVENTS

27 OR INTERFERES WITH OVERALL DIRECTION;

28 (2) RESTRICT THE AUTHORITY OF A HEALTH CARE FACILITY TO

29 PROVIDE FOR ADDITIONAL OVERSIGHT REQUIREMENTS FOR A CERTIFIED

30 REGISTERED NURSE ANESTHETIST PRACTICING WITHIN THE FACILITY; OR

1 (3) LIMIT OR PROHIBIT A CERTIFIED REGISTERED NURSE
2 ANESTHETIST FROM ENGAGING IN THOSE ACTIVITIES WHICH NORMALLY
3 CONSTITUTE THE PRACTICE OF NURSING AS DEFINED IN SECTION 2.

4 Section 4. The State Board of Nursing shall promulgate FINAL <--
5 regulations to implement the amendment or addition of sections
6 2(16), 3 and 8.8 of the act within 18 months of the effective
7 date of this section.

8 Section 5. This act shall take effect in 60 days.