INTRODUCED BY BARTOLOTTA, SCARNATI, BAKER, SCAVELLO, 
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McGARRIGLE, LEACH, TARTAGLIONE, FONTANA, BOSCOLA, YAW, COSTA, 
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:
Section 2. Definitions.--When used in this act, the following words and phrases shall have the following meanings unless the context provides otherwise:

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

* * *

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

(i) tube feedings;
(ii) specialized intravenous solutions;
(iii) specialized oral solutions; and
(iv) interactions of prescription drugs with food or nutrients.

* * *

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

* * *

20170SB0025PN0314 - 2 -
(14) "Drug Review Committee" means the committee established in section 8.4 whose function is to approve or disapprove, by addition or deletion, the categories of drugs that may be prescribed by certified registered nurse practitioners.]

* * *

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

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

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

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

(20) "Proprietary drug" means a nonprescription, non-narcotic medicine or drug which may be sold without a prescription and which is prepackaged for use by the consumer and labeled in accordance with the requirements of the statutes and regulations of the Federal Government and this Commonwealth.
"Licensed independent practitioner" means a practitioner licensed under this act to provide care and services, without direction or supervision, within the scope of the practitioner's license.

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

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

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

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

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

Section 4.1. Temporary Practice Permit.--(a) In order for a
person to practice professional nursing during the one (1) year
period from completion of his or her education program or the
one (1) year period from the application for licensure by a
person who holds a current license issued by any other state,
territory or possession of the United States or the Dominion of
Canada, the Board may issue a temporary practice permit which is
nonrenewable and valid for a period of one (1) year and during
such additional period as the Board may in each case especially
permit, except that the temporary practice permit shall expire
if such person fails the licensing examination.

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

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

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

* * *

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

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

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

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

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

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

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

(3) In order to provide a transition period for persons who completed or were enrolled in an approved educational program on the effective date of this section and to permit those persons to apply for certification under the rules in existence
immediately prior to the effective date of this section, the board shall issue initial certification to any person who, within two (2) years of the effective date of this section:

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

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

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

Certified Nurse Practitioner.--(d) A registered nurse who holds current certification by the board on the effective date of this subsection as a certified registered nurse practitioner in a particular clinical specialty area on the effective date of this subsection shall automatically be deemed to be licensed by the board as a certified nurse practitioner, either in that specialty area or in the population focus for which that registered nurse is otherwise qualified. The board shall issue appropriate written notice of such license as a certified nurse practitioner, provided that the issuance of that notice shall not be a condition precedent to practice in accordance with that license.
(e) Except as provided in subsection (d), a person shall not qualify for an initial license as a certified nurse practitioner on or after the effective date of this subsection unless the person meets the following criteria:

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

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

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

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

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

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

   (i) Maintain a current license in this Commonwealth as a registered nurse.
(ii) Maintain current certification through a board-recognized national certification program in the particular clinical specialty area or population focus in which the nurse is licensed as a certified nurse practitioner by the board.

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

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

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

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

(i)  (1) A certified nurse practitioner may form a professional corporation with one or more of the following:
(i)  Other registered nurses.
(ii) Other health care practitioners who treat human ailments and conditions and are licensed to provide health care services in this Commonwealth without receiving a referral or supervision from another health care practitioner.

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

(j) A certified nurse practitioner who has engaged in the practice of professional nursing as a certified nurse practitioner or certified registered nurse practitioner in collaboration with a physician for a period of not less than three (3) years and not less than three thousand six hundred (3,600) hours in accordance with a collaborative or written agreement with a physician as required under sections 8.2 and 8.3 shall not be subject to the requirement that the certified nurse practitioner act in collaboration with a physician or in accordance with a collaborative or written agreement with a physician as required under sections 8.2 and 8.3.
(k) A certified nurse practitioner who qualifies for the exception from the collaboration requirement as provided under this section shall file a form with the board attesting to having engaged in the practice of professional nursing in collaboration with a physician for a period of not less than three (3) years and not less than three thousand six hundred (3,600) hours under subsection (j). Such form shall be developed by the board by regulation.

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

Section 8.2. Scope of Practice for Certified [Registered] Nurse Practitioners.--(a) A certified [registered] nurse practitioner [while functioning in the expanded role as a professional nurse] shall practice within the scope of practice of the particular clinical specialty area or population focus in which the nurse is [certified] licensed by the board.
Notwithstanding any other provision of law, a certified nurse practitioner is entitled to all of the following:

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

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

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

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

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

(1) Order home health and hospice care.

(2) Order durable medical equipment.

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

(4) Make physical therapy and dietitian referrals.
(5) Make respiratory, speech and occupational therapy referrals.

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

(7) Issue homebound schooling certifications.

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

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

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

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

(d) Nothing in this section shall be construed to limit or prohibit a certified [registered] nurse practitioner from engaging in those activities which normally constitute the practice of nursing as defined in section 2.
Section 8.3. Prescriptive Authority for Certified [Registered] Nurse Practitioners.--(a) A certified [registered] nurse practitioner may prescribe medical therapeutic or corrective measures if the nurse:

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

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

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

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

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

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

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

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

20170SB0025PN0314 - 14 -
from the categories of authorized drugs in accordance with the provisions of section 8.4] proprietary and nonproprietary drugs, subject to any restrictions imposed by board regulations or by Federal law.

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

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

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

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

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

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

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

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

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

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

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

Section 4. Within 90 days after the effective date of this section, the State Board of Nursing, the Department of Health, the Department of Human Services and other affected agencies shall initiate the promulgation of any regulations necessary to carry out this amendatory act. The promulgation of those 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.