
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 25 Session of
2017

INTRODUCED BY BARTOLOTTA, SCARNATI, BAKER, SCAVELLO,
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ARGALL, SABATINA, WHITE, STREET, WILLIAMS, RAFFERTY, WAGNER
AND HUGHES, FEBRUARY 15, 2017

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 15, 2017

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, for State Board of Nursing, for
9 dietitian-nutritionist license required, for temporary
10 practice permit, for graduates of schools of other states,
11 territories or Dominion of Canada, for certified registered
12 nurse practitioners, for scope of practice for certified
13 registered nurse practitioners, for prescriptive authority
14 for certified registered nurse practitioners, for Drug Review
15 Committee and for professional liability; and providing for
16 the expiration of the State Board of Nursing's power to
17 license certified registered nurse practitioners.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 2(1), (10), (12) and (14) of the act of
21 May 22, 1951 (P.L.317, No.69), known as The Professional Nursing
22 Law, are amended and the section is amended by adding paragraphs
23 to read:

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

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

15 * * *

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

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

26 * * *

27 [(12) "Certified registered nurse practitioner" means a
28 registered nurse licensed in this Commonwealth who is certified
29 by the board in a particular clinical specialty area.]

30 * * *

1 [(14) "Drug Review Committee" means the committee
2 established in section 8.4 whose function is to approve or
3 disapprove, by addition or deletion, the categories of drugs
4 that may be prescribed by certified registered nurse
5 practitioners.]

6 * * *

7 (16) "Certified nurse practitioner" or "advanced practice
8 registered nurse-certified nurse practitioner" means a
9 registered nurse licensed in this Commonwealth to practice
10 independently in a particular clinical specialty area or
11 population focus in which the registered nurse is certified.

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

18 (18) "Controlled substance" means a drug designated as a
19 controlled substance under the act of April 14, 1972 (P.L.233,
20 No.64), known as the "Controlled Substance, Drug, Device and
21 Cosmetic Act."

22 (19) "Nonproprietary drug" means a drug containing a
23 quantity of a controlled substance or a drug which is required
24 by an applicable Federal or State law to be dispensed only by
25 prescription.

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

1 (21) "Licensed independent practitioner" means a
2 practitioner licensed under this act to provide care and
3 services, without direction or supervision, within the scope of
4 the practitioner's license.

5 Section 2. Sections 2.1(1), 3.1(b), 4.1, 7(b), 8.1, 8.2,
6 8.3, 8.4 and 8.7 of the act are amended to read:

7 Section 2.1. State Board of Nursing.--* * *

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

20 Section 3.1. Dietitian-Nutritionist License Required.--* * *

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

30 Section 4.1. Temporary Practice Permit.--(a) In order for a

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

11 (b) Within ninety (90) days of the date a temporary practice
12 permit to practice as a certified nurse practitioner is issued
13 by the board to an individual who was licensed or certified by
14 another state, territory or possession of the United States or a
15 foreign country, the individual shall comply with the
16 requirements under sections 8.2 and 8.3 with regard to acting in
17 collaboration with a physician and in accordance with a
18 collaborative or written agreement with a physician, unless such
19 individual qualifies for the exception from the collaboration
20 requirement according to the board under section 8.1(1).

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

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

1 accordance with the [joint] rules and regulations of the [Boards
2 of Nursing and Medicine] board.

3 * * *

4 Section 8.1. [Certified Registered Nurse Practitioners;
5 Qualifications.--(a) The board may certify a licensed
6 registered nurse as a certified registered nurse practitioner in
7 a particular clinical specialty area if the nurse satisfies the
8 requirements established by this act and regulations promulgated
9 by the board. Certification of a nurse by the board shall expire
10 on the same date as the license of that nurse expires.

11 (b) (1) Beginning on the effective date of this section, a
12 nurse shall not qualify for initial certification by the board
13 under subsection (a) unless the nurse:

14 (i) is a graduate of an accredited, board-approved master's
15 or post-master's nurse practitioner program; and

16 (ii) holds certification as a certified registered nurse
17 practitioner from a board-recognized national certification
18 organization which required passing of a national certifying
19 examination in the particular clinical specialty area in which
20 the nurse is seeking certification by the board.

21 (2) This subsection shall not apply to a nurse who:

22 (i) holds certification from the board as a certified
23 registered nurse practitioner on the effective date of this
24 subsection; or

25 (ii) would otherwise qualify for certification as a
26 certified registered nurse practitioner under section 7(b).

27 (3) In order to provide a transition period for persons who
28 completed or were enrolled in an approved educational program on
29 the effective date of this section and to permit those persons
30 to apply for certification under the rules in existence

1 immediately prior to the effective date of this section, the
2 board shall issue initial certification to any person who,
3 within two (2) years of the effective date of this section:

4 (i) submits evidence of having completed or been enrolled in
5 an approved educational program on the effective date of this
6 section; and

7 (ii) fulfills all administrative requirements of the board
8 and possesses all of the other qualifications for certification
9 in effect immediately prior to the effective date of this
10 section.

11 (c) As a condition for biennial renewal of certification by
12 the board, a certified registered nurse practitioner must, in
13 the two (2) years prior to renewal, complete at least thirty
14 (30) hours of continuing education approved by the board. In the
15 case of a certified registered nurse practitioner who is
16 prescribing medical therapeutic or corrective measures pursuant
17 to section 8.3, that continuing education must include at least
18 sixteen (16) hours in pharmacology in that two-year period.]

19 Certified Nurse Practitioner.--(d) A registered nurse who holds
20 current certification by the board on the effective date of this
21 subsection as a certified registered nurse practitioner in a
22 particular clinical specialty area on the effective date of this
23 subsection shall automatically be deemed to be licensed by the
24 board as a certified nurse practitioner, either in that
25 specialty area or in the population focus for which that
26 registered nurse is otherwise qualified. The board shall issue
27 appropriate written notice of such license as a certified nurse
28 practitioner, provided that the issuance of that notice shall
29 not be a condition precedent to practice in accordance with that
30 license.

1 (e) Except as provided in subsection (d), a person shall not
2 qualify for an initial license as a certified nurse practitioner
3 on or after the effective date of this subsection unless the
4 person meets the following criteria:

5 (1) Holds a current license in this Commonwealth as a
6 registered nurse.

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

9 (3) Holds current certification as a certified nurse
10 practitioner from a board-recognized national certification
11 program which required passing a national certifying examination
12 in the particular clinical specialty area or population focus in
13 which the nurse is seeking licensure by the board.

14 (f) (1) An initial license under subsection (d) as a
15 certified nurse practitioner shall expire on the same date as
16 the nurse's then current license as a registered nurse is
17 scheduled to expire. The license as a certified nurse
18 practitioner shall thereafter be renewed biennially on the same
19 date as the nurse's license as a registered nurse.

20 (2) An initial license under subsection (e) or section 7(b)
21 as a certified nurse practitioner shall expire on the same date
22 as the nurse's then current license as a registered nurse is
23 scheduled to expire. The license as a certified nurse
24 practitioner shall thereafter be renewed biennially on the same
25 date as the nurse's license as a registered nurse.

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

29 (i) Maintain a current license in this Commonwealth as a
30 registered nurse.

1 (ii) Maintain current certification through a board-
2 recognized national certification program in the particular
3 clinical specialty area or population focus in which the nurse
4 is licensed as a certified nurse practitioner by the board.

5 (iii) In the two years prior to renewal, complete at least
6 thirty (30) hours of continuing education approved by the board.
7 In the case of a certified nurse practitioner who is prescribing
8 medical therapeutic or corrective measures under section 8.3,
9 that continuing education must include at least sixteen (16)
10 hours in pharmacology in that two-year period.

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

24 (h) (1) The use of the terms "certified registered nurse
25 practitioner," "registered nurse practitioner," "certified nurse
26 practitioner" and "nurse practitioner" in any other act shall be
27 deemed to include a person licensed as a certified nurse
28 practitioner under this section or section 7(b).

29 (2) A registered nurse who is licensed by the board as a
30 certified nurse practitioner in a particular clinical specialty

1 area or population focus is entitled to use the title "advanced
2 practice registered nurse-certified nurse practitioner" and the
3 letters "A.P.R.N.-C.N.P." It shall be unlawful for any other
4 person to use the title "advanced practice registered nurse-
5 certified nurse practitioner" or the letters "A.P.R.N.-C.N.P."

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

8 (i) Other registered nurses.

9 (ii) Other health care practitioners who treat human
10 ailments and conditions and are licensed to provide health care
11 services in this Commonwealth without receiving a referral or
12 supervision from another health care practitioner.

13 (2) This subsection shall be construed to abrogate the
14 requirement that the State Board of Medicine and the State Board
15 of Osteopathic Medicine expressly authorize the combined
16 practice of certified nurse practitioners with doctors of
17 medicine or doctors of osteopathic medicine, respectively, found
18 in 15 Pa.C.S. § 2903(d)(1)(ii) (relating to formation of
19 professional corporations).

20 (j) A certified nurse practitioner who has engaged in the
21 practice of professional nursing as a certified nurse
22 practitioner or certified registered nurse practitioner in
23 collaboration with a physician for a period of not less than
24 three (3) years and not less than three thousand six hundred
25 (3,600) hours in accordance with a collaborative or written
26 agreement with a physician as required under sections 8.2 and
27 8.3 shall not be subject to the requirement that the certified
28 nurse practitioner act in collaboration with a physician or in
29 accordance with a collaborative or written agreement with a
30 physician as required under sections 8.2 and 8.3.

1 (k) A certified nurse practitioner who qualifies for the
2 exception from the collaboration requirement as provided under
3 this section shall file a form with the board attesting to
4 having engaged in the practice of professional nursing in
5 collaboration with a physician for a period of not less than
6 three (3) years and not less than three thousand six hundred
7 (3,600) hours under subsection (j). Such form shall be developed
8 by the board by regulation.

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

25 Section 8.2. Scope of Practice for Certified [Registered]
26 Nurse Practitioners.--(a) A certified [registered] nurse
27 practitioner [while functioning in the expanded role as a
28 professional nurse] shall practice within the scope of practice
29 of the particular clinical specialty area or population focus
30 in which the nurse is [certified] licensed by the board.

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

3 (1) To practice as a licensed independent practitioner
4 within the scope of practice of the particular clinical
5 specialty area or population focus in which the nurse is
6 licensed by the board.

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

9 (b) [A] Except as provided under section 8.1(j), a certified
10 [registered] nurse practitioner may perform acts of medical
11 diagnosis in collaboration with a physician and in accordance
12 with regulations promulgated by the board.

13 (c) Except as provided in subsection (c.1), a certified
14 [registered] nurse practitioner may prescribe medical
15 therapeutic or corrective measures if the nurse is acting in
16 accordance with the provisions of section 8.3.

17 (c.1) [Except as limited by subsection (c.2), and in] In
18 addition to existing authority, a certified [registered] nurse
19 practitioner shall have authority to do all of the following,
20 provided that the certified nurse practitioner is acting within
21 the scope of the certified [registered] nurse practitioner's
22 collaborative or written agreement with a physician, except as
23 provided under section 8.1(j), and the certified [registered]
24 nurse practitioner's [specialty] certification:

25 (1) Order home health and hospice care.

26 (2) Order durable medical equipment.

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

30 (4) Make physical therapy and dietitian referrals.

1 (5) Make respiratory, speech and occupational therapy
2 referrals.

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

5 (7) Issue homebound schooling certifications.

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

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

10 (1) Supersede the authority of the Department of Health and
11 the Department of Public Welfare to regulate the types of health
12 care professionals who are eligible for medical staff membership
13 or clinical privileges.

14 (2) Restrict the authority of a health care facility to
15 determine the scope of practice and supervision or other
16 oversight requirements for health care professionals practicing
17 within the facility.] Notwithstanding any provision of the act
18 of July 19, 1979 (P.L.130, No.48), known as the "Health Care
19 Facilities Act," that may be to the contrary, no regulation or
20 order of the Department of Health, the Department of Human
21 Services or the Insurance Department shall supersede the
22 decision of the governing body of a health care facility that
23 the types of health care professionals who are eligible for
24 medical staff membership or clinical privileges at the facility
25 include certified nurse practitioners when practicing as
26 licensed independent practitioners.

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

1 Section 8.3. Prescriptive Authority for Certified
2 [Registered] Nurse Practitioners.--(a) A certified [registered]
3 nurse practitioner may prescribe medical therapeutic or
4 corrective measures if the nurse:

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

8 (2) (i) except as provided under subparagraph (ii), is
9 acting in collaboration with a physician as set forth in a
10 written agreement which shall, at a minimum, identify the
11 following:

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

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

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

18 (ii) if the certified nurse practitioner qualifies for the
19 exception from the collaboration requirement as provided under
20 section 8.1(j), is practicing within a clinical specialty area
21 or population focus in which the nurse is certified; and

22 (3) is acting in accordance with regulations promulgated by
23 the board.

24 (b) A certified [registered] nurse practitioner who
25 satisfies the requirements of subsection (a) may prescribe and
26 dispense [those categories of drugs that certified registered
27 nurse practitioners were authorized to prescribe and dispense by
28 board regulations in effect on the effective date of this
29 section, subject to the restrictions on certain drug categories
30 imposed by those regulations. The board shall add to or delete

1 from the categories of authorized drugs in accordance with the
2 provisions of section 8.4] proprietary and nonproprietary drugs,
3 subject to any restrictions imposed by board regulations or by
4 Federal law.

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

8 (1) The Secretary of Health or, at the discretion of the
9 Secretary of Health, the Physician General as his or her
10 designee, who shall act as chairman.

11 (2) Two certified registered nurse practitioners who are
12 actively engaged in clinical practice, appointed to three-year
13 terms by the Secretary of Health.

14 (3) Two licensed physicians who are actively engaged in
15 clinical practice, appointed to three-year terms by the
16 Secretary of Health, at least one of whom shall, at the time of
17 appointment, be collaborating with one or more certified
18 registered nurse practitioners in accordance with section 8.3(a)
19 (2).

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

23 (b) (1) The board shall submit to the Drug Review Committee
24 any proposed change to the categories of drugs that certified
25 registered nurse practitioners were authorized to prescribe
26 pursuant to board regulations in effect on the effective date of
27 this section. The board shall not change, by addition or
28 deletion, the categories of authorized drugs without prior
29 approval of the Drug Review Committee.

30 (2) Within sixty (60) days of a submission by the board

1 under paragraph (1), a majority of the Drug Review Committee
2 shall vote to approve or disapprove the proposed change.

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

8 Section 8.7. Professional Liability.--(a) A certified
9 [registered] nurse practitioner practicing in this Commonwealth
10 shall maintain a level of professional liability coverage as
11 required for a nonparticipating health care provider under the
12 act of March 20, 2002 (P.L.154, No.13), known as the "Medical
13 Care Availability and Reduction of Error (Mcare) Act," but shall
14 not be eligible to participate in the Medical Care Availability
15 and Reduction of Error (Mcare) Fund.

16 (b) A certified nurse practitioner who qualifies for the
17 exception from the collaboration requirement under section
18 8.1(j) and operates without collaboration shall satisfy the
19 liability coverage requirement under subsection (a) by
20 maintaining an individual policy in the certified nurse
21 practitioner's own name.

22 Section 3. The authority of the board to certify a licensed
23 registered nurse as a certified registered nurse practitioner
24 shall expire on the effective date of this section.

25 Section 4. Within 90 days after the effective date of this
26 section, the State Board of Nursing, the Department of Health,
27 the Department of Human Services and other affected agencies
28 shall initiate the promulgation of any regulations necessary to
29 carry out this amendatory act. The promulgation of those
30 regulations shall not be a condition precedent to the

1 applicability of any such amendments.

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