

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL****No. 717** Session of  
2015

INTRODUCED BY VANCE, SCARNATI, BAKER, YUDICHAK, HUTCHINSON,  
SCHWANK, HUGHES, BARTOLOTTA, SCAVELLO, LEACH, WOZNIAK,  
MCGARRIGLE, STEFANO, McILHINNEY, FOLMER, ARGALL, COSTA,  
TEPLITZ, TARTAGLIONE, BLAKE, KITCHEN, RESCHENTHALER AND  
MENSCH, APRIL 10, 2015

SENATOR BROWNE, APPROPRIATIONS, RE-REPORTED AS AMENDED,  
JUNE 28, 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," further  
8 providing for definitions; and providing for licensure as a  
9 certified nurse practitioner.

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

12 Section 1. Section 2(1), (10) and (14) of the act of May 22,  
13 1951 (P.L.317, No.69), known as The Professional Nursing Law,  
14 amended or added June 29, 2002 (P.L.651, No.99) and December 9,  
15 2002 (P.L.1567, No.206), are amended and the section is amended  
16 by adding paragraphs to read:

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

1 (1) The "Practice of Professional Nursing" means diagnosing  
2 and treating human responses to actual or potential health  
3 problems through such services as casefinding, health teaching,  
4 health counseling, and provision of care supportive to or  
5 restorative of life and well-being, and executing medical  
6 regimens as prescribed by a licensed physician or dentist. The  
7 foregoing shall not be deemed to include acts of medical  
8 diagnosis or prescription of medical therapeutic or corrective  
9 measures, except as performed by a certified [registered] nurse  
10 practitioner acting in accordance with rules and regulations  
11 promulgated by the Board.

12 \* \* \*

13 (10) "Medical nutrition therapy" means the component of  
14 nutrition therapy that concerns determining and recommending  
15 nutrient needs based on nutritional assessment and medical  
16 problems relative to diets prescribed by a licensed physician or  
17 certified nurse practitioner, including:

- 18 (i) tube feedings;
- 19 (ii) specialized intravenous solutions;
- 20 (iii) specialized oral solutions; and
- 21 (iv) interactions of prescription drugs with food or  
22 nutrients.

23 \* \* \*

24 [(14) "Drug Review Committee" means the committee  
25 established in section 8.4 whose function is to approve or  
26 disapprove, by addition or deletion, the categories of drugs  
27 that may be prescribed by certified registered nurse  
28 practitioners.]

29 \* \* \*

30 (16) "Certified nurse practitioner" or "advanced practice

1 registered nurse-certified nurse practitioner" means a  
2 registered nurse licensed in this Commonwealth to practice  
3 independently in a particular clinical specialty area or  
4 population focus in which the registered nurse is certified.

5 (17) "Population focus" means a category of the population  
6 within which a certified nurse practitioner practices, including  
7 family/individual across the lifespan, adult-gerontology,  
8 neonatal, pediatrics, women's health/gender-related,  
9 psychiatric/mental health and any other such categories as  
10 designated by board regulations.

11 (18) "Controlled substance" means any drug designated as  
12 such under the provisions of the act of April 14, 1972 (P.L.233,  
13 No.64), known as the "Controlled Substance, Drug, Device and  
14 Cosmetic Act."

15 (19) "Non-proprietary drug" means a drug containing any  
16 quantity of any controlled substance or any drug which is  
17 required by any applicable Federal or State law to be dispensed  
18 only by prescription.

19 (20) "Proprietary drug" means a non-prescription, non-  
20 narcotic medicine or drug which may be sold without a  
21 prescription and which is prepackaged for use by the consumer  
22 and labeled in accordance with the requirements of the statutes  
23 and regulations of the Federal Government and this Commonwealth.

24 (21) "Licensed independent practitioner" means any  
25 practitioner licensed under this act to provide care and  
26 services, without direction or supervision, within the scope of  
27 the practitioner's license.

28 Section 2. Section 2.1(1) of the act, added December 9, 2002  
29 (P.L.1567, No.206), is amended to read:

30 Section 2.1. State Board of Nursing.--\* \* \*

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

13 Section 3. Section 3.1(b) of the act, amended or added June  
14 29, 2002 (P.L.651, No.99), is amended to read:

15 Section 3.1. Dietitian-Nutritionist License Required.--\* \* \*

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

25 Section 4. Section 4.1 of the act, added December 20, 1985  
26 (P.L.409, No.109), is amended to read:

27 Section 4.1. Temporary Practice Permit.--(a) In order for a  
28 person to practice professional nursing during the one (1) year  
29 period from completion of his or her education program or the  
30 one (1) year period from the application for licensure by a

1 person who holds a current license issued by any other state,  
2 territory or possession of the United States or the Dominion of  
3 Canada, the Board may issue a temporary practice permit which is  
4 nonrenewable and valid for a period of one (1) year and during  
5 such additional period as the Board may in each case especially  
6 permit, except that the temporary practice permit shall expire  
7 if such person fails the licensing examination.

8 (b) Within 90 days of the date a temporary practice permit  
9 to practice as a certified nurse practitioner is issued by the  
10 board to an individual who was licensed or certified by another  
11 state, territory or possession of the United States or a foreign  
12 country, the individual shall comply with the requirements under  
13 sections 8.2 and 8.3 with regard to acting in collaboration with  
14 a physician and in accordance with a collaborative or written  
15 agreement with a physician, unless such individual qualifies for  
16 the exception from the collaboration requirement according to  
17 the board pursuant to section 8.9(c).

18 Section 5. Section 7(b) of the act, amended June 29, 2002  
19 (P.L.651, No.99), is amended to read:

20 Section 7. Graduates of Schools of Other States, Territories  
21 or Dominion of Canada.--\* \* \*

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

1 of Nursing and Medicine] board.

2 \* \* \*

3 Section 6. Section 8.1 of the act is amended by adding a  
4 subsection to read:

5 Section 8.1. Certified Registered Nurse Practitioners;  
6 Qualifications.--\* \* \*

7 (d) The authority of the board to certify a licensed  
8 registered nurse as a certified registered nurse practitioner  
9 shall expire on the effective date of section 8.8.

10 Section 7. Section 8.2 of the act, amended July 20, 2007  
11 (P.L.318, No.48), is amended to read:

12 Section 8.2. Scope of Practice for Certified [Registered]  
13 Nurse Practitioners.--(a) A certified [registered] nurse  
14 practitioner [while functioning in the expanded role as a  
15 professional nurse] shall practice within the scope of practice  
16 of the particular clinical specialty area or population focus  
17 in which the nurse is [certified] licensed by the board.

18 Notwithstanding any other provision of law, a certified nurse  
19 practitioner is entitled to all of the following:

20 (1) To practice as a licensed independent practitioner  
21 within the scope of practice of the particular clinical  
22 specialty area or population focus in which the nurse is  
23 licensed by the board.

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

26 (b) [A] Except as provided under section 8.9, a certified  
27 [registered] nurse practitioner may perform acts of medical  
28 diagnosis in collaboration with a physician and in accordance  
29 with regulations promulgated by the board.

30 (c) Except as provided in subsection (c.1), a certified

1 [registered] nurse practitioner may prescribe medical  
2 therapeutic or corrective measures if the nurse is acting in  
3 accordance with the provisions of section 8.3.

4 (c.1) [Except as limited by subsection (c.2), and in] In  
5 addition to existing authority, a certified [registered] nurse  
6 practitioner shall have authority to do all of the following,  
7 provided that the certified nurse practitioner is acting within  
8 the scope of the certified [registered] nurse practitioner's <--  
9 collaborative or written agreement with a physician, except as  
10 provided under section 8.9, and the certified [registered] nurse  
11 practitioner's [specialty] certification:

12 (1) Order home health and hospice care.

13 (2) Order durable medical equipment.

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

17 (4) Make physical therapy and dietitian referrals.

18 (5) Make respiratory, speech and occupational therapy  
19 referrals.

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

22 (7) Issue homebound schooling certifications.

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

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

27 (1) Supersede the authority of the Department of Health and  
28 the Department of Public Welfare to regulate the types of health  
29 care professionals who are eligible for medical staff membership  
30 or clinical privileges.

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

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

18 Section 8. Sections 8.3 and 8.4 of the act, added December  
19 9, 2002 (P.L.1567, No.206), are amended to read:

20 Section 8.3. Prescriptive Authority for Certified  
21 [Registered] Nurse Practitioners.--(a) A certified [registered]  
22 nurse practitioner may prescribe medical therapeutic or  
23 corrective measures if the nurse:

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

27 (2) (i) except as provided under subparagraph (ii), is  
28 acting in collaboration with a physician as set forth in a  
29 written agreement which shall, at a minimum, identify the  
30 following:

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

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

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

7 (ii) if the certified nurse practitioner qualifies for the  
8 exception from the collaboration requirement as provided under  
9 section 8.9, is practicing within a clinical specialty area or  
10 population focus in which the nurse is certified; and

11 (3) is acting in accordance with regulations promulgated by  
12 the board.

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

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

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

30 (2) Two certified registered nurse practitioners who are

1 actively engaged in clinical practice, appointed to three-year  
2 terms by the Secretary of Health.

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

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

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

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

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

27 Section 9. Section 8.7 of the act, added July 20, 2007  
28 (P.L.318, No.48), is amended to read:

29 Section 8.7. Professional Liability.--(a) A certified  
30 [registered] nurse practitioner practicing in this Commonwealth

1 shall maintain a level of professional liability coverage as  
2 required for a nonparticipating health care provider under the  
3 act of March 20, 2002 (P.L.154, No.13), known as the "Medical  
4 Care Availability and Reduction of Error (Mcare) Act," but shall  
5 not be eligible to participate in the Medical Care Availability  
6 and Reduction of Error (Mcare) Fund.

7 (b) A certified nurse practitioner who qualifies for the  
8 exception from the collaboration requirement pursuant to section  
9 8.9 and operates without collaboration shall satisfy the  
10 liability coverage requirement under subsection (a) by  
11 maintaining an individual policy in the certified nurse  
12 practitioner's own name.

13 Section 10. The act is amended by adding sections to read:

14 Section 8.8. Licensure as a Certified Nurse Practitioner.--

15 (a) A registered nurse who holds current certification by the  
16 board, pursuant to section 8.1, as a certified registered nurse  
17 practitioner in a particular clinical specialty area on the  
18 effective date of this section shall automatically be deemed to  
19 be licensed by the board as a certified nurse practitioner,  
20 either in that specialty area or in the population focus for  
21 which that registered nurse is otherwise qualified. The board  
22 shall issue appropriate written notice of such license as a  
23 certified nurse practitioner, provided that the issuance of that  
24 notice shall not be a condition precedent to practice in  
25 accordance with that license.

26 (b) Except as provided in subsection (a), a person shall not  
27 qualify for an initial license as a certified nurse practitioner  
28 on or after the effective date of this section unless the person  
29 meets the following criteria:

30 (1) Holds a current license in this Commonwealth as a

1 registered nurse.

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

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

9 (c) (1) An initial license pursuant to subsection (a) as a  
10 certified nurse practitioner shall expire on the same date as  
11 the nurse's then current license as a registered nurse is  
12 scheduled to expire. Such license as a certified nurse  
13 practitioner shall thereafter be renewed biennially on the same  
14 date as the nurse's license as a registered nurse.

15 (2) An initial license pursuant to subsection (b) or section  
16 7(b) as a certified nurse practitioner shall expire on the same  
17 date as the nurse's then current license as a registered nurse  
18 is scheduled to expire. Such license as a certified nurse  
19 practitioner shall thereafter be renewed biennially on the same  
20 date as the nurse's license as a registered nurse.

21 (3) As a condition for biennial renewal by the board of a  
22 license as a certified nurse practitioner, the nurse must do all  
23 of the following:

24 (i) Maintain a current license in this Commonwealth as a  
25 registered nurse.

26 (ii) Maintain current certification through a board-  
27 recognized national certification program in the particular  
28 clinical specialty area or population focus in which the nurse  
29 is licensed as a certified nurse practitioner by the board.

30 (iii) In the two years prior to renewal, complete at least

1 thirty (30) hours of continuing education approved by the board.  
2 In the case of a certified nurse practitioner who is prescribing  
3 medical therapeutic or corrective measures pursuant to section  
4 8.3, that continuing education must include at least sixteen  
5 (16) hours in pharmacology in that two-year period.

6 (d) The board shall establish a procedure by which a license  
7 as a certified nurse practitioner may be amended prior to the  
8 biennial renewal date in order to authorize a nurse to practice  
9 in a particular clinical specialty area or population focus in  
10 which the nurse was not certified on the effective date of this  
11 section or on the date on which the nurse's current license as a  
12 certified nurse practitioner was issued or renewed. The board  
13 shall authorize a certified nurse practitioner to practice in an  
14 additional clinical specialty area or population focus only if  
15 the nurse holds current certification from a board-recognized  
16 national certification program which required the passing of a  
17 national certifying examination in the additional clinical  
18 specialty area or population focus.

19 (e) (1) The use of the terms "certified registered nurse  
20 practitioner," "registered nurse practitioner," "certified nurse  
21 practitioner" and "nurse practitioner" in any other act shall be  
22 deemed to include a person licensed as a certified nurse  
23 practitioner pursuant to this section or to section 7(b).

24 (2) A registered nurse who is licensed by the board as a  
25 certified nurse practitioner in a particular clinical specialty  
26 area or population focus is entitled to use the title "advanced  
27 practice registered nurse-certified nurse practitioner" and the  
28 letters "A.P.R.N.-C.N.P." It shall be unlawful for any other  
29 person to use the title "advanced practice registered nurse-  
30 certified nurse practitioner" or the letters "A.P.R.N.-C.N.P."

1 (f) (1) A certified nurse practitioner may form a  
2 professional corporation with one or more of the following:

3 (i) Other registered nurses.

4 (ii) Other health care practitioners who treat human  
5 ailments and conditions and are licensed to provide health care  
6 services in this Commonwealth without receiving a referral or  
7 supervision from another health care practitioner.

8 (2) This subsection shall be construed to abrogate the  
9 requirement that the State Board of Medicine and the State Board  
10 of Osteopathic Medicine expressly authorize the combined  
11 practice of certified nurse practitioners with doctors of  
12 medicine or doctors of osteopathic medicine, respectively, found  
13 in section 2903(d)(1)(ii) of Title 15 of the Pennsylvania  
14 Consolidated Statutes.

15 Section 8.9. Additional Qualifications.--(a) A certified  
16 nurse practitioner who has engaged in the practice of  
17 professional nursing as a certified nurse practitioner or  
18 certified registered nurse practitioner in collaboration with a  
19 physician for a period of not less than three (3) years and not  
20 less than three thousand six hundred (3,600) hours in accordance  
21 with a collaborative or written agreement with a physician as  
22 required under sections 8.2 and 8.3 shall not be subject to the  
23 requirement that the certified nurse practitioner act in  
24 collaboration with a physician or in accordance with a  
25 collaborative or written agreement with a physician as required  
26 under sections 8.2 and 8.3.

27 (b) A certified nurse practitioner who qualifies for the  
28 exception from the collaboration requirement as provided under  
29 this section shall file a form with the board attesting to  
30 having engaged in the practice of professional nursing in

1 collaboration with a physician for a period of not less than  
2 three (3) years and not less than three thousand six hundred  
3 (3,600) hours pursuant to subsection (a). Such form shall be  
4 developed by the board by regulation.

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

21 Section 11. Within 90 days after the effective date of this  
22 act, the State Board of Nursing, the Department of Health, the  
23 Department of Human Services and other affected agencies shall  
24 initiate the promulgation of any regulations necessary because  
25 of the amendments made by this act to the act of May 22, 1951  
26 (P.L.317, No.69), known as the Professional Nursing Law,  
27 provided that the promulgation of those regulations shall not be  
28 a condition precedent to the applicability of any such  
29 amendments.

30 Section 12. This act shall take effect in 60 days.