

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1255 Session of 2007

INTRODUCED BY WATERS, MYERS, JOSEPHS, BLACKWELL, EACHUS, MANDERINO, PASHINSKI, SOLOBAY, FREEMAN, KULA, LEACH, MURT, EVERETT, CONKLIN, GIBBONS, KORTZ, PICKETT, STABACK, JAMES AND SHAPIRO, MAY 10, 2007

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 19, 2007

AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),
2 entitled "An act relating to the right to practice medicine
3 and surgery and the right to practice medically related acts;
4 reestablishing the State Board of Medical Education and
5 Licensure as the State Board of Medicine and providing for
6 its composition, powers and duties; providing for the
7 issuance of licenses and certificates and the suspension and
8 revocation of licenses and certificates; providing penalties;
9 and making repeals," further providing for nurse-midwife
10 license.

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

13 Section 1. Section 35 of the act of December 20, 1985
14 (P.L.457, No.112), known as the Medical Practice Act of 1985, is
15 amended by adding a subsection to read:

16 Section 35. Nurse-midwife license.

17 * * *

18 (c) Authorization.--

19 ~~(1) A nurse midwife is authorized to provide and manage~~ ←
20 ~~primary health care of women during pregnancy, childbirth and~~

1 ~~the postpartum period, provide care of the neonate and~~
2 ~~provide office gynecological care and family planning~~
3 ~~services.~~

4 ~~(2) A nurse midwife may, consistent with the midwife's~~
5 ~~academic educational preparation and national certification,~~
6 ~~prescribe, dispense, order and administer the following:~~

7 ~~(i) Legend drugs and Schedule II through Schedule V~~
8 ~~controlled substances provided that the midwife:~~

9 ~~(A) Has successfully completed at least 45 hours~~
10 ~~of coursework specific to advanced pharmacology at a~~
11 ~~level above that required by a professional nursing~~
12 ~~education program.~~

13 ~~(B) In the two years prior to the biennial~~
14 ~~renewal of the nurse midwife's license, successfully~~
15 ~~completes at least 16 hours of continuing education~~
16 ~~in pharmacology approved by the board. The nurse~~
17 ~~midwife shall provide the board with evidence that~~
18 ~~the nurse midwife has completed such training as part~~
19 ~~of the biennial renewal process.~~

20 ~~(C) Acts in collaboration with a physician as~~
21 ~~set forth in a written agreement which shall at a~~
22 ~~minimum identify the categories of drugs from which~~
23 ~~the nurse midwife may prescribe or dispense and the~~
24 ~~circumstances under which the collaborating physician~~
25 ~~will personally see the patient.~~

26 ~~(D) Acts in accordance with regulations~~
27 ~~promulgated by the board, which shall not~~
28 ~~unreasonably restrict the midwife's practice.~~

29 ~~(ii) Medical devices.~~

30 ~~(iii) Immunizing agents.~~

1 ~~(iv) Laboratory tests.~~

2 ~~(v) Therapeutic, diagnostic and preventative~~
3 ~~measures.~~

4 (1) A NURSE MIDWIFE IS AUTHORIZED TO PRACTICE MIDWIFERY ←
5 PURSUANT TO A COLLABORATIVE AGREEMENT WITH A PHYSICIAN AND
6 REGULATIONS PROMULGATED BY THE BOARD.

7 (2) A NURSE MIDWIFE MAY, CONSISTENT WITH THE MIDWIFE'S
8 ACADEMIC EDUCATIONAL PREPARATION AND NATIONAL CERTIFICATION,
9 PRESCRIBE, DISPENSE, ORDER AND ADMINISTER DRUGS, INCLUDING
10 LEGEND DRUGS AND SCHEDULE II THROUGH SCHEDULE V CONTROLLED
11 SUBSTANCES, PROVIDED THAT THE MIDWIFE DEMONSTRATES TO THE
12 BOARD THAT:

13 (I) THE NURSE MIDWIFE HAS SUCCESSFULLY COMPLETED AT
14 LEAST 45 HOURS OF COURSEWORK SPECIFIC TO ADVANCED
15 PHARMACOLOGY AT A LEVEL ABOVE THAT REQUIRED BY A
16 PROFESSIONAL NURSING EDUCATION PROGRAM.

17 (II) AS A CONDITION OF BIENNIAL LICENSE RENEWAL BY
18 THE BOARD, A NURSE MIDWIFE SHALL COMPLETE THE CONTINUING
19 EDUCATION REQUIREMENT AS REQUIRED BY THE ACT OF MAY 22,
20 1951 (P.L.317, NO.69), KNOWN AS THE PROFESSIONAL NURSING
21 LAW. IN CASE OF A NURSE MIDWIFE WHO HAS PRESCRIPTIVE
22 AUTHORITY UNDER THIS ACT, THE CONTINUING EDUCATION
23 REQUIRED BY THE PROFESSIONAL NURSING LAW, SHALL INCLUDE
24 AT LEAST 16 HOURS IN PHARMACOLOGY IN THAT TWO-YEAR
25 PERIOD.

26 (III) THE NURSE MIDWIFE ACTS IN ACCORDANCE WITH A
27 COLLABORATIVE AGREEMENT WITH A PHYSICIAN WHICH SHALL AT A
28 MINIMUM IDENTIFY THE CATEGORIES OF DRUGS FROM WHICH THE
29 NURSE MIDWIFE MAY PRESCRIBE OR DISPENSE AND THE DRUGS
30 WHICH REQUIRE REFERRAL, CONSULTATION OR COMANAGEMENT.

1 (IV) THE NURSE MIDWIFE ACTS IN ACCORDANCE WITH THE
2 FOLLOWING RESTRICTIONS:

3 (A) A NURSE MIDWIFE SHALL NOT PRESCRIBE,
4 DISPENSES, ORDER OR ADMINISTER A CONTROLLED SUBSTANCE
5 EXCEPT FOR A WOMAN'S ACUTE PAIN. IN THE CASE OF A
6 SCHEDULE II CONTROLLED SUBSTANCE, THE DOSE SHALL BE
7 LIMITED TO 72 HOURS AND SHALL NOT BE EXTENDED EXCEPT
8 WITH THE APPROVAL OF THE COLLABORATING PHYSICIAN. IN
9 THE CASE OF A SCHEDULE III OR IV CONTROLLED
10 SUBSTANCE, THE PRESCRIPTION SHALL BE LIMITED TO 30
11 DAYS AND SHALL ONLY BE REFILLED WITH THE APPROVAL OF
12 THE COLLABORATING PHYSICIAN.

13 (B) A NURSE MIDWIFE SHALL PRESCRIBE, DISPENSE,
14 ORDER OR ADMINISTER PSYCHOTROPIC DRUGS ONLY AFTER
15 CONSULTING WITH THE COLLABORATING PHYSICIAN.

16 (3) A NURSE MIDWIFE MAY, IN ACCORDANCE WITH A
17 COLLABORATIVE AGREEMENT WITH A PHYSICIAN AND CONSISTENT WITH
18 THE MIDWIFE'S ACADEMIC EDUCATIONAL PREPARATION AND NATIONAL
19 CERTIFICATION, PRESCRIBE, DISPENSE, ORDER AND ADMINISTER:

20 (I) MEDICAL DEVICES.

21 (II) IMMUNIZING AGENTS.

22 (III) LABORATORY TESTS.

23 (IV) THERAPEUTIC, DIAGNOSTIC AND PREVENTATIVE
24 MEASURES.

25 (D) COLLABORATIVE AGREEMENTS.--THE PHYSICIAN WITH WHOM A
26 NURSE MIDWIFE HAS A COLLABORATIVE AGREEMENT SHALL HAVE HOSPITAL
27 CLINICAL PRIVILEGES IN THE SPECIALTY AREA OF THE CARE FOR WHICH
28 THE PHYSICIAN IS PROVIDING COLLABORATIVE SERVICES.

29 ~~Section 2. The State Board of Medicine shall promulgate~~ <—
30 ~~regulations to implement the amendment of section 35 of the act~~

1 ~~within 18 months of the effective date of this act.~~

2 SECTION 2. THE STATE BOARD OF MEDICINE SHALL PROMULGATE <—
3 REGULATIONS TO IMPLEMENT THE AMENDMENT OF SECTION 35 OF THE ACT
4 WITHIN 12 MONTHS OF THE EFFECTIVE DATE OF THIS ACT. THE BOARD
5 SHALL REPORT EVERY THREE MONTHS ON THE STATUS OF THE REGULATIONS
6 TO THE CONSUMER PROTECTION AND PROFESSIONAL LICENSURE COMMITTEE
7 OF THE SENATE AND THE PROFESSIONAL LICENSURE COMMITTEE OF THE
8 HOUSE OF REPRESENTATIVES.

9 Section 3. This act shall take effect in 60 days.