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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1253

Session of  
2007

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INTRODUCED BY SOLOBAY, SEIP, BELFANTI, CAPPELLI, CREIGHTON,  
DALEY, EACHUS, FREEMAN, GEIST, GRUCELA, JOSEPHS, KIRKLAND,  
MURT, PETRONE, SAYLOR, SIPTROTH, KULA, EVERETT, GIBBONS,  
KORTZ, PALLONE, JAMES, THOMAS, CALTAGIRONE AND PASHINSKI,  
MAY 10, 2007

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SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL  
LICENSURE, IN SENATE, AS AMENDED, JUNE 30, 2007

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AN ACT

1 Amending the act of May 22, 1951 (P.L.317, No.69), entitled, as  
2 amended, "An act relating to the practice of professional  
3 nursing; providing for the licensing of nurses and for the  
4 revocation and suspension of such licenses, subject to  
5 appeal, and for their reinstatement; providing for the  
6 renewal of such licenses; regulating nursing in general;  
7 prescribing penalties and repealing certain laws," further  
8 providing for scope of practice for certified registered  
9 nurse practitioners; and providing for professional  
10 liability.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Section 8.2 of the act of May 22, 1951 (P.L.317,  
14 No.69), known as The Professional Nursing Law, added December 9,  
15 2002 (P.L.1567, No.206), is amended to read:

16 Section 8.2. Scope of Practice for Certified Registered  
17 Nurse Practitioners.--(a) A certified registered nurse  
18 practitioner while functioning in the expanded role as a  
19 professional nurse shall practice within the scope of practice

1 of the particular clinical specialty area in which the nurse is  
2 certified by the board.

3 (b) A certified registered nurse practitioner may perform  
4 acts of medical diagnosis in collaboration with a physician and  
5 in accordance with regulations promulgated by the board.

6 (c) [A] Except as provided in subsection (c.1), a certified  
7 registered nurse practitioner may prescribe medical therapeutic  
8 or corrective measures if the nurse is acting in accordance with  
9 the provisions of section 8.3.

10 (c.1) Except as limited by subsection (c.2), and in addition  
11 to existing authority, a certified registered nurse practitioner  
12 shall have authority to do all of the following, provided that  
13 the certified nurse practitioner is acting within the scope of  
14 the certified registered nurse practitioner's collaborative or  
15 written agreement with a physician and the certified registered  
16 nurse practitioner's specialty certification:

17 (1) Order home health and hospice care.

18 (2) Order durable medical equipment.

19 (3) Issue oral orders to the extent permitted by the health  
20 care facilities' by-laws, rules, regulations or administrative  
21 policies and guidelines.

22 (4) Make physical therapy and dietitian referrals.

23 ~~(5) Order respiratory or occupational therapy.~~

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24 (5) MAKE RESPIRATORY AND OCCUPATIONAL THERAPY REFERRALS.

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

27 (7) Issue home bound schooling certifications.

28 (8) Perform and sign THE initial assessment of methadone  
29 treatment evaluations, provided that any order for methadone  
30 treatment shall be made only by a physician.

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

2        (1) Supersede the authority of the Department of Health and  
3 the Department of Public Welfare to regulate the types of health  
4 care professionals who are eligible for medical staff membership  
5 or clinical privileges.

6        (2) Restrict the authority of a health care facility to  
7 determine the scope of practice and supervision or other  
8 oversight requirements for health care professionals practicing  
9 within the facility.

10        (d) Nothing in this section shall be construed to limit or  
11 prohibit a certified registered nurse practitioner from engaging  
12 in those activities which normally constitute the practice of  
13 nursing as defined in section 2.

14        Section 2. The act is amended by adding a section to read:

15        Section 8.5. Professional Liability.--A certified registered  
16 nurse practitioner practicing in this Commonwealth shall  
17 maintain a level of professional liability coverage as required  
18 for a nonparticipating health care provider under the act of  
19 March 20, 2002 (P.L.154, No.13), known as the "Medical Care  
20 Availability and Reduction of Error (Mcare) Act," but shall not  
21 be eligible to participate in the Medical Care Availability and  
22 Reduction of Error (Mcare) Fund.

23        Section 3. The State Board of Nursing, the Department of  
24 Public Welfare, the State Board of Medicine and the Department  
25 of Health shall promulgate regulations to implement the  
26 amendment or addition of sections 8.2 and 8.5 of the act within  
27 18 months of the effective date of this section.

28        Section 4. The following acts are repealed insofar as they  
29 are inconsistent with the amendment of section 8.2 of the act  
30 and the addition of section 8.5 of the act:

1           (1) Section ~~3-1~~ 3.1(B) of the act.

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2           (2) Section ~~9~~ 9(D) of the act of October 10, 1975                     ←

3 (P.L.383, No.110), known as the Physical Therapy Practice  
4 Act.

5           (3) Section 14 of the act of June 15, 1982 (P.L.502,  
6       No.140), known as the Occupational Therapy Practice Act.

7           (4) Section 13.1(d) of the act of December 20, 1985  
8           (P.L.457, No.112), known as the Medical Practice Act of 1985.

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