

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 479 Session of 2015

INTRODUCED BY FABRIZIO, McNEILL, KINSEY, THOMAS, O'BRIEN, JAMES, HARKINS, SCHLOSSBERG, GERGELY, FREEMAN, COHEN, FRANKEL, HENNESSEY, D. COSTA, V. BROWN, BARRAR, PASHINSKI, MURT, MAHONEY, KORTZ, DONATUCCI, GABLER, GINGRICH AND WARD, FEBRUARY 17, 2015

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 4, 2016

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," providing
8 for delegation of functions necessary for the support of
9 nursing services.

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

12 Section 1. Section 2 of the act of May 22, 1951 (P.L.317,
13 No.69), known as The Professional Nursing Law, is amended by
14 adding a definition to read:

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

18 * * *

19 (16) "Delegate" or "delegation" means the transfer of

1 responsibility for the performance of a ~~task~~ FUNCTION from the <--
2 ~~professional~~ REGISTERED nurse to another individual who may or <--
3 may not be a health care ~~provider~~ PRACTITIONER, licensed or <--
4 unlicensed, while retaining accountability for the outcome.

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

6 Section 4.2. Delegation of Functions.--(a) A registered
7 nurse may delegate if all of the following conditions are met:

8 (1) The delegation is consistent with the scope and
9 standards of acceptable nursing practice as defined by license
10 or certificate or otherwise authorized by law.

11 (2) The delegation is not prohibited by statute or
12 regulation, including regulations promulgated by the ~~board~~ <--
13 BOARD. <--

14 (3) The registered nurse has knowledge that the ~~delegate~~ <--
15 INDIVIDUAL TO WHOM THE FUNCTION IS BEING DELEGATED has the <--
16 requisite education, training, experience and continued
17 competency to safely perform the delegated ~~task~~ FUNCTION. <--

18 (4) The registered nurse has determined that the delegation
19 does not create an undue risk to the patient.

20 (b) A registered nurse shall be responsible for the
21 delegated ~~nursing~~ function in accordance with subsection (a). A <--
22 registered nurse's responsibility for the delegated ~~nursing~~ <--
23 function is not limited by any provisions of this section.

24 (c) A registered nurse may not delegate a ~~task~~ FUNCTION <--
25 that:

26 (1) requires knowledge and skill ~~not ordinarily possessed by~~ <--
27 ~~a nonregistered nurse~~ BEYOND THE VALIDATED COMPETENCIES OF THE <--
28 INDIVIDUAL TO WHOM THE FUNCTION IS BEING DELEGATED; or

29 (2) the registered nurse is not educated, trained and
30 competent to perform.

1 (d) Nothing in this section may be construed as limiting the
2 authority of a physician to delegate as contained within the act
3 of December 20, 1985 (P.L.457, No.112), known as the "Medical <--
4 Practice Act of 1985." <--

5 (e) Within ~~180~~ ONE HUNDRED EIGHTY (180) days of the <--
6 effective date of this section, the ~~board~~ BOARD shall promulgate <--
7 regulations that establish criteria pursuant to which a
8 registered nurse may delegate the performance of ~~nursing~~ <--
9 functions.

10 Section 3. This act shall take effect ~~in 60 days~~. AS <--
11 FOLLOWS:

12 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
13 IMMEDIATELY:

14 (I) THIS SECTION.

15 (II) THE ADDITION OF SECTION 4.2(E) OF THE ACT.

16 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT ON THE
17 EFFECTIVE DATE OF THE REGULATIONS PROMULGATED UNDER SECTION
18 4.2(E) OF THE ACT.